



THE EMPLOYMENT TRIBUNAL

SITTING AT: LONDON SOUTH

BEFORE: EMPLOYMENT JUDGE MARTIN
Mr N Shanks
Ms A North

BETWEEN: Mrs S Hill Claimant

and

Lloyds Bank Plc Respondent

JUDGMENT ON RECONSIDERATION

On reading written submissions from both parties the judgment promulgated on 30 January 2019 has been reconsidered.

The unanimous judgment of the Tribunal is that the recommendation contained at paragraph 55 is revoked.

REASONS

1. Both parties applied for reconsideration. Clerical errors identified by the parties have been amended. All matters had been dealt with by the Tribunal prior to this reconsideration being considered. The only outstanding matter was the question of whether the recommendation set out in the judgment was appropriate and valid.
2. The recommendation is revoked having read the submissions by both parties. Those submissions have been read in full.
3. The relevant statutory provision is s124(3) Equality Act 2010: “An appropriate recommendation is a recommendation that within a specified period the respondent takes specified steps for the purpose of obviating or reducing the adverse effect on the complainant of any matter to which the proceedings relate”.
4. The Respondent referred the Tribunal to **Prestcold Ltd v Irvine** [1981] ICR 777 which held in summary that recommendations are not appropriate for the payment of remuneration and that a recommendation should not use ‘in the

alternative'; **Fasuyi v London Borough of Greenwich** EAT 1078/99 which held in summary that a recommendation must specify a period in time in which the recommendation is to be made and **Leeds Rhinos Rugby Club and others v Mr P Sterling** EAT/267/01 which held in summary that it would not be proper for a tribunal to make a recommendation, the carrying out of which was from the point of view of the discriminator completely impracticable.

5. The Claimant did not take the Tribunal to any other case law, so no other case law was considered. The Claimant submitted that as the recommendation does not specify the period within which the Respondent must comply that the Tribunal could under the slip rule direct compliance of "14 days after the decision on this application is sent to the parties or in the alternative that the Tribunal vary the recommendation to include this.
6. Having considered the submissions of both parties, the Tribunal finds that the recommendation should be revoked. No substitute recommendation is made as there is not recommendation that can be made in these circumstances which does not include matters relating to remuneration (which includes severance pay). Given the steps already taken by the Respondent and that Ms M has retired from the Respondent, the Tribunal agrees with the Respondent that any recommendation could only maintain the status quo and that it is not possible to put a period of time either for compliance (as the situation is already dealt with) or for a future period of time which would be impractical.

Employment Judge Martin
Date: 12th July 2019