



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr G Georgiou

**Respondent:** Jordan Andrews Ltd (First Respondent)  
Mr J Stavrinou (Second Respondent)  
Mr S Stavrinou (Third Respondent)

**Heard at:** Watford Employment Tribunal  
(in person)

**On:** 9 to 13 August 2021 &  
4 October 2021 (in chambers)

**Before:** Employment Judge Quill; Ms J Hancock; Ms A Brosnan

## Appearances

For the Claimant: Mr O Tahzib, counsel  
For the respondent: Mr D Patel, counsel

## RESERVED REMEDY JUDGMENT

- (1) Further to the liability judgment announced to the parties on 13 August 2021, the Respondents is ordered to pay the following sums to the Claimant, and they are jointly and severally liable.
- |       |                                      |            |
|-------|--------------------------------------|------------|
| (i)   | Compensation for financial losses:   | £8382.45   |
| (ii)  | Interest on that:                    | £1492.24   |
| (iii) | Compensation for injury to feelings: | £15,000.00 |
| (iv)  | Interest on that:                    | £3836.14   |
- (2) The recoupment regulations do not apply.

## REASONS

### Introduction

1. Following an in-person hearing, we gave judgment on liability and heard submissions on remedy. We reserved our decision on remedy and ordered some disclosure of documents from the Claimant. The panel met on 4 October 2021 as that was the earliest available date for us to do so. On that date, we made the

decisions set out above for the reasons given below. The interest calculations have been updated to the date of these written reasons.

### **The Liability Decision**

2. The tribunal found that there was indirect disability discrimination, failure to make reasonable adjustments and harassment related to disability.
3. Some of the specific complaints did not succeed.
4. There was no complaint that the claimant was constructively dismissed or that such dismissal (if any) was a contravention of the Equality Act.

### **The Issues**

5. For the remedy decision, we had to decide:
  - 5.1 What (if any) financial losses flowed from the acts or omissions that we had found (as per the liability decision) to be contraventions of the Equality Act and how much compensation (if any) to award for such losses?
  - 5.2 Was there any injury to feelings or personal injury and, if so, how much compensation (if any) to award for such injury?
  - 5.3 Whether to award aggravated damages or interest and, if so, how much?
6. Amongst other things, we had to make findings about:
  - 6.1 Whether the termination of employment was caused by one or more of the contraventions of the Equality Act?
  - 6.2 Whether the Claimant had acted reasonably to mitigate his losses?
  - 6.3 What was the Claimant's income post termination?
  - 6.4 Whether the Claimant would have been able to carry on working for the Respondent (and if so, for how long, and with what earnings).

### **The New Evidence**

7. In response to the orders which we made at the end of the liability hearing, we received a 112 page electronic bundle from the Claimant, which included Personal Independence Payment consultation reports from 3 May 2019 and 28 December 2017 and various documents relating to Universal Credit.
8. We also took into account the documents in the liability bundle, including the medical evidence.

### **The findings of fact**

9. At the liability stage, we had not been asked to consider whether the Claimant had been "dismissed" by the Respondent (within the definition in section 39(7)(b) of the Equality Act 2010. At the remedy stage, the Claimant invited us to make findings

that the termination of his employment was caused by the contraventions of the Equality Act 2010 for which we had found the respondent(s) liable and thus invited us to award financial losses on that basis. The Respondent(s) did not dispute the principle that – if we did find that the termination of his employment was caused by the relevant contraventions of the Equality Act 2010 – we could award compensation on that basis, but invited us to find in their favour on causation.

