



RM

EMPLOYMENT TRIBUNALS

Claimant: Mrs S Carter
Respondent: Barts Health NHS Trust
Heard at: East London Hearing Centre
On: 18 February 2020
Before: EJ Moor
Members: Ms J Houzer
(by consent in the absence of Mr T Brown)

Representation

Claimant: Mrs L Mankau, counsel
Respondent: Mr L Dilaimi, counsel

JUDGMENT BY CONSENT

1. The Respondent is ordered to pay to the Claimant the sum of **£65,314.16**. The breakdown of this sum is set out at Appendix 1.
2. Recoupment applies in this case, see Appendix 2. For the purposes of the Recoupment Regulations:

the monetary award is £ £65,314.16

the prescribed element is £31,050.37

the period to which the prescribed element relates is from 10 April 18 to 18 February 2020

the amount by which the monetary award exceeds the Prescribed Element is £34,263.79

Employment Judge **Moor**

Date: 18 February 2020

APPENDIX 1

Details of Award

Basic award	£9,906.00
Loss of earnings	£21,581.06
Loss of paid holiday	£4934.00
Loss of statutory rights	£500.00
Injury to Feelings	£15,000.00
Loss of pension	£4,535.31
Interest	<u>£4,294.96</u>
Total before grossing up of	£60,751.33
Grossed up figure	£65,314.16

ANNEX 2 RECOUPMENT

Recoupment of Jobseeker's Allowance, income-related Employment and Support Allowance, Universal Credit and Income Support.

The Tribunal has awarded compensation to the Claimant but not all of it should be paid immediately. This is because the Department for Work and Pensions (DWP) has the right to recover (recoup) any Jobseeker's Allowance, income-related Employment and Support Allowance, Universal Credit or Income Support which it paid to the Claimant after dismissal. This will be done by way of a Recoupment Notice which will be sent to the Respondent usually within 21 days after the Tribunal's judgment is sent to the parties.

The Tribunal's judgment states the total monetary award made to the Claimant and an amount called the prescribed element. Only the prescribed element is affected by the Recoupment Notice and that part of the Tribunal's award should not be paid until the Recoupment Notice has been received.

The difference between the monetary award and the prescribed element is payable by the Respondent to the claimant immediately.

When the DWP sends the Recoupment Notice, the Respondent must pay the amount specified in the Notice by the Department. This amount can never be more than the prescribed element of any monetary award. If the amount is less than the prescribed element, the Respondent must pay the balance to the Claimant. If the Department informs the Respondent that it does not intend to issue a Recoupment Notice, the Respondent must immediately pay the whole of the prescribed element to the claimant.

The Claimant will receive a copy of the Recoupment Notice from the DWP. If the claimant disputes the amount in the Recoupment Notice, the Claimant must inform the DWP in writing within 21 days. The Tribunal has no power to resolve such disputes, which must be resolved directly between the Claimant and the DWP.