



EMPLOYMENT TRIBUNALS

Claimant: Mrs N Rashidi-Zakeri

Respondent: Birmingham City Council

Heard at: Birmingham Employment Tribunal by CVP

On: 28 February 2022 (remedy only)

Before: Employment Judge Cookson sitting with Ms Outwin and Mr Simpson

Representation

Claimant: Mr Brockley (counsel)

Respondent: Miss Hand (counsel)

JUDGMENT ON REMEDY

It is the unanimous decision of the Employment Tribunal that the claimant should be awarded the following in relation to the liability judgment in her favour sent to the parties on 3 November 2021.

1. The claimant's gross weekly pay was £962.77 and her net pay was £710.54.
2. Basic award: this was extinguished by the redundancy payment paid by the respondent to the claimant following her dismissal and no award is made to the claimant in this regard.
3. Compensatory award: it is just and equitable to award the claimant as follows:
 - a. In relation lost earnings, a sum equal to net pay for 12 months beyond the period for which an amount was paid to the claimant in lieu of notice: £36,948;
 - b. In relation to pension loss, based on a simplified approach as agreed by the parties: £8,250.32;
 - c. Loss of statutory rights: £500.
4. It is necessary to gross up the amount payable to the claimant to take account of tax. The claimant has already been paid a tax free redundancy

payment in relation to the termination of her employment with the respondent which must be taken into account in the application of the £30,000 tax free threshold set out in s403 of the Income Tax (Earnings and Pensions) Act 2003 in accordance with s404(1). If the sum in paragraph 3 above is grossed up to take account of tax the sum to be awarded would exceed the maximum the tribunal may award the claimant in accordance with s124 of the Employment Rights Act 1996.

5. For this reason the tribunal awards the claimant the maximum possible in accordance with s124(1)(b) which is **£50.064.04**.

Employment Judge Cookson

Date 21 March 2022

JUDGMENT SENT TO THE PARTIES ON: 21/03/2022

FOR EMPLOYMENT TRIBUNALS

Notes

1. *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.*
2. *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.