10. Our liability decision was that there had been indirect discrimination and failure to make reasonable adjustments. In addition, we decided:
  - 10.1 There was harassment related to disability by the First Respondent and the Second Respondent on 1 June 2019 as itemised at 13b the list of issues.
  - 10.2 There was harassment related to disability by the First Respondent and the Third Respondent on 7 June 2019 as itemised at 13d the list of issues
11. In making our liability decision, we found that the Claimant was upset after each of the 1 June and 7 June incidents. We had made the following findings:
  - 11.1 On 11 June 2019, the claimant sent the email on page 106 of the bundle, terminating his employment with immediate effect. His email stated that he thanked the respondent and that his life had taken an unexpected twist and that he believed he was not able to perform his duties as he would like and/or to the standard that the respondent would expect.
  - 11.2 At the time of his resignation. The claimant was not expecting to take matters further. In other words, he was not expecting to bring legal proceedings against the respondent.
  - 11.3 Subsequently, the claimant returned the respondent's belongings to them and collected his own belongings from the premises and there was a conversation in which the respondents offered him the opportunity to work part-time for them in particular doing Saturdays only.
  - 11.4 By email dated 21 June 2019, page 108 of the bundle, the claimant declined the offer of the part-time work and said that he wished to formally raise the issue that according to him, he had been entitled to £40,000 per annum after the first three months of his employment; he also made some comments about his alleged treatment by the respondent during his employment
12. We also made findings that the Claimant's health had begun to deteriorate from around August/September 2018 onwards, and that the Respondent was aware of that, and that the Claimant needed (or at least both the Claimant and the Respondent benefited from) use of his own car (that is, his personal car, as opposed to a company vehicle) during the day to perform his duties and that it would have been beneficial to him had the Respondent provided him with use of the business's parking permit (its failure to do that being one of the failures to make reasonable adjustments).
13. In December 2017, the Claimant undertook an assessment for Personal Independence Payment. The professional who carried out the assessment (a nurse) took into account a previous assessment from 2015 as well as various

pieces of medical evidence, including a consultant's report from October 2017. One of the questions she had to answer was in relation to "moving around" and she had to choose one of 6 multiple choice options, a to f, with a being the most mobile and f the least. The option selected was "b", that the Claimant could "*stand and then move more than 50 metres but no more than 200 metres, either aided or unaided*". The assessor reported that the Claimant's own account was that he would be able to walk 200m (meaning option "a" might have been appropriate), but that the medical evidence suggested that option "b" was correct. We infer (and this is in accordance with our impression of the Claimant from his evidence to the tribunal) that the Claimant was not prone to exaggerating his symptoms in order to boost his benefits award.

14. On 3 May 2019, the Claimant undertook an assessment for Personal Independence Payment. The professional who carried out the assessment (a nurse) took into account the previous assessments, as well as various pieces of medical evidence, including letters from physiotherapist dated 26/11/2018, 16/11/2018, and letter from psychologist dated 25 December 2018. The assessment for "moving around" was "e", "*Can stand and then move more than 1 metre but no more than 20 metres, either aided or unaided.*" This was the main significant change from the assessment 18 months previously.
15. On 3 September 2018, the Claimant had informed his GP that he was looking for other jobs because he believed he was being treated unfairly re pay. He made similar comments on 20 December. On 22 June 2019, he reported that his employment had ceased because he did not feel safe at work.
16. On 2 November 2018, the Claimant saw a consultant neurologist who reported (pp 340-341) to the Claimant's GP that the Claimant's disability was fluctuating, that on a good day he could walk 100-200m and that he had not reported any major relapse over the previous 12 months. The Claimant reported believing that he was doing his job well at the time.
17. In November 2018, the Claimant saw a clinical psychologist in the Vocational Rehabilitation Service, whose report is at page 346-347 (dictated 20 November, albeit dated 24 December). Again, the Claimant is reported as saying that he was seeking other work. He stated that he was struggling with some aspects of the job and needed his employer to make reasonable adjustments, and sought help in explaining his needs to the employer.
18. The clinical psychologist's recommendation was a referral to an occupational therapist. That appointment took place on 13 June 2019. The report (354 to 355) included:

*He was seen for an initial assessment with our service in November last year and was experiencing lots of difficulty in work at this time (see letter dated 20 November 2018). Today, George explained he recently handed in his notice as he was finding work unmanageable with his Multiple Sclerosis (MS) symptoms. George experiences significant fatigue, ataxia and foot drop affecting his mobility and balance. He reported a recent fall downstairs in the workplace. to frequently lose his balance and to have difficulty with lifting and carrying stock. He also found dealing with challenging customers stressful and recognised the negative impact this and his long working hours were having on his MS symptoms. He discussed with his employers reducing*

*his hours but found they were not receptive to this or any other reasonable adjustments.*

And

*From observing George's mobility in clinic today, with knowledge of MS and his reported symptoms, considering his work environment and duties, in my clinical opinion I support George's decision to hand in his notice and for him to access any available benefits, whilst not working.*

And

*... a follow-up appointment in approximately three months time to offer advice around disclosure and requesting reasonable adjustments, if George has a new work position. Should George not be in a position to re-enter the workplace at this time, we will aim to discharge him with a view of re-referral as required*

