



EMPLOYMENT TRIBUNALS

Claimant: Ms B McInerney

Respondent: Nottinghamshire Healthcare NHS Foundation Trust

Heard at: Nottingham On: 14, 15, 16 and 17 November 2022

Before: Employment Judge M Butler

Members: Mrs K Srivastava
Mr J Purkis

Appearances

Claimant: Mr A Allen KC and Miss E Grace, Counsel
Respondent: Ms B Criddle KC and Mr J Boyd, Counsel

REMEDY JUDGMENT

The unanimous Judgment of the Tribunal is that in the Claimant's claim for constructive unfair dismissal, the Respondent is ordered to pay to the Claimant:

1. A basic award of £11,430; and
2. A compensatory award of £83,682.

REASONS

1. In a Judgment dated 15 June 2021 and sent to the parties on 23 June 2021, the Tribunal unanimously held that the Claimant's claim of constructive unfair dismissal was well-founded and succeeded. This remedy hearing was listed to assess the level of the award the Respondent should be ordered to pay.

2. At the time of her dismissal with effect from 31 January 2019, the Claimant received a salary of £110,340 per annum and had been employed by the Respondent since 15 December 2003. The dismissal took place a year before the Claimant intended to retire.

3. The parties agreed the amount of the basic award at £11,430. In view of the level of the Claimant's salary, it was noted that the compensatory award for future loss of earnings would reach the level of the statutory cap. In the circumstances, the Tribunal orders compensation to be paid at that level, namely, £83,682.

Employment Judge Butler

Date: 18 November 2022

FOR THE EMPLOYMENT TRIBUNAL OFFICE

Yahya Merzougui