



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs J Wolloms  
**First Respondent:** CI Accountancy Limited  
**Second Respondent:** Mr G Killmister  
**Third Respondent:** Mr L Hare

**HELD AT:** Newcastle by video **ON:** 22 November 2022

**BEFORE:** Employment Judge Aspden  
Ms J Maughan  
Mr J Weatherston

## REPRESENTATION:

**Claimant:** Ms McBride, solicitor  
**Respondents:** Mr Gilbert, consultant

## JUDGMENT

The unanimous judgment of the Tribunal is as follows:

1. The First Respondent is ordered to pay to the Claimant **£10,237.50** compensation for unfair dismissal, consisting of a basic award only.
2. The First, Second and Third Respondents are ordered to pay to the Claimant the sum of **£81,084.75**, made up as set out at paragraphs 2.1 and 2.2. The liability of the Respondents is joint and several.
  - 2.1. Compensation of £68,320.33 in respect of the Respondents' contraventions of Part V of the Equality Act 2010, made up as follows:
    - 2.1.1. compensation for financial loss: £48,020.33 ie £53,344.04 less benefits received of £5323.71 (ie £1154.74 + £4168.97)
    - 2.1.2. compensation for loss of statutory rights: £300.00
    - 2.1.3. compensation for injured feelings: £20,000.00 (including £2,000 aggravated damages):
      - 2.1.3.1. £10,000 of which is attributable to the dismissal

2.1.3.2. £10,000 of which is not attributable to the dismissal

2.2. Interest on the award under the Equality Act of £12,764.42 awarded under regulation 2 of the Employment Tribunals (Interest on Awards etc) Regulations 1996, calculated as follows:

2.2.1. Interest on £10,000 injury to feelings award not attributable to the dismissal, calculated at the prescribed rate of 8% per annum ie £2.19 per day, from 6 March 2019 (the date disciplinary action began) to 22 November 2022 (the calculation date) (1357 days) = £2,971.83.

2.2.2. Interest on £10,000 injury to feelings award attributable to the dismissal, calculated at the prescribed rate of 8% per annum ie £2.19 per day, from 18 April 2019 (the date of dismissal) to 22 November 2022 (the calculation date) (1314 days) = £2,877.66.

2.2.3. Interest on £48,020.33 compensation for financial loss, calculated at the prescribed rate of 8% per annum ie £10.525 per day, from the midpoint between 18 April 2019 (the date of dismissal) to 22 November 2022 (the calculation date) (657 days) = £6,914.93.

3. The First Respondent is ordered to pay to the Claimant an additional award of **£3,416.02** pursuant to section 207A of the Trade Union and Labour Relations (Consolidation) Act 1992 in respect of its unreasonable failure to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures.
4. The recoupment regulations do not apply to the awards.
5. The issue of whether any additional compensation should be awarded to the claimant to reflect the Gourley principle, and if so what amount, will be determined at a further hearing, unless the parties reach agreement on the matter.

Employment Judge Aspden

Date 24 November 2022

Note

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.