19. On 6 November 2019, the Claimant attended The National Hospital for Neurology and Neurosurgery. (Report is at pages 372-374). This reported the Claimant as having said that he had recently "retired" from work.
20. The on-going reports in the bundle show that the Claimant was concerned about his relationship with his wife (whom he married in May 2018). He was no longer able to continue with the medication that had been prescribed, due to side effects, ceasing that in around June 2019.
21. He had had some medication for depression soon after his diagnosis with MS in 2014 and then had ceased that medication after about a year. He was prescribed some medication for low mood in September 2018. Following the termination of his employment, he was prescribed, in June 2019, some alternative medication to attempt to treat depression.
22. While working for the Respondent, the Claimant occasionally used a stick to help with his balance while walking. He did not wish to use a wheelchair and sought to delay use of a wheelchair for as long as possible. On 6 October 2020, the Claimant and his GP discussed that it might be necessary for him to use a wheelchair in the future. He commenced use of a wheelchair in early 2021, about 6 months before the liability hearing.
23. On 12 June 2019, the Claimant was issued with a MED3, which stated that he was not fit for work for period 12 June to 12 July 2019. On 15 July, a MED3 which stated that he was not fit for work for period 12 July to 11 October 2019 was issued. In each case, MS was stated as the reason. The Respondents' evidence during the liability hearing was that they paid the Claimant when he took time off for reasons related to his disability.
24. The gross monthly salary figure was £3166.66 and after deductions it was £2341.95. So his net weekly salary was £540.45. The employer's pension contribution was £79.64 per month, so £18.38 per week. The Claimant was paid salary up to 30 June 2019.
25. After the cessation of his work with the Respondent, the Claimant did not apply for any new work. He was awarded Universal Credit commencing 17 November 2019.

## The Law

26. The purpose of compensation is to provide proper compensation for the wrong which we have found the Respondents to have committed. The purpose is not to provide an additional windfall for a claimant and is not to punish a respondent.
27. For financial losses, we must identify the financial losses which actually flow from the contraventions we found as per the liability decision. We must take care not to include financial losses caused by any other events, or losses that would have occurred any way.
28. Where an employer discriminates against an employee in such a way as to have an on-going effect on their earnings then the issue about whether the termination of employment breaks the chain of causation depends on the reasons for the termination. Where, for example, employment is terminated by an unfair dismissal, then the tribunal may well decide that the chain of causation has not been broken. See Prison Service v Beart (No.2) 2005 ICR 1206. However, where the employee resigns, not having been expressly dismissed or constructively dismissed, then that potentially breaks the chain of causation. See Osei-Adjei v RM Education Ltd in the EAT.
29. For injury to feelings, we must not simply assume that injury to feelings inevitably flows from each and every unlawful act of discrimination. In each case it is a question of considering the facts carefully to determine whether the loss has been sustained. Some persons who are victimised may feel deeply hurt and others may consider it a matter of little consequence and suffer little, if any, distress.
30. When making an award for injury to feeling, the tribunal should have regard to the guidance issued in Vento v Chief Constable of West Yorkshire Police (No 2) [2003] EWCA Civ 1871, [2003] IRLR 102, [2003] ICR 318, CA, and taking out of the changes and updates to that guidance to take account of inflation, and other matters. Three broad bands of compensation for injury to feelings, as distinct from compensation for psychiatric or similar personal injury, were identified:
  31. The top band was (at the time) between £15,000 and £25,000. Sums in the top band should be awarded in the most serious cases, such as where there has been a lengthy campaign of discriminatory harassment.
    - 31.1 The middle band was, initially, £5,000 and £15,000. It is to be used for serious cases, which do not merit an award in the highest band.
    - 31.2 The lower band is appropriate for less serious cases, such as where the act of discrimination is an isolated or one off occurrence. Awards in this band must not be so low as to fail to be a proper recognition of injury to feelings.
    - 31.3 In Da'Bell v NSPCC [2010] IRLR 19, the Employment Appeal Tribunal revisited the bands and uprated them for inflation. In a separate development in Simmons v Castle [2012] EWCA Civ 1039 and 1288, [2013] 1 WLR 1239, the Court of Appeal declared that - with effect from 1 April 2013 - the proper level of general damages in all civil claims for pain and suffering, would be 10% higher than previously. In De Souza v Vinci Construction (UK) Ltd [2017] EWCA Civ 879, the Court of Appeal ruled that the 10% uplift provided for in

Simmons v Castle should also apply to Employment Tribunal awards of compensation for injury to feelings and psychiatric injury.

