



EMPLOYMENT TRIBUNALS

Claimant: Mr M Master

Respondent: Springfield Fuels Limited

Heard at: Manchester

On: 7,8,9,10,11 and 14
December 2020

Before: Employment Judge Leach; Ms A. Berkeley Hill; Mr M Smith

REPRESENTATION:

Claimant: In person

Respondent: Ms Barry

JUDGMENT ON REMEDY

The judgment of the Tribunal is that the claimant is entitled to an award of **£3500** for injury to feelings caused by the respondent's unlawful discrimination.

REASONS

1. The claimant's employment with the respondent terminated on 28 February 2018. The visit to the claimant's house by Prevent took place in May 2018.

2. We have considered whether any financial losses arose from the discrimination that we have found. The claimant has said that he was unable to work for a period of time following the visit by Prevent. Whilst there is nothing in the Tribunal bundle providing any indication of attempts to find work at any stage either up to May 2018 or since then, the claimant gave evidence that he had made applications for employment and that he had provided evidence of this to Eversheds, respondent's solicitors. The first application the claimant referred to was made on 30 September 2018. We also note at page 261 it is stated, as at December 2019, that the claimant was actively seeking full-time employment and that he had been unable to obtain paid employment even though he had made applications between September 2018 and December 2019.

3. The claimant claims that he was too ill to apply for employment after Prevent's visit. We have no medical evidence that indicates that he was unable to obtain alternative employment to carry out work for any period of time after the Prevent visit. .

4. There is no documentary evidence that the claimant was actively seeking work early in 2018 (before the visit by Prevent) which then stopped due to illness. There is no documentary evidence that the visit by Prevent meant that the claimant was unable to obtain work at any time before September 2018. We do not accept the claimant's evidence provided today that he had been actively seeking work and that this active search for work was stopped or adversely affected by the visit from Prevent.

5. Our decision is that there no monetary loss arising from our finding of discrimination.

6. We then considered whether it was appropriate to make an injury to feelings award, reminding ourselves that such an award is compensatory and not punitive.

7. We considered the evidence provided by the claimant in relation to the visit by Prevent, and it is appropriate that we note the following findings.

- a. that there was no advance notice of this meeting. It was not something that the claimant knew was going to happen and therefore spent days or weeks with some anxiety about;
- b. the police officers who attended the claimant's house were in plain clothes, thereby reducing the stigma of the visit at least outwardly to neighbours;
- c. the meeting was carried out respectfully by both sides (we accept the claimant's evidence here);
- d. The meeting lasted about 1½ hours;
- e. The claimant was asked about his religious observance. He was asked about his children, including whether they were forced to fast. The claimant was asked about friendships and was required to provide some details of those friendships;
- f. The claimant accepted that the police officers had a right to ask questions and that he should answer their questions. The claimant has never had the police round to his house previously: this was the first and only time that this had occurred;
- g. The claimant's father was present and the claimant's wife was present. The claimant has provided evidence particularly that his father was upset, and we accept that that will in turn have had an impact on the claimant;

- h. The police told the claimant that the matter was resolved at the end of the meeting. The claimant's evidence was that they went further than that, that they said that this really had been a waste of their time, and that therefore as from the end of that meeting the claimant was aware that the matters were not being taken further.

8. We have also taken into account the fact that the claimant was not aware of this discriminatory conduct whilst he was still in the respondent's employment. There is a positive side and a negative side to this. On the positive side, the claimant has not had to endure this treatment whilst in the workplace and still under contract with the respondent; but on the negative side, the claimant was denied a workplace remedy.

9. Taking all of these matters into account we accept that the claimant's feelings were injured and that it is appropriate to make an award to him, but we have decided that this should be an award within the lower band of the Vento guidelines, and within the lower to middle range of the lower band.

10. We have decided to make an injury to feelings award of £3,500.

Employment Judge Leach

Date 24 February 2021

JUDGMENT AND REASONS SENT TO THE PARTIES ON
25 February 2021

FOR THE TRIBUNAL OFFICE

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