



EMPLOYMENT TRIBUNALS

Claimant: Mr C Duffield

Respondent: Ibco Limited

Heard at: Manchester Employment
Tribunal

On: 2 and 3 March 2023

Before: Employment Judge Cookson
Mrs A Booth
Mrs C Clover

REPRESENTATION:

Claimant: Mr Duffield (father)

Respondent: Mr Starcevic (Counsel)

REMEDY JUDGMENT

It is the unanimous decision of the Employment Tribunal that the following should be awarded as compensation to the claimant:

1. The respondent is ordered to pay the claimant the sum of £31,752.26 which is calculated as follows:
 - a. Compensatory award for unfair dismissal in respect of lost earnings £3,041.39
 - b. £871.42 for loss of statutory rights
 - c. Injury to feelings in respect of discrimination during employment (indirect and direct race discrimination) £9,500
 - d. Interest on that award @8% for 960 days £1,998.90
 - e. Injury to feelings in respect of discrimination on termination of employment by way of victimisation £13,500
 - f. Interest on that award @8% for 960 days £2,840.55
2. The Recoupment Regulations apply to this award and I refer to the Annex attached. For the purposes of the Recoupment Regulations

- a. The monetary award for the purposes of the Recoupment Regulations (which do not apply to discrimination awards in any event) is £3,912.81.
 - b. The prescribed element is £3,041.39
 - c. The period to which the prescribed element relates is 28 August 2020 to 3 March 2023.
 - d. The amount by which the monetary award exceeds the prescribed element (for the purposes of the Recoupment Regulations only) is £871.42.
3. The sums payable directly to the claimant (not such to recoupment) are now payable must be made to the claimant within 28 days of the date of this judgment.

Employment Judge Cookson

3 March 2023

JUDGMENT SENT TO THE PARTIES ON

14 March 2023

FOR THE TRIBUNAL OFFICE

Notes

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.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

Claimant: Mr C Duffield

Respondent: IbcO Limited

**ANNEX TO THE JUDGMENT
(MONETARY AWARDS)**

Recoupment of Benefits

The following particulars are given pursuant to the Employment Protection (Recoupment of Benefits) Regulations 1996, SI 1996 No 2349.

The Tribunal has awarded compensation to the claimant, but not all of it should be paid immediately. This is because the Secretary of State has the right to recover (recoup) any jobseeker's allowance, income-related employment and support allowance, universal credit or income support paid to the claimant after dismissal. This will be done by way of a Recoupment Notice, which will be sent to the respondent usually within 21 days after the Tribunal's judgment was sent to the parties.

The Tribunal's judgment states: (a) the total monetary award made to the claimant; (b) an amount called the prescribed element, if any; (c) the dates of the period to which the prescribed element is attributable; and (d) the amount, if any, by which the monetary award exceeds the prescribed element. Only the prescribed element is affected by the Recoupment Notice and that part of the Tribunal's award should not be paid until the Recoupment Notice has been received.

The difference between the monetary award and the prescribed element is payable by the respondent to the claimant immediately.

When the Secretary of State sends the Recoupment Notice, the respondent must pay the amount specified in the Recoupment Notice to the Secretary of State. This amount can never be more than the prescribed element of any monetary award. If the amount is less than the prescribed element, the respondent must pay the balance to the claimant. If the Secretary of State informs the respondent that it is not intended to issue a Recoupment Notice, the respondent must immediately pay the whole of the prescribed element to the claimant.

The claimant will receive a copy of the Recoupment Notice from the Secretary of State. If the claimant disputes the amount in the Recoupment Notice, the claimant must inform the Secretary of State in writing within 21 days. The Tribunal has no power to resolve such disputes, which must be resolved directly between the claimant and the Secretary of State.

