



EMPLOYMENT TRIBUNALS

Claimant: Ms L Sewell

Respondent: Worcestershire Health and Care NHS Trust

Heard at: Birmingham

On: 6 July 2021, 1 September 2021 in chambers without parties and 30 June 2022 remotely by video

Before: Employment Judge Miller
Mr Virdee
Mr Kelly

Representation

Claimant: In person

Respondent: Mr J Jarvis (counsel)

JUDGMENT

1. Future loss of earnings will be awarded for a period of three years and 2 months from the date of the remedy hearing
2. Loss of earnings will be awarded for the period from the date of the claimant's dismissal on 5 February 2019 to the date of the remedy hearing on 6 July 2021 for a total period of 85 weeks and 6 days (reduced from 126 weeks and 4 days to reflect a period of nil pay under the respondent's sick pay scheme). For 11 weeks and 2 days of that period, the claimant is entitled to compensation reflecting 50% of her pay.
3. The multiplier that will be applied in assessing the value of the claimant's losses over the period from the date of her dismissal is 1.43% per year to reflect potential increases in pay had the claimant remained employed.
4. The total amount of compensation referable to loss of earnings from the date of the claimant's dismissal must, after the application of the multiplier, be reduced by 30% to reflect the possibility that the claimant would not have returned to work and/or been fairly dismissed in a non-discriminatory way at some point.
5. The amount of the award for injury to feelings is in the middle of the middle Vento band at £17,500.

6. The amount of the award of damages for personal injury arising from discriminatory acts is £21,000
7. There is no award for travel expenses for attendance at the tribunal
8. We make a recommendation that, by 30 August 2022, the respondent reviews its powers and obligations in respect of the claimant's medical information it has retained with a view to giving serious consideration as to whether it has the power, and whether it should exercise any such power, to minimise to the fullest extent it can the amount of information about the claimant's medical records it retains and explains its decision to the claimant.
9. There will be a further hearing at which the tribunal will decide the total amount of compensation that is payable to the claimant including the amount of loss of earnings, pension losses and any interest.

Employment Judge **Miller**

Date 30 June 2022