32. There is presidential guidance which takes account of the above, and which is updated from time to time. This claim is one which was issued in November 2019. The relevant guidance applicable to this claim states

*In respect of claims presented on or after 6 April 2019, the Vento bands shall be as follows: a lower band of £900 to £8,800 (less serious cases); a middle band of £8,800 to £26,300 (cases that do not merit an award in the upper band); and an upper band of £26,300 to £44,000 (the most serious cases), with the most exceptional cases capable of exceeding £44,000.*

## Analysis and conclusions

### Causation/Termination of Employment

33. We are satisfied that but for the harassment on 1 and 7 June 2019, the Claimant would not have resigned on 11 September 2019. The respondents' harassment caused him to terminate his employment in circumstances in which his employment would not otherwise have terminated on that date.
34. We are also satisfied that we have enough information to be able to assess the chances that, in the absence of the harassment, the Claimant's employment would have terminated on a later date. In doing so, we must attempt to assess the situation as it would have been, not only in the absence of the harassment (which was the immediate cause of the resignation), but also in the absence of the indirect discrimination and the failure to make reasonable adjustments (which made performance of his duties more difficult than it would otherwise have been). We will discuss our conclusions below.
35. The Respondents invited us to consider whether the Claimant had potentially resigned because doing so might be more beneficial to him financially and/or might enable the Claimant to obtain state benefits (or increases in such benefits) that he could not have obtained if in employment. We find as a fact that that is not what happened. The Claimant was not seeking to engineer a situation whereby he was unemployed; on the contrary, the Claimant was doing his utmost to achieve the exact opposite of that. It was the Claimant's preference and strong desire to remain in employment as an estimator for as long as he could. Our finding is that the Claimant's benefits situation did not affect the chances of the Claimant's employment terminating. The fact of his employment having ceased did have an effect on his potential eligibility/assessment for certain benefits, but that was simply an effect of, and not a contributory factor to, the termination.

### Financial Loss

36. The Claimant obtained sick notes from his GP for up to 11 October 2019, but he obtained no further notes after that date and nor did he apply for new work. He commenced Universal Credit from November 2019. His assessments included the sentence "You said your health affects you at work or prevents you from working" and an additional component in the award was for "Limited capability for work and

work-related activity". We accept that that does not mean that the Claimant had said, or that a decision had been made, that he could not do any work at all.

37. His ability to walk distances was down to around 20m as of the May 2019 assessment (and we do accept that his symptoms fluctuated and were not necessarily exactly the same every day; some days were better than others). His condition deteriorated further to the point where he began to use a wheelchair in early 2021. It is possible that his condition might improve in the future, but there was no evidence before us to suggest that he became able to walk in excess of 20m at a time in 2019 or 2020.
38. The factors we have to take into account include:
  - 38.1 whether the Claimant would have voluntarily resigned, because he was no longer fit enough to work, even had there been no harassment and no failure to make adjustments;
  - 38.2 whether the Respondent might have dismissed the Claimant (without acting unlawfully) either because of sickness absence or because he was no longer fit enough to work.
39. We have decided it is just and equitable in all the circumstances to award the Claimant 100% of his losses of net pay plus employer pension contributions for the period up to 13 October 2019. [That is 15 weeks' worth of net pay plus employer pension contributions, and there is no net off for what was paid up to end of June 2019]. We award no further losses after that date.
  - 39.1 Our decision takes account of the fact that there is a finite chance that (in the absence of discrimination or harassment), his employment might have terminated earlier than 13 October; however, that is balanced by the fact that there is also a finite chance that it might have continued slightly longer.
  - 39.2 We do not think that the Claimant would have been fit to return to work after the expiry of his fit note (11 October 2019) or at all. He would not have been able to resume estimator duties as, even with any adjustments the Respondent could reasonably have made, that job required an ability to walk in excess of 20m for many (and, probably, almost all) visits to customer's premises.
  - 39.3 The Respondent did offer the Claimant part-time work (after termination) which the Claimant rejected. The main reasons given were the fact that the Respondent had a poor record of paying him on time.
  - 39.4 The Claimant's symptoms had begun to get worse from around August 2018, by May 2019 he was assessed as being able to walk no more than 20m, by October 2020 use of a wheelchair was being discussed, and that usage began in around January or February 2021. The Respondent failed to make adjustments which might have helped alleviate some of the disadvantages at work which these symptoms caused to the Claimant, but the Respondent was not responsible for the symptoms getting worse.



