

BETWEEN

MRS AMANDA McCARTHY

Claimant

-and-

WORCESTERSHIRE ACUTE HOSPITALS
NHS FOUNDATION TRUST

Respondent

Consent Order

Pursuant to Rule 64 of the Employment Tribunal Rules of Procedure 2013, the parties have agreed the following as a Judgment of the Tribunal.

1. In compensation for the Tribunal's findings that the Claimant was subjected to harassment as a result of her disability and discrimination arising from her disability the Respondent shall pay £120,772.82 (the "**Payment**") to the Claimant's Solicitors within 28 days of the date of this Judgment.
2. The Payment is calculated and is to be paid as follows:

2.1	Personal Injury (psychiatric injury):	£22,000;
2.2	Injury to Feelings:	£28,000;
2.3	Special Damages (counselling and consultancy fees):	£4,260;
2.4	Loss of earnings:	£66,512.82;
2.5	Total sum to be paid:	£120,772.82.
3. For the avoidance of doubt it is the understanding and intention of the parties that payments 2.1, 2.2 and 2.3 above are to be paid free of tax.
4. The Claimant and Respondent agree that it is their understanding and intention that the first £30,000 of the loss of earnings total (2.4 above) is to be paid free of tax in accordance with section 403 Income Tax (Earnings and Pensions) Act 2003. The

Respondent will deduct income tax from the amount of loss of earnings over and above £30,000 and account to HM Revenue & Customs for the tax deducted.

5. The Claimant shall be wholly liable for any income tax, national insurance contributions or other deductions including related interest, penalties, costs or expenses payable on the amounts ordered herein save in respect of:
 - a. income tax which the Respondent is required to deduct and account to HM Revenue & Customs pursuant to paragraph 4 above; and
 - b. employer's national insurance contributions

and shall indemnify and keep indemnified the Respondent in respect of any liability that it may incur for such amounts. Should the Respondent receive a demand from HM Revenue and Customs for payment of unpaid tax relating to the Payment, the Respondent will provide the Claimant with the necessary documentation she may require, as well as a reasonable opportunity to dispute any such demand.

6. The Recoupment Regulations 1996 do not apply to any of the above sums, as the Claimant has confirmed that she has not received any state benefits.
7. Neither party is to be liable for or pay the other parties costs.