



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms K Rutherford

**Respondent:** Baber Khan

**On:** 20 September 2023

**At:** Newcastle Employment Tribunal (remotely by CVP)

**Before:** Employment Judge Sweeney

## Appearances

For the Claimant, John Ratledge, counsel

For the Respondent, No appearance

# JUDGMENT ON LIABILITY AND REMEDY

1. The Claimant did not make any qualifying disclosure within the meaning of section 43B Employment Rights Act 1996. The complaints under section 48 of that Act that the Claimant was subjected to detriment in contravention of section 47B of the Act is not well founded and is dismissed.
2. The complaint that the reason or principal reason for constructively dismissing the Claimant was that she made a protected disclosure is not well founded and is dismissed.
3. Following promulgation on **07 July 2023** of the judgment on liability in respect of the complaint of ordinary unfair constructive dismissal, the Respondent is ordered to pay the Claimant the following compensation:
  - 3.1. A Basic Award of **£11,991**
  - 3.2. A Compensatory Award of **£14,383.46** which is to be uplifted by the percentage and amount stipulated in paragraph 3.2 below.
  - 3.3. An amount of **£1,438.34** in respect of an uplift of 10% of the amount in paragraph 3.2 above, pursuant to section 207A Trade Union and Labor Relations (Consolidation) Act 1992.
  - 3.4. An award of **£1,444.62** (being two weeks' pay) under section 38 Employment Act 2002.

4. The total award payable to the Claimant is **£29,257.42**.
5. No damages are sought in respect of the complaint of wrongful dismissal.
6. The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 ('the Regulations') do not apply to any part of the compensatory award.

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Employment Judge Sweeney

Date:20 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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