- 39.5 Our assessment is that, even with adjustments, and even if none of the respondents had contravened the Equality Act, the Claimant's employment could not have continued after (approximately) 13 October 2019.
40. We do not find that there was a failure to mitigate his losses by the Claimant in the period up to 13 October 2019. He was certificated as being unfit to work in that period, and the Respondent has not proven that it was unreasonable that the Claimant did not apply for work.
41. Therefore we award compensation for financial loss calculated as  $[15 \times \pounds(\pounds540.45 + \pounds18.38)]$  which is  $\pounds8382.45$ .
42. This is an appropriate case for us to exercise our discretion to award interest. The appropriate annual rate is 8%. Therefore the daily rate is  $[0.08 \times 1/365 \times \pounds8382.45]$  which is  $\pounds1.84$ .

#### Personal Injury

43. We were invited by the Claimant to make a separate award for personal injury.
44. We accept the Claimant's submission that such an award is one that we have the power to make: Sheriff v Klyne Tugs (Lowestoft) Ltd [1999] IRLR 481. We accept that the test is whether there is a direct causal link (without the need for the Claimant to show that specific personal injury was reasonably foreseeable): Essa v Laing Ltd [2004] EWCA Civ 2. We also accept that, as per Hampshire County Council v Wyatt EAT 0013/16, such a decision/award can be made even if the claimant fails to produce the report of a medical expert commenting on quantum or causation. However, while the Claimant's representative relies (amongst other things) on paragraph 29 of that decision, the Respondent's representative calls our attention to paragraph 28, all of which is relevant, and which concludes, "*Moreover, there is a real risk that failure to produce such medical evidence might lead to a lower award or to no award being made.*"
45. There is not have sufficient evidence in this case to persuade us that a separate personal injury award is appropriate. One contributory factor to the Claimant's visits to his GP in September (medication for low mood) and June (medication for depression) was likely to be the deterioration in his MS. When put to him on behalf of the respondents that the deterioration was not caused by the respondents' treatment of him, the Claimant suggested that it might have been, because nobody knows the precise causes of relapses (or periods of improvement). That may be so, but we had no expert evidence, and no other means of assessing, the extent to which (if at all) the Claimant's mental health or physical health was injured by the contraventions of the Equality Act, as opposed to other factors.
46. Therefore, we make no separate award for personal injury, but we will take into account the evidence of low mood/depression when assessing injury to feelings.

#### Injury to Feelings

47. We do find that the Claimant has suffered injury to feelings. The termination of employment itself was not alleged to be a dismissal or a contravention of the Equality Act, and so we do not treat it as if it was. We do, however, take into

account that – as discussed above – were it not for the harassment in early June 2019, the Claimant's employment would not have terminated on 11 June.

48. There were 2 acts of harassment by 2 different individuals (each of them a director of the company). There was also an on-going failure to make reasonable adjustments (as well as the indirect discrimination). This is not a case for which an award in the lower Vento band would be appropriate.
49. During submissions, the Respondents did not argue that we should make an award in the lower Vento band and the Claimant did not argue that the award should be in the highest band. Both sides said that an award in the middle band was appropriate and we agree. The Claimant's submissions were that an award near to the top (around £22,500) was appropriate, whereas the Respondents argued for something very close to the bottom (around £9,000 or £10,000).
50. The Claimant was very upset by the harassment. He was also upset, for many months, by the failure to make adjustments. As discussed in the findings of fact, he felt frustrated that he was unable to make the respondents take his disadvantages seriously and he believed he needed external assistance to make them understand their legal obligations. Up to around August or September 2018, the Claimant was able to largely get by, despite the lack of adjustments, but from then onwards it became increasingly difficult.
51. After the termination of his employment (and we have decided that it would have ended anyway in October), the Claimant was concerned that he was no longer a breadwinner and was no longer contributing to his and his wife's family budget. This also caused him upset and injury to feelings.
52. After the harassment and termination of employment, he sought medication for depression. He had also reported low mood the previous September, which was before the harassment but after the commencement of the failure to make adjustments.
53. Our assessment is that this case is somewhere slightly less than the mid-point of middle Vento band. Since that band (for this claim) is £8,800 to £26,300, the quartiles are:
  - 53.1 £8800 to £13175
  - 53.2 £13175 to £17,550
  - 53.3 £17550 to £21925
  - 53.4 £21925 to £26,300
54. Although these matters are not capable of being assessed with precision, our decision is that the appropriate sum in this case is £15,000.
55. This is an appropriate case for us to exercise our discretion to award interest. The appropriate annual rate is 8%. Therefore the daily rate is  $[0.08 \times 1/365 \times £15000]$  which is £3.29.

