



EMPLOYMENT TRIBUNALS

Claimant: Mr A Doherty
Respondent: Mid Cheshire Hospitals NHS Foundation Trust
Heard at: Birmingham
On: 27 September 2022
Before: Employment Judge Meichen, Mrs R Forrest, Mrs M Howard

Appearances

For the claimant: in person

For the respondent: Mr A Gibson, solicitor

REMEDY JUDGMENT

1. The respondent shall pay the claimant a basic award of £4005. The recoupment provisions do not apply to this award.
2. The respondent shall pay the claimant £500 for loss of statutory rights. The recoupment provisions do not apply to this award.
3. The respondent shall pay the claimant a compensatory award of £10563.70, subject to the recoupment provisions. (This was calculated on the basis of 19 months loss of earnings and pension at the agreed figures of £793.54 per month loss of earnings and £61.82 loss of pension and the 35% Polkey reduction was then applied).
4. The respondent shall pay to the claimant compensation for injury to feelings of £9000. The respondent shall pay the claimant interest on the above in the sum of £1893.91 (calculated at 8% from 10 February 2020 to 5 August 2022). The total sum to be paid to the claimant by the respondent for injury to feelings inclusive of interest is £10893.91. The recoupment provisions do not apply to this award.
5. The respondent agreed that it was in breach of the duty to give a written statement of employment particulars when the proceedings were begun. It is just and equitable to increase the award to 4 weeks pay¹. The respondent shall pay the claimant £890 for this breach (4 x the agreed figure of £222.50). The recoupment provisions do not apply to this award.

¹ The Tribunal does not have the power to award 3 weeks pay as had been discussed the hearing – see s. 38 Employment Act 2002.

6. The grand total to be paid by the respondent to the claimant, subject to recoupment on the award identified above, is £26852.61.
7. The Employment Protection (Recoupment of Benefits) Regulations 1996, SI 1996 No 2349, apply to the award identified above. In accordance with those Regulations: (a) the total monetary award made to the claimant is £26852.61; (b) the amount of the prescribed element is £10563.70; (c) the dates of the period to which the prescribed element is attributable are 10 May 2020 to 27 September 2022; (d) the amount by which the monetary award exceeds the prescribed element is £16288.91.

Employment Judge Meichen

27 September 2022

Reasons for the judgement 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.