



EMPLOYMENT TRIBUNALS

Claimant Ms K Mbatha

Respondent: Wadsworth Care Homes Limited

HELD AT: Manchester (by CVP) **ON:** 7 June 2021

BEFORE: Employment Judge Phil Allen
(sitting alone)

REPRESENTATION:

Claimants: Ms H Parkinson, legal officer RCN

Respondent: Not represented, no response having been submitted

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

The Tribunal having heard evidence from the claimant in a remedy hearing conducted remotely by CVP technology, the Judgment of the Tribunal is that:

1. The claimant was discriminated against by the respondent treating the claimant unfavourably because of something arising in consequence of her disability in breach of section 15 of the Equality Act 2010. The claim for disability discrimination is found and succeeds;
2. As a result of the respondent's discrimination, the respondent is ordered to pay the claimant compensation for injury to feelings of **£7,500**;
3. The respondent is also ordered to pay the claimant interest on the injury to feelings award of **£698.63**;
4. As a result of the respondent's discrimination, the respondent is also ordered to pay the claimant compensation for loss of **£280.16**;
5. The respondent is also ordered to pay the claimant interest on the compensation of **£13.08**;
6. The claimant was automatically unfairly dismissed contrary to section 100(1)(d) of the Employment Rights Act 1996. The unfair dismissal claim is found and succeeds;

7. The respondent has made an unauthorised deductions from the claimant's wages and is ordered to pay the claimant the gross sum of **£432**;
8. The claimant was dismissed in breach of contract in respect of notice and the respondent is ordered to pay damages to the claimant in the sum of **£630**;
9. The respondent has failed to pay the claimant's holiday entitlement under the Working Time Regulations 1998 and is ordered to pay the claimant the sum of **£542.50**.

Employment Judge Phil Allen

7 June 2021

JUDGMENT SENT TO THE PARTIES ON

23 June 2021

AND ENTERED IN THE REGISTER

FOR THE TRIBUNAL OFFICE

Notes

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.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2408980/2020**

Name of case: **Ms K Mbatha** v **Wadsworth Care Homes Limited**

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 judgment day" is: 23 June 2021

"the calculation day" is: 24 June 2021

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

For the Employment Tribunal Office