Aggravated Damages

56. We were invited to make an award for aggravated damages.
57. The submission is based on a combination of the facts that firstly the respondents gave evidence which the tribunal rejected (in particular, denying that the Claimant had to fetch and carry items in the store; and, in particular, claiming that the Claimant was told regularly that he must not do so) and secondly on what are alleged to be rude or dismissive answers given in cross-examination such as *“should I have chained him to the chair?”* / *“should I have dismissed him?”*
58. We have the power to award aggravated damages where the behaviour of the respondent has aggravated the injury caused to the claimant. We will consider such an award if we decide that the Respondent has behaved in a high-handed, malicious, insulting or oppressive manner in committing the contraventions of Equality Act 2010. This could include cases where, for example, the Respondent (or the employee responsible for the contravention) had a spiteful or vindictive motive, and/or deliberately intended to inflict harm on the Claimant. It might also include cases where subsequent conduct adds to the injury, and such subsequent conduct might be the manner in which the employment tribunal proceedings were conducted.
59. “Aggravated damages” are compensatory, rather than punitive. Any sum awarded must be one which takes into account the aggravating features of the Respondent’s conduct as they have affected the Claimant, as opposed to how reprehensible the tribunal finds the conduct to be.
60. In this case, during employment, while the employer ought to have made reasonable adjustments for the Claimant (and it is not the employee’s job to specifically inform the employer about the Equality Act requirements) and while the directors ought not to have harassed the Claimant (and while it is understandable if the Claimant did not believe a formal grievance would have achieved anything), after the Claimant did make formal allegations, after the end of employment, he was not treated in a high-handed manner.
61. During the litigation, the Respondent disputed several of his factual assertions, and we largely found in the Claimant’s favour on those disputes, for the reasons we gave orally. However, the mere fact alone that a respondent puts forward a version of events which is not accepted (even one which is diametrically opposed to the claimant’s version, being the one which the tribunal ultimately accepts) does not cross the line into being an aggravating factor. In terms of answers to cross-examination, there were a small number of occasions on which we had to ask the Respondent’s witnesses to wait for the full question to be put, and to make sure not to interrupt. There were some rhetorical flourishes in their answers. However, overall, the witnesses were not – in our judgment – attempting to be disruptive or intimidating. They gave the impression that they passionately believed that there should be no decision made in the Claimant’s favour, but the manner of their responses did not cross the line into anything that would merit an award for aggravated damages. Furthermore and in any event, we were not satisfied that the Claimant suffered any injury to feelings specifically as a result of the manner in which the Respondents conducted the litigation.

Summary and interest calculations

62. The award for financial loss is £8382.45 and the daily interest rate is £1.84.
- 62.1 The period in which the loss accrued was 1 July 2019 to 13 October 2019. The mid-point is 22 August 2019.
- 62.2 The period 22 August 2019 to 9 November 2021 is 811 days.
- 62.3 Therefore, interest on award for financial loss is  $£1.84 \times 811 = £1492.24$ .
63. The award for injury to feelings is £15,000 and the daily interest rate is £3.29.
- 63.1 Our assessment is that by no later than 1 September 2018, the Respondent ought to have made reasonable adjustments for the Claimant. Making sure he did not have to fetch and carry and allocating the permit to him were each easy steps that required little, if any, effort or pre-planning by the respondents.
- 63.2 The period 1 September 2018 to 9 November 2021 is 1166 days.
- 63.3 Therefore, interest on award for injury to feelings is  $£3.29 \times 1166 = £3836.14$ .
64. The aggregate sum to be paid is therefore  $£8382.45 + £1492.24 + £15,000.00 + £3836.14$ , which is £28,710.83.
65. The recoupment provisions do not apply and there is no need for grossing up.

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**Employment Judge Quill**

Dated: 09 November 2021

RESERVED JUDGMENT & REASONS SENT TO THE PARTIES ON

01 December 2021

FOR EMPLOYMENT TRIBUNALS