



EMPLOYMENT TRIBUNALS

Claimant: Mr P Dytkowski

Respondent: Northern Foods Grocery Group Ltd (t/a Fox's Biscuits)

Heard at: Manchester Employment Tribunal **On:** 2 November 2021

Before: Employment Judge Dunlop
Ms J Beards
Mrs J Byrne

Representation

Claimant: In person
Respondent: Mr R Ryan (counsel)

Judgment having been sent to the parties on 8 July 2021 declaring that the respondent discriminated against the claimant under s.15 Equality Act 2010 and unfairly dismissed the claimant, the tribunal unanimously awards the following remedy:

REMEDY JUDGMENT

1. By consent, the respondent's name is amended to Northern Foods Grocery Group Ltd (t/a Fox's Biscuits).

Discrimination claim

2. The respondent is ordered to pay the claimant the sum of **£4,823.39** in respect of his financial losses.

This sum was calculated using a loss of earnings figure found by the Tribunal to be £6,194.23. This was reduced by 30% to £4335.96 in accordance with the findings of contributory fault made at the liability hearing. The Tribunal then awarded interest at 8% over a period of 513 days, giving an interest payment of £487.43 to be added to the principal sum.

3. The respondent is ordered to pay the claimant the sum of **£12,432.50** in respect of damages to injury to feelings.

This sum was calculated using an injury to feelings award set by the Tribunal at £14,500.00. This was reduced by 30% to £10,150.00. The Tribunal then awarded interest at 8% over a period of 1026 days, giving an interest payment of £2,282.50 to be added to the principal sum.

Unfair dismissal claim

4. The respondent is ordered to pay the claimant a basic award of **£2,288.43**.

This sum was calculated with the agreement of the parties having regard to the claimant's age and length of service. This produced a statutory basic award of £3,269.19, which was reduced by 30% in accordance with the findings of contributory fault made at the liability hearing.

5. The respondent is ordered to pay the claimant a compensatory award for unfair dismissal of **£350**.

The represents an award for loss of statutory rights of £500, reduced by 30%. The claimant's financial losses have been fully compensated in the award made in respect of his discrimination claim.

6. The total sum payable by the respondent to the claimant in respect of both claims is therefore **£19,894.32**.
7. The Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply to this award.

Note

8. The substance of this decision was announced at the hearing on the 2 November. Subsequently, the Tribunal realised it had omitted to deal with the question of interest. The Tribunal wrote to the parties setting out its proposals as regards interest and inviting their comments. Both parties agreed that interest should be calculated in the manner proposed, which is reflected in this judgment.
9. In the post-hearing correspondence the claimant also queried whether there should be an additional 10% uplift to the injury to feelings award. He referenced an article produced by a legal firm discussing the adjustment known as a 'Simmons v Castle Uplift'. As the current 'Vento' bands incorporate that uplift, the Tribunal is satisfied that no further adjustment to the award is necessary or appropriate.

Date: 23 November 2021

REMEDY JUDGMENT SENT TO THE PARTIES ON

26 November 2021

FOR EMPLOYMENT TRIBUNALS

Note

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: **2402856/2019**

Name of case: **Mr P Dytkowski** v **Northern Foods Grocery
Group Ltd (t/a Fox's
Biscuits)**

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: 26 November 2021

"the calculation day" is: 27 November 2021

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

Mr S Artingstall
For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".
3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.
4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).
5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.
6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.