



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs Chand

**Respondent:** Somerford Kindergarten

**Heard at: Birmingham and hybrid CVP**      **On: 18,19, 20, 21, 22 October 2021**

**21 October 2022**

**Before: Employment Judge Dean**

**Members Mrs S Cambell**

**Mr K Palmer**

**Appearance:**

**For the Claimant: Mr Matthew Game, solicitor**

**For the Respondent: Mr S Harrop, lay representative**

## JUDGMENT

The Judgment of the Tribunal is that:

1. The claimant's complaint of unlawful discrimination related to her race in breach of s13, 26 and 27 of the Equality Act 2010 do not succeed and are dismissed.

2. The claimant was constructively and unfairly dismissed by the respondent in breach of the provisions of s95(1)(c) and s98(4) of the Employment Rights Act 1996.
3. The respondent is ordered to pay the claimant compensation for unfair dismissal in the agreed sums of:
  - a. Basic award of £4328.34 based upon the claimant being age 53 at the effective date of termination having completed 18 years of service and an average gross weekly wage of ££180.35.
  - b. Compensatory award – the claimant acknowledges the respondent is impecunious and that it will not be possible to recover sum in respect of her ongoing losses.
4. The claimant was wrongfully dismissed. The has an entitlement to 12 weeks statutory notice and the respondent is ordered to pay damages in the net sum of £2,164.20.

Employment Judge Dean

31 October 2021