



EMPLOYMENT TRIBUNALS

Claimant: Mrs K Cookson

Respondents:

1. Murray Smith LLP
2. Dr Michael Gerrard Benson
3. Mr Steven Alan Williams

HELD AT: Liverpool **ON:** 13, 14, 15, 16 and 17
January 2020

BEFORE: Employment Judge Horne

MEMBERS: Ms F Crane
Mrs J E Williams

REPRESENTATION:

Claimant: Mr A Johnston, counsel

Respondents: Mrs J Ferrario, counsel

JUDGMENT

In this judgment, “the List of Issues” means the document headed “Draft List of Issues” beginning at page 70 of the agreed hearing bundle.

The unanimous judgment of the tribunal is as follows:

1. The claimant was unfairly constructively dismissed.
2. It is just and equitable to reduce the claimant’s basic award by one-third on the ground of her contributory conduct.
3. The claimant’s compensatory award is assessed on the basis that, had Murray Smith LLP not fundamentally breached the claimant’s contract:

There is an 80% chance that the claimant's employment would have terminated by resignation on or before 1 February 2019; and

- 3.1. There is a corresponding 20% chance that the claimant's employment would not have terminated and that the claimant would have returned to work from maternity leave and continued to be employed by the respondent.
4. It is not just and equitable to make any further reduction to the claimant's compensatory award on the ground of contributory conduct.
5. Having regard to these findings, Murray Smith LLP is ordered to pay the claimant a basic award of £500.00 and a compensatory award of £1,467.80.
6. Murray Smith LLP breached the claimant's contract by wrongfully constructively dismissing her without notice, and is ordered to pay her damages in the agreed sum of £123.75.
7. This paragraph relates to the allegations of maternity discrimination appearing at paragraphs 5.5, 5.6 and 5.7 of the List of Issues. Those allegations are dismissed following withdrawal by the claimant.
8. In all other alleged respects, the respondents did not discriminate against the claimant because of maternity.
9. This paragraph relates to the allegations of victimisation appearing at paragraphs 8.1, 8.2, 8.7, 8.8, 8.10, 8.13, 8.14, 8.15, 8.16 and 8.17 of the List of Issues. Those allegations are dismissed following withdrawal by the claimant.
10. In all other alleged respects, the respondents did not victimise the claimant.

Employment Judge Horne

20 January 2020

SENT TO THE PARTIES ON
27 January 2020

FOR THE TRIBUNAL OFFICE

Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party makes a request in writing within 14 days of the date on which this judgment is sent to the parties. If written reasons are provided, they will be entered onto the tribunal's online register, which is visible to internet searches.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): **2402498/2019**

Name of case: **Mrs K Cookson** v **Murray Smith LLP**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 27 January 2020

"the calculation day" is: 28 January 2020

"the stipulated rate of interest" is: **8%**

MR S ARTINGSTALL
For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at

www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.