



EMPLOYMENT TRIBUNALS

Claimant:
Mrs E Meacham

Respondent:
Pembrokeshire
County Council

Heard by CVP

On: 3rd January 2023

Before: **Employment Judge A Frazer**
Tribunal Member Mr C Stephenson
Tribunal Member Mrs W Morgan

Representation:
Claimant:
In person

Respondent:
Mr C Evans of
Counsel

WRITTEN REASONS (REMEDY)

1. The Claimant commenced continuous employment with the Respondent on 9th January 2018. The Claimant's contracted hours were 25 hours a week until review in July 2021. We found that after receiving the letter rejecting the appeal from the decision concerning the application for a job share, she was signed off for anxiety for a month. She was then signed off again between 23rd September 2021 to 10th October 2021. She resigned on 12th September 2021. She mentioned in that letter how work had affected her mental health. The sick note for 24th August 2021 stated '*anxiety*' and the one for between 23rd September and 10th October 2021 stated '*anxiety state NOS*'. We find therefore that there was evidence that the Respondent's decision did impact her mental health.
2. The Claimant was able to find new employment in November 2021 doing work that she had not been doing before namely catering work rather than a professional job. Her evidence is that she will struggle to return to a similar

position because she has a lack of confidence. She worked until September 2022. Her last payslip is dated 30th September 2022. There must have been some ongoing symptoms because there was a referral letter dated 2nd March 2022 (original bundle p.57). That corroborates her evidence on injury to feelings. It stated:

Our Ref: *

2 March 2022

Dear Colleague

I would be grateful if you could see this 36 year old lady who has had quite a stressful time recently. She is currently awaiting a tribunal for constructive dismissal from her previous job however, has a new job. She has a young daughter with complex medical needs which resulted in this.

She suffers with some anxiety and is currently avoiding going out. She also reports that her memory is affected and I am wondering if a bit of psychological input may help this lady.

Many thanks.

Yours faithfully

Dr Tasmin Thomas

3. We accept that the wait for the tribunal process to conclude meant that her mental health symptoms continued.
4. We also had a letter in the bundle from the Claimant's GP dated 22nd November 2022 which was written for the purposes of this hearing. It reads as follows. '*She has suffered with anxiety for a long time mainly caused by the stress of her previous job. As you know she is currently awaiting court with regards to the tribunal, and this is causing her significant amounts of stress.*' We were provided with a copy of a prescription for propranolol dated 18th October 2022.
5. We are satisfied on the evidence that the decision was the cause of mental health issues. She had coped with stress quite well beforehand. We find this incident affected her. We accept her evidence about how her mental ill health has affected her personal social and family life. We did not accept that there was any potential to divide the injury. We found that the PCP caused the substantial disadvantage. We referred to this in our decision. The effects on the Claimant were apparent as soon as she was signed off sick and we accepted her evidence that they continued since then. We took into account the context of her resignation, being signed off sick immediately after the appeal decision and the ongoing symptoms she had suffered. We accepted her evidence that the injury had a significant effect on her personal and social life. There was some corroboration in the doctor's letter in March 2022 that she was unable to leave the house. We accept that her symptoms left her suffering for a significant period of time and found that given the context it would be artificial to divide the injury to feelings award given our findings at paragraph 49 of our decision that there was a link between the substantial disadvantage and the PCP. We were satisfied on the medical evidence that we did have that the symptom flowed from the discrimination. The reference in the GP letter to 'previous job' we were satisfied was a reference to the Respondent. We were satisfied that it should be upper middle because of the

period of time the symptoms have lasted and the significant effect that they have had on all aspects of her life.

6. We did not consider that there should only be a recommendation or declaration and found that this was a case which was apposite for compensation. We therefore make an award of **£25, 000**.
7. The Claimant's evidence was that she was now awaiting a referral to CBT and counselling through mental health charities. As she had been on the waiting list for five months and there was an eight-month waiting list she hoped to have the treatment soon. Having resigned from her job with Compass her evidence was that she wasn't well enough to go back to work. Doing the best we could we found that because the end of the tribunal proceedings would be of some catharsis to her; that she would hopefully have had some treatment she would be able to return to work within six months and therefore we have awarded six months' future loss of earnings.
8. We accepted that she should be awarded £500 for loss of statutory rights as she had lost 3 years of continuous service and would have to clock this up again.
9. Our calculations are set out below:

Basic award

£681.63

Compensatory award

Loss of statutory rights £500.00

Loss of earnings period 1

10th October 2021 to 3rd January 2023

64 weeks at £227.21

(£5293.67)

Immediate loss of earnings = £9, 279.77

+

Immediate loss of pension contributions 799.34

TOTAL Immediate loss of earnings **£10, 079.11**

Future loss of earnings

6 months future loss of earnings with tribunal finishing, counselling ending and CBT

£5907.46

324.91 (pension)

TOTAL future loss of earnings 6, 232.37

Interest**Interest for injury to feelings**

Date of act is 10th October 2021 to 3rd January 2023

At 8%

£2, 500 interest for ITF

Interest for loss of earnings

Mid-point is 20th May 2022.

10, 079.11 x interest from mid point.

Interest at 8% is £403.17

TABLE OF AWARDS

Basic award	£681.63
Loss of statutory rights	£500.00
Injury to feelings	£25, 000
Interest on ITF	£2 ,500

Loss of earnings

Immediate loss of earning **£10, 079.11**

Interest on loss of earnings **£403.17**

Future loss of earnings **£6, 232.37**

Total £45, 396.28

<u>Add grossing up¹</u>	<u>£565.26</u>
TOTAL AWARD	£45, 961.53

Employment Judge A Frazer
Dated: 30th January 2023

CASE MANAGEMENT ORDER SENT TO THE
PARTIES ON 1 February 2023

FOR THE SECRETARY TO THE EMPLOYMENT
TRIBUNALS Mr N Roche

¹ Grossing up calculation

45, 396.,28 – 30, 000 = £15, 396.28

£15 396,28 is liable to tax.

12 570 no tax payable (personal allowance)

Therefore £2826.28 is at 20 per cent.

£ 565.26