



EMPLOYMENT TRIBUNALS

Claimant

Respondent

v

Mrs Shweta Mhatre

Almaya International Ltd

Heard at: Watford

On: 1 October 2019

Before: Employment Judge Loy

Appearances

For the Claimant: In person

For the Respondent: Mr Carr, solicitor

JUDGMENT ON REMEDY

1. The respondent is ordered to pay to the Claimant the total sum of £3,500.

REASONS

2. The Claimant requested reasons for my decision.
3. This is a case where the claimant claims compensation for unfair dismissal. Importantly, for the purposes of this Judgment, there is no claim brought by the claimant under the Equality Act 2010.
4. The response form was not entered in time. By a letter dated 14 April Employment Judge Henry rejected the response form on this basis and judgment was entered in default under rule 21. By a letter dated 30 September 2019 an application made by the respondent to postpone today's hearing was rejected by Employment Judge Lewis.
5. At the outset of today's final hearing the respondent's representative, Mr Carr, confirmed that he did not wish to make any further application for time to be retrospectively extended to allow the response form to be entered. Mr Carr adopted the position on behalf of the respondent that he wished to be heard on remedy. I allowed that application.

6. I allowed the parties time to reach agreement on remedy. I was informed by Mr Carr that the parties had reached agreement on the financial loss (including an agreement on the appropriate uplift for failure to follow the ACAS Code) but that no agreement had been reached on the non-financial heads of remedy. I asked Mrs Mhatre whether she agreed with Mr Carr that she had reached agreement on the financial loss. Mrs Mhatre confirmed that to be the case. Both parties confirmed that the agreed sum of the financial loss is £3,500.00 and invited me to make an award in that amount.
7. I was invited by both parties to hear submissions on the claimant's claim for non-financial loss and to make a decision on that part of the claim.
8. Mr Carr's position was that the employment tribunal's jurisdiction under unfair dismissal is limited to financial losses suffered by the claimant and agreement has today been reached between the parties in that regard.
9. Mrs Mhatre made submissions in respect of an additional claim of £2,500.00 for:
 - 9.1 The respondent not following a fair procedure;
 - 9.2 The respondent handling her dismissal in an insensitive manner;
 - 9.3 The respondent hiring a replacement in her role whilst alleging she was redundant;
 - 9.4 To reflect her length of service; and
 - 9.5 To reflect the time she has spent preparing her case.
10. I told Mrs Mhatre that I understood the factual basis upon which she was seeking this additional loss. However, I also informed Mrs Mahtre that points 7.1 to 7.3 above are matters that go to liability for unfair dismissal and that liability for unfair dismissal had already been conceded by the respondent. Paragraph 7.4 above was a matter which is taken into account in the calculation of the statutory redundancy payment (which Mrs Mhatre accepts that she received in full) and there is no further consideration of length of service for the purposes of calculating the compensatory award for unfair dismissal. I informed Mrs Mhatre that paragraph 7.5 was not as a matter of law a loss she could recover under the compensatory award for unfair dismissal.
11. I explained to Mrs Mhatre that the employment tribunal has no power under the Employment Rights Act 1996 to award damages for injury to feelings for unfair dismissal. I explained to her the difference between the powers of the tribunal in discrimination cases (where damages for injuries to feelings can be awarded) and damages for unfair dismissal (where they cannot). I explained to her that it was therefore not within my power to compensate her for any of the non-financial loss that she claims when calculating the compensatory award for unfair dismissal. Accordingly, I disallowed the claimant's claim for the additional £2,500.00.
12. The claimant is therefore awarded the agreed sum £3,500.00 for the financial loss she has suffered as a result of her unfair dismissal.

Employment Judge Loy

Date:19 November 2019.....

Sent to the parties on:

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For the Tribunal Office

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.