



EMPLOYMENT TRIBUNALS

Claimant: Miss C. Cash

Respondent: The Co-operative Bank PLC

Heard at: Manchester **On:** 28 March 2023

Before: Employment Judge Leach, Mr A. Egerton; Mr A. Gill

Representation

Claimant: In Person

Respondent: Miss Kight, counsel

JUDGMENT

1. The respondent admits that it is liable for failing to make a reasonable adjustment, contrary to its duty under section 20. The respondent had a Provision Criterion or Practice (PCP) of requiring employees to attend work. That PCP put the claimant at a substantial disadvantage. The respondent admits that it should have made a reasonable adjustment of allowing the claimant to work from home with effect from 13 January 2021.
2. The respondent is ordered to pay compensation to the claimant as follows:-
 - a. Payment for costs of attending work (being fuel costs) for the period 13 January 2021 and 18 December 2021 - £1367.68
 - b. An award for injury to feelings - £15,000
 - c. Interest on the amounts noted above, £2824.28

TOTAL compensation (including interest) is **£19,191.96**

3. The Tribunal makes a recommendation pursuant to section 124(3) Equality Act 2010 that, on or before 27 September 2023, the employees listed/described at paragraph 4 below receive the following training:-
 - a. Training about the condition of CFS, including what the condition is and how it impacts on those who have the condition;
 - b. Training about an employer's obligations (and potential liabilities) under the Equality Act 2010, with a particular emphasis on the duty to make reasonable adjustments.

4. The recommendation is for the training described in 3 above to be provided to the following:-
- a. Helen Clency;
 - b. Paula Jones;
 - c. Joanne Carruthers;
 - d. Any other individual with management responsibilities for the claimant.
 - e. The respondent's HR Department up to and including the director of HR (or equivalent). If there is a part of the respondent's HR department that has responsibility for the place or area in which the claimant/claimant's department is based then training can be limited to that part of the HR Department but must include those employees with management responsibility for and above that part of the HR Department, up to and including the director of HR (or equivalent).

Employment Judge **Leach**

Date: 28 March 2023

JUDGMENT SENT TO THE PARTIES ON

Date: 4 April 2023

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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.



Case No: 2402565/2022

NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2402565/2022**

Miss C Cash v The Co-operative Bank PLC

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 4 April 2023

"the calculation day" is: 5 April 2023

"the stipulated rate of interest" is: **8%**

Mr P Guilfoyle
For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at www.gov.uk/government/collections/employment-tribunal-forms

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.