



## EMPLOYMENT TRIBUNALS

Claimant

Respondents

**Ms A Searle**

v

**Every Sensation Care Ltd (1)**

**Mr T Younas (2)**

**Heard: In Leeds by CVP**

**On: Adjourned to 14 December 2022**

**Before:**

**Employment Judge JM Wade**

**Mr T Downes**

**Mr D Pugh**

**Representation:**

**Claimant: Mr A Effiong, lay representative**

**Respondents: Ms N Twine, counsel**

The unanimous decisions of the Tribunal are:

## JUDGMENT

1 The first respondent shall pay to the claimant the following Compensatory Award: £42, 378.20, comprising £29,851.64 past pecuniary loss and £12,026.56 future loss and £500 for lost statutory rights.

2 The Prescribed Period is 4 August 2021 to 14 December 2022. The Prescribed Amount is £29, 851.64.

3 The Tribunal's award for pecuniary loss arising but for the respondent's contravention of the Equality Act is £41, 878,20, which is subsumed in the award above.

4 The Tribunal applies a 10% increase to the Equality Act Award in the sum of £4187.82, and awards interest on the pecuniary loss of £ 2763.96<sup>1</sup>.

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<sup>1</sup> The Tribunal announced the figure of £2512.69 to the parties subject to a need to check the order in which interest and ACAS uplift should be applied. That correct order results in interest on the ACAS uplift also. Interest is assessed at the midpoint rather than for the full period.

5 The Tribunal makes a further award of £5000 in respect of aggravated conduct concerning the first respondent's conduct in relation to the reference issue.

6 The Tribunal finds the removal of redaction in the claimant's medical records to be unintentional and makes no further award in respect of this.

7 The amount by which the total sums payable exceed the Prescribed amount is £24,478.14.

8 The recoupment regulations apply to the Compensatory Award made above.<sup>2</sup>

9 The total sum awarded today, in addition to the sums awarded at the conclusion of the November hearing is £54, 329.78.

Employment Judge JM Wade

14 December 2022

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<sup>2</sup> The Tribunal considered it in the interests of justice to designate the principal pecuniary loss pursuant to the Employment Rights Act 1996 because it did not otherwise be confident today that the appropriate credit would be given for UC/ESA from August until today.