



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

Miss Jade Gallacher

AND

Respondent

**Dr Gunter Flatischler
t/a Cosham Orthodontic Practice**

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

HELD IN CHAMBERS AT Plymouth ON

8 September 2021

THE TIME FOR PRESENTING A RESPONSE HAVING EXPIRED AND NO VALID RESPONSE HAVING BEEN PRESENTED

JUDGMENT UNDER RULE 21

1. The claimant was unfairly dismissed by reason of pregnancy/maternity, and the respondent is ordered to pay the claimant compensation in the sum of £7,320.00. This consists of a basic award of £260.00 (2 x £130.00); and a compensatory award of £7,060.00. The compensatory award consists of two weeks' pay for loss of statutory rights in the sum of £260.00; loss from dismissal to the date of this tribunal of 40 weeks at £130.00 per week (£5,200.00); and a further 12 weeks future loss at the rate of £130.00 per week (£1,560.00).
2. The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 ("the Recoupment Regulations") do not apply in this case.
3. The claimant also succeeds in her claim for discrimination on the grounds of her pregnancy and maternity. She is not awarded any financial compensation which has already been covered by the unfair dismissal award. However, the claimant succeeds in her claim for injury to feelings. The respondent is ordered to pay the claimant the sum of £5,579.78 which consists of £5,000.00 for injury to feelings and interest in the sum of £579.78.
4. The interest has been calculated as follows. The interest payable on discrimination awards is to be calculated in accordance with the

- Employment Tribunals (Interest on Awards in Discrimination Cases) Regulations 1996 ("the Interest Regulations"). Under regulation 6 the interest on an award for injury to feelings is to be from the period beginning on the date of the act of discrimination complained of and ending on the day of calculation. Following the Employment Tribunals (Interest on Awards in Discrimination Cases) (Amendment) Regulations 2013 the rate of interest payable is 8%. The act of discrimination complained of was the claimant's dismissal as at 29 March 2019, and 529 days have elapsed between then and today's hearing. The daily rate of interest on £5,000.00 at 8% per annum (or £400.00 per annum) is £1.096, which for 529 days is £579.78
5. Finally, the claimant was not entitled to any further accrued holiday pay as at the date of termination of her employment, and this claim is dismissed.

Employment Judge N J Roper
Date: 8 September 2021

Amended Judgment sent to Parties: 6 April 2022

FOR THE TRIBUNAL OFFICE