



**EMPLOYMENT TRIBUNALS (SCOTLAND)**

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**Case No: 4100441/2020**

**Reconsideration Hearing Held in Edinburgh by Cloud Video Platform (CVP)  
on 8 October 2021**

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**Employment Judge : J Young**

**Tribunal Member Ms Lindsay Grime**

**Tribunal Member Mr Adrian Atkinson**

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**Connor Adamson**

**Claimant**

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**Student Housing Co (ops) Ltd**

**Respondent**

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**DECISION OF THE EMPLOYMENT TRIBUNAL ON RECONSIDERATION**

The unanimous decision of the Employment Tribunal is that the Judgment issued to the parties on 21 June 2021 is varied only to the extent of adding the words “(including interest)” after the word “compensation”

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**REASONS**

1. In this case Judgment was issued by the Tribunal on 21 June 2021 finding that the complaint presented under Section 26 of The Equality Act 2010 by

the claimant was well-founded and ordering payment of compensation in the sum of Nine Thousand Five Hundred Pounds (£9500).

2. The claimant made timeous application for reconsideration of the Judgment on the issue of interest on the award. It was stated that it appeared no consideration had been given to interest in the Judgment as should have been the case under Regulation 2 of the Employment Tribunals (Interest on Awards in Discrimination Cases) Regulations 1996. Within the application there was a calculation made as to the amount of interest which should be awarded.
3. The application was not refused and the respondent asked for their response. Each party was asked if reconsideration could proceed without a hearing but on the basis of written representation.
4. The respondent made a response indicating that they understood the Judgment and compensatory award was in full and final settlement and the amount calculated was an all-inclusive figure. If interest was deemed as being appropriate and had not been factored into the award then representation was made on the issue of any calculation particularly as the original Tribunal date was scheduled for 8, 9, 10 and 12 October 2021 but postponed because of failures by the claimant to attend timeously to the production of documents and that there no witness statements for himself or his witnesses. It was also suggested that the rate of interest should be ameliorated where interest rates generally had decreased dramatically.
5. Neither party sought a hearing and the Tribunal did not consider that it was necessary and in the interest of justice that there should be a hearing on the application for Reconsideration. Each party were given an opportunity to provide any further representations but neither chose to do so.
6. The relevant regulations states that where an Employment Tribunal makes an award under the "relevant legislation" which would include by re-enactment discrimination on account of disability under the Equality Act 2010 then:-

(a) it may, subject to the following provisions of these regulations, include interest on the sum awarded;

(b) it shall consider whether to do so without the need for any application by a party in the proceedings;

5 7. Accordingly there is a discretion on a Tribunal whether or not to include interest on any award and in terms of Regulation 7 (2) a statement of reasons should include “reasons for any decision not to award interest”.

8. The remaining regulations relate to the rate of interest and calculation of the interest amount in the event interest is awarded.

10 9. In this case the Tribunal reconsidered the issue of interest which in error they did not consider in making the original decision and considered that they should not award interest on the compensation sum and that the Judgment should be varied only to the extent to state that the sum awarded included interest.

15 10. The Tribunal reviewed the Judgment and the considerations that they had in mind in making the award of compensation in the sum of £9500. They considered that to be a full award. The Judgment in the case reflects that there were differing acts of discrimination under Section 26 of The Equality Act 2010 occurring at different points in time. Some of those acts were more  
20 serious than others and the award that was made was a composite sum to take into account all the acts over the period. In the evidence there was some uncertainty by the claimant over when it was that specific acts had occurred. That concern related to the abusive comments made and in respect of the lack of communication with the claimant the Tribunal’s found that this  
25 deteriorated over a period of time and without any fixed point of determination. While certain events could be pinpointed in time, for example the dismissal, and leaving of the note on the photocopier the dismissal was quickly remedied by the overturning of that decision and the inadvertent leaving of the note a minor issue. It was also the case that the individual who was the principal

source of complaint for the claimant left the employ of the Respondent around December 2019 which removed ongoing issues.

11. That combination of the award being composite and in the view of the Tribunal a full award; the fact that the instances of discriminatory conduct were of differing gravity, some minor and some not so; the difficulty in pinpointing particular times and amounts for the differing complaints; the steps taken by the respondent to overturn the decision to dismiss and the cessation of the employment of the individual of principal concern for the claimant led the Tribunal to consider that they would not award interest on the compensation amount. The Tribunal reflected that the award in their view was just and reasonable and should be inclusive of any interest.

Employment Judge: Jim Young  
Date of Judgment: 08 November 2021  
Entered in register: 23 November 2021  
and copied to parties