



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr A Kinsey

**Respondent:** Atechy Group Limited

**Heard at:** Liverpool **On:** 18 November 2021

**Before:** Employment Judge Horne

## **Representatives**

For the claimant: Ms A Rumble, counsel

For the respondent: Did not appear; not represented; participation restricted under rule 21 Employment Tribunal Rules of Procedure 2013

## **JUDGMENT**

1. Atechy Outsource Limited is removed as a respondent.
2. The claimant was employed by Atechy Group Limited, which, in this judgment, is referred to as “the respondent”.
3. The respondent discriminated against the claimant arising from his disability by dismissing him.
4. The respondent also discriminated against the claimant by failing to comply with the duty to make adjustments in the following respects:
  - 4.1. Failing to provide the auxiliary aids of spell-checking software, grammar-checking software and screen-colour-adapting software; and
  - 4.2. Failing to permit the claimant to work from home.
5. Damages are awarded for the totality of the three acts of discrimination.
6. For those three acts of discrimination, the respondent is ordered to pay the following damages:
  - 6.1. For financial losses: £11,814.55;
  - 6.2. For injury to feelings: £11,000.00;
7. These awards reflect the tribunal’s decision to increase the original awards of compensation by 10% under section 207A of the Trade Union and Labour Relations (Consolidation) Act 1992 because the respondent unreasonably failed to comply with paragraphs 9 and 10 of the ACAS Code of Practice 1 – Disciplinary and Grievance Procedures.

8. Additionally, the respondent must pay the claimant £800.00 in interest.
9. The claimant's request for an award of aggravated damages is refused.
10. The claimant's complaints of unfair dismissal and breach of section 10 of the Employment Relations Act 1999 are dismissed following withdrawal by the claimant.
11. The total amount payable under this judgment is **£23,614.55**.

Employment Judge Horne  
18 November 2021

SENT TO THE PARTIES ON  
7 December 2021

FOR THE TRIBUNAL OFFICE

**Note:**

- (1) Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party makes a request in writing within 14 days of the judgment being sent to the parties. If written reasons are provided, they will be entered onto the tribunal's online register, which is visible to internet searches.
- (2) The hearing took place on a remote video platform. Neither party objected to the format of the hearing.



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2401534/2021**

Name of case: **Mr A Kinsey** v **Atechy Group 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: 7 December 2021

"the calculation day" is: 8 December 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](http://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.