



# EMPLOYMENT TRIBUNALS

**Claimant:** Lorraine Gordon  
**Respondent:** Student Loans Company Limited  
**Heard at:** Newcastle Employment Tribunal (remotely by CVP)  
**On:** 01 September 2023  
**Before:** Employment Judge Sweeney  
Brenda Kirby  
Kenneth Smith

## Representation

**Claimant:** Mr D Taylor, lay representative  
**Respondent:** Ms Sidhu, solicitor

# JUDGMENT ON REMEDY

1. In respect of the claim of unfair dismissal the Respondent is ordered to pay the Claimant a total award of **£22,122.44**.
2. Of that total award, **£17,811.07** ('the Prescribed Element') is to be held back until the value of any state benefits subject to the recoupment procedures is known.
3. The amount of **£4,311.37** ('the Balance') is payable to the Claimant forthwith.

## Calculation

### Basic Award

- 1.1 A Basic Award of **£3,538.16** (being £5,896.94 reduced by 40% for contributory conduct)

### Compensatory Award

- 1.2 A Compensatory Award of £56,256.55 calculated as:

**Immediate loss of earnings from 18 March 2020 to 01 September 2023  
(a)**

1.2.1 £54,518.15

**Loss of pension (b)**

1.2.2 £1,238.40.

**Future loss of earnings (c)**

1.2.3 £0

**Loss of statutory rights (c)**

1.2.4 £500

reduced by 40% for contributory conduct to £33,753.99

**(capped at £18,584.28)**

2. The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 ('the Regulations') apply to the compensatory award in respect of loss of earnings from the period ending with the period covered by the award to the date of the hearing of 01 September 2023. Where the tribunal has made a reduction on account of contributory fault or on account of the statutory cap, a proportionate reduction must be made in the amount of the Prescribed Element (Regulation 4(2) of the Regulations). The Tribunal has applied the Regulations as follows:

2.1	Basic Award:	<b>£3,538.16</b>
2.2	Compensatory Award:	<b>£18,584.28</b> (statutory cap applies)
2.3	Total Award:	<b>£22,122.44</b>
2.4	Prescribed Period:	<b>18 March 2020 to 01 September 2023</b>
2.5	Prescribed Element:	<b>£17,811.07</b> [note: the tribunal incorrectly stated the prescribed element to be £18,284.28 at the hearing]
2.6	Balance:	<b>£4,311.37</b>

3. The Prescribed Element is calculated as follows:

3.1.1 The proportion by which the compensatory award has been reduced as a result of reduction for contributory conduct and the application of the cap =  $0.3267$  ( $56,896.94 - £18,584.28$ )  $\times 100 / 56,896.94 = 67.33\%$ )

3.1.2 Prescribed Element (loss of earnings from 18 March 2020 to 01 September 2023 = £54,518.15) reduced by the same proportion:  $54,518.15 \times 0.3267 = £17,811.07$

4. The Balance (the difference between the total award and the Prescribed Element) to be paid to the Claimant is **£4,311.37** [note: this was incorrectly stated at the hearing to be £3,838.16]

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Employment Judge Sweeney

Date: **01 September 2023**

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.

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