



EMPLOYMENT TRIBUNALS

Claimant: Mrs J Climer-Jones

Respondent: Cardiff and the Vale University Local Health Board

UPON APPLICATION made by letter dated 9 and 10 November 2021 to reconsider the judgment dated 18 October 2021 under rule 71 of the Employment Tribunals Rules of Procedure 2013, and without a hearing the judgment is varied / revoked as described below.

RECONSIDERATION JUDGMENT

1. Paragraph 7 is varied as follows. The respondent is ordered to pay the claimant the sum of £27,000 for injury to feelings. The section of the sentence ordering the respondent to pay the claimant £14,149.47 interest is revoked.
2. Paragraph 10 is revoked.
3. Paragraphs 65 and 66 are revoked.

REASONS

1. ON 9 and 10 November 2021 the respondent made an application for the reconsideration of the reserved judgment on remedy dated 18 October 2021. The applications were not brought to the attention of Judge Moore until 14 December 2021. The parties were asked to confirm if the application required a hearing or if it could be dealt with on the papers. No reply has been received from the claimant. The respondent did not require a hearing.
2. The application was in respect of paragraphs 10, 65 and 66 of the judgment which had awarded interest on the personal injury, injury to feelings and aggravated damages award. As this was 'whistleblowing' case and not a discrimination case, the respondent submitted that the Tribunal did not have authority to make such awards under the Employment Tribunals (Interest on Awards in Discrimination Cases) Regulations 1996.
3. The Tribunal agrees with the respondent that there is no authority to make

such an award and accordingly, the award for interest is revoked.

4. The respondent submitted that the grossing up calculation set out in paragraphs 58 – 63 of the judgment needed to be reconsidered.
5. However, the amount set out in paragraphs 59 (£154,531.69) did not include the erroneously awarded interest. The sum was made up of the following elements:

Notice pay	£2438.10
Holiday pay	£5333.93
Compensatory award	£115,759.66
Injury to feelings	£27,000
Aggravated damages	<u>£4,000</u>
Total	154,531.69

6. Accordingly, the application to reconsider this part of the judgment is refused.

Employment Judge **S Moore**
24 January 2022

JUDGMENT SENT TO THE PARTIES ON 5 February 2022

FOR THE TRIBUNAL OFFICE Mr N Roche