



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss S Dunne  
**Respondent:** Tame Cleaning & Maintenance Ltd  
**Heard at:** Birmingham **On:** 19, 20, 21, 22 June 2023  
**Before:** Employment Judge L Knowles  
Mrs J Keene  
Mr D R Spencer

## Representation

**Claimant:** In person  
**Respondent:** Mr Jagpal, Consultant

# JUDGMENT

1. The Claimant's claims of direct race discrimination are not well founded and are dismissed.
2. The Claimant's claims of harassment related to race are not well founded and are dismissed.
3. **The Claimant's claim for unfair dismissal (contrary to section 94 Employment Rights Act 1996 ("ERA")) is well-founded and succeeds.**
4. The Respondent is ordered to pay the Claimant the following sums:

- |    |  |                   |
|----|--|-------------------|
| A. | Basic award for unfair dismissal: 6 x £131.40  | <b>£788.40</b>    |
| B. | Compensatory award for unfair dismissal of <b>£6,832.80</b> (the Prescribed Element) for the period 17 December 2020 – 22 June 2023 (the Prescribed Period) made up of the following elements: |                   |
|    | a. Net wages of £131.40 per week from 17 December 2020 to 22 June 2023 (131 weeks)   | £17,213.40        |
|    | <b>Less</b>  |                   |
|    | b. "Polkey" 30% reduction  | £5,164.02         |
|    | Sub- total   | <b>£12,049.38</b> |
| C. | a. Loss of statutory rights (Non-prescribed element) £500  |                   |

**Less**

b. "Polkey" 30% reduction £150

Sub-total **£350.00****Total compensatory award £12,399.38****Apply statutory cap (s.124(1)) taking into account prescribed element:  
£6,832.80****Grand total £7,621.20**

The Employment Protection (Recoupment of Benefits) Regulations 1996, SI 1996 No 2349, apply. In accordance with those Regulations: (a) the total monetary award made to the Claimant (in this Judgment) is **£7,621.20**; (b) the amount of the Prescribed Element is **£3,765.28** (as the compensatory award is reduced because it exceeds the statutory limit of 52 weeks gross pay, the prescribed element has been reduced, for recoupment purposes only, by the calculation  $\frac{£6,832.92 \times £6,832.92}{£12,399.38}$ ); (c) the dates of the period to which the prescribed element is attributable are 17 December 2020 to 22 June 2023; (d) the excess of grand total over the prescribed element is **£3,855.92**.

Employment Judge **L Knowles**

Date 28/06/2023