**IN THE EMPLOYMENT TRIBUNALS
CASE NO: 2415215/2020**

BETWEEN

**Craig Duffield
AND
Ibco Limited**

Calculation of award

1. Details

Date of birth of claimant	29/04/1987
Date started employment	14/10/2013
Effective Date of Termination	27/08/2020
Period of continuous service (years)	6
Age at Effective Date of Termination	33
Date new equivalent job started or expected to start	26/10/2020
Remedy hearing date	03/03/2023
Date by which employer should no longer be liable	26/10/2020
Statutory notice period (weeks)	6
Net weekly pay at EDT	353.65
Gross weekly pay at EDT	435.71

2. Basic award

Basic award	2,614.26
Number of qualifying weeks (6) x Gross weekly pay (435.71)	
Less redundancy pay already awarded	-2,614.26
Total basic award	0.00

3. Compensatory award (immediate loss)

Loss of net earnings	3,041.39
Number of weeks (8.6) x Net weekly pay (353.65)	
Plus loss of statutory rights	871.42
Less payment in lieu	0.00
Total compensation (immediate loss)	3,912.81

4. Adjustments to total compensatory award

Compensatory award before adjustments	3,912.81
Total adjustments to the compensatory award	0.00
Compensatory award after adjustments	3,912.81

5. Non financial losses

Injury to feelings in respect of discrimination during employment (and therefore falling outside s401 and 403 ITEPA ¹)	9,500.00
Plus interest @ 8% for 960 days	1,998.90
Injury to feelings in respect of discrimination on termination of employment	13,500.00
Plus interest @ 8% for 960 days	2,840.55

Total non-financial award	27,839.45
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6. Summary totals

Basic award	0.00
Compensation award including statutory rights	3,912.81
Non-financial loss	27,839.45
Total	31,752.26

7. Grossing up

Tax free allowance (£30,000 - any redundancy pay)	27,385.74
Basic + additional awards	0.00
Balance of tax free allowance	27,385.74
Compensatory award + injury to feelings on termination + wrongful dismissal	20,253.36
Injury to feelings during employment	11,498.50
Figure to be grossed up	0.00

¹ Income Tax (Earnings and Pensions) Act 2003



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2415215/2020**

Name of case: **Mr C G Duffield** v **Ibco Limited**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to proceedings to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day**, **the calculation day**, and **the stipulated rate of interest** in your case. They are as follows:

the relevant decision day in this case is: 14 March 2023

the calculation day in this case is: 15 March 2023

the stipulated rate of interest is: **8% per annum**.

Mr S Artingstall
For the Employment Tribunal Office

GUIDANCE NOTE

1. There is more information about Tribunal judgments here, which you should read with this guidance note:
www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

If you do not have access to the internet, you can ask for a paper copy by telephoning the Tribunal office dealing with the claim.

2. The payment of interest on Employment Tribunal awards is governed by The Employment Tribunals (Interest) Order 1990. Interest is payable on Employment Tribunal awards if they remain wholly or partly unpaid more than 14 days after the **relevant decision day**. Sums in the award that represent costs or expenses are excluded. Interest starts to accrue from the day immediately after the **relevant decision day**, which is called **the calculation day**.
3. The date of the **relevant decision day** in your case is set out in the Notice. If the judgment is paid in full by that date, no interest will be payable. If the judgment is not paid in full by that date, interest will start to accrue from the next day.
4. Requesting written reasons after you have received a written judgment does **not** change the date of the **relevant decision day**.
5. Interest will be calculated as simple interest accruing from day to day on any part of the sum of money awarded by the Tribunal that remains unpaid.
6. If the person paying the Tribunal award is required to pay part of it to a public authority by way of tax or National Insurance, no interest is payable on that part.
7. If the Secretary of State has claimed any part of the sum awarded by the Tribunal in a recoupment notice, no interest is payable on that part.
8. If the sum awarded is varied, either because the Tribunal reconsiders its own judgment, or following an appeal to the Employment Appeal Tribunal or a higher court, interest will still be payable from **the calculation day** but it will be payable on the new sum not the sum originally awarded.
9. The online information explains how Employment Tribunal awards are enforced. The interest element of an award is enforced in the same way.