



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss M Shaw

**Respondent:** Cornerstone Care Management Limited

**HELD AT:** Sheffield

**ON:**

13 July 2020

**BEFORE:** Employment Judge Little  
Mr D W Fields  
Mr M D Firkin

## REPRESENTATION:

**Claimant:** In person

**Respondent:** Mr M Moomba (Director)

## REMEDY JUDGMENT At a Video Hearing

The unanimous Judgment of the Tribunal is that:-

1. It is just and equitable to increase the award which is set out below under the provisions of the Trade Union and Labour Relations (Consolidation) Act 1992, section 207A because there was an unreasonable failure on the respondent's part to comply with the ACAS Code of Practice on disciplinary and grievance procedures. The appropriate uplift is 25%. The figures set out below reflect that the 25% contribution referred to in our liability Judgment is in effect cancelled out by the 25% uplift now made.
2. The claimant is entitled to a basic award of £861.
3. The claimant is awarded the sum of £500 for loss of statutory rights.
4. The claimant is awarded loss of earnings for the period 8 April 2019 to 28 June 2019 on the basis of a net loss per week of £253 and so the award for the 12 week period is £3036.

5. No award is made for any period prior to 8 April 2019 as the claimant received Statutory Maternity Pay either from the respondent (up to January 2019) or thereafter and until 7 April 2019 from HMRC. No award is made for the period post 28 January 2019 as the Tribunal conclude that the claimant had been fit to return to work from the end of the maternity pay period and failed to mitigate her loss after the 12 week period for which the award is made.
6. The Recoupment Regulations may apply. For the purposes of this regime the monetary award is £4397; the prescribed element is £3036; the period of the prescribed element is 8 April 2018 to 28 June 2019 and the monetary award exceeds the prescribed element by £1361.
7. Subject to the Recoupment Regulations (as to which see the attached notice) the award is now due to be paid by the respondent to the claimant forthwith.

Employment Judge Little  
Date 20<sup>th</sup> July 2020