



EMPLOYMENT TRIBUNALS

Claimant: Ms R Khatun

Respondent: Cheltenham Borough Homes Ltd

Heard at: Bristol **On:** 14 January 2022

Before: Employment Judge Matthews

Members: Mr K Ghotbi-Ravandi
Mr H Launder

Representation:
Claimant: In Person
Respondent: Mr M Jackson of Counsel

UNANIMOUS RESERVED JUDGMENT as to Remedy

1. The Claimant does not seek a reinstatement or re-engagement order.
2. The Respondent is ordered to pay to the Claimant unfair dismissal compensation totalling £1,315.64, comprising a basic award of £965.64 and a compensatory award of £350.
3. The recoupment regulations do not apply.

REASONS

INTRODUCTION

1. In a unanimous reserved judgment sent to the parties on 19 October 2021 the Tribunal found that Ms Reshma Khatun had been unfairly constructively dismissed. This hearing was to decide remedy for that unfair dismissal.

2. The remedy hearing was originally set down for 1 December 2021. That date was vacated as a result of Ms Khatun suffering a bereavement. The hearing was re-listed for today, 14 January 2022. On 13 January 2022 Ms Khatun applied for a further postponement. In short, Ms Khatun felt that she had been prevented from preparing for the hearing, having recently contracted coronavirus.
3. At the hearing, Ms Khatun indicated that she wished to pursue her application for postponement. The Employment Judge explained that the Tribunal did not feel that would be in Ms Khatun's best interests. Both parties were entitled to finality in this litigation and it appeared from Ms Khatun's original schedule of loss and the Company's recent counter schedule of loss that the issues were straightforward. Ms Khatun was persuaded by this. For the avoidance of doubt, if Ms Khatun had not been so persuaded, the Tribunal would have decided to continue with the hearing on the basis that it was in accordance with the overriding objective to do so.
4. No new evidence was given.
5. The Tribunal reserved judgment.
6. The hearing was a remote hearing using the CVP platform consented to by the parties. The Tribunal is satisfied that, in this case, the overriding objective of dealing with cases fairly and justly could be met in this way.

CONCLUSIONS

7. Ms Khatun is entitled to a basic award. This is calculated as follows:

(Agreed week's pay) £482.82 x 2 (multiplier, Ms Khatun being aged between 22-40 at the relevant times) = **£965.64**
8. Ms Khatun is awarded **£350** in respect of the loss of statutory rights.
9. Ms Khatun is not awarded any further compensation. This is because, subject to the two points discussed below, Ms Khatun suffered no financial loss as a result of the dismissal. Until Ms Khatun's resignation on 6 September 2019, she was paid at her contractual rate. From 9 September 2019 Ms Khatun secured a new job at a better rate of pay.
10. The first of the two points mentioned above arises from the issue of training. This subject is covered in the Tribunal's judgment on liability. Put simply, Ms Khatun says this. If she had received the training, she would have been able to secure a new job at a higher salary. The Tribunal makes no award in this respect for two principal reasons.

First, any such loss was not caused by the dismissal. If it was caused at all, it was the result of the breach of an express or implied term of the contract of employment that the training would be provided. There is no such claim before the Tribunal. Second, even if there was a causal link, any chain of causation is problematic, at best. Would Ms Khatun have secured the qualification had the training been provided? Would that have resulted in better paid job prospects. If so, what and how would they have been remunerated? Any loss is far too speculative.

11. The second of the two points relates to London weighting. Ms Khatun accepts that she secured a higher salary with her new job. However, the new job was in London with its greater cost of living. Ms Khatun's inference is that the higher salary was more than outweighed by the higher cost of living. Again, the Tribunal makes no award in this respect. Ms Khatun's move to London was not the inevitable result of her dismissal. No doubt Ms Khatun could have secured a job in the Cheltenham area. The move to London was Ms Khatun's choice for family and personal reasons.

Employment Judge Matthews
Date: 14 January 2022

Judgment & reasons sent to parties: 20 January 2022

FOR THE TRIBUNAL OFFICE