



EMPLOYMENT TRIBUNALS

Claimant: Mrs J Healey

Respondent: Lancashire County Council

Heard at: Manchester (in person and by CVP) On: 21 -23 August and on 30 September 2023

Before: Employment Judge Leach, Mr I Taylor, Ms A Jackson.

REPRESENTATION:

Claimant: Mrs Johnrose (Solicitor)

Respondent: Ms P Del Monaco (Solicitor)

JUDGMENT - REMEDY

1. Liability in this case was determined at a final hearing in August and December 2021.
2. The claimant succeeded in complaints of unfair dismissal and discrimination.
3. This hearing was listed to consider and determine remedy. The Tribunal awards compensation as set out below. All awards fall under the Equality Act 2010 with the exception of the basic award.
 - A. A Basic Award (calculated using the amount of a week's pay of £544 and a multiplier of 27) **£14,688**
 - B. An award for personal injury of **£45,000**
 - C. An award for Injury to Feelings of **£18,000**
 - D. An aggravated damages award of **£12,000**
 - E. Losses up to date of hearing **£180,474.37**
 - F. Award for expected losses - 19/9/23 to 31/8/28 **£68,415**
 - G. Award for expected losses 1/9/28 to 31/8/32 **£84,683.20**
 - H. Pension Loss **£112,477.57**

- I. Interest on A to E above (see Annex 2) **£63,687.28**
- J. Amount payable to take account of tax payable (grossing up) (see Annex 3)
£251,236.67
- K. LESS deduction for amounts received of £35321.10

Total Award payable (including interest and grossing up) **£800,713.59**

This award is payable within 14 days of the date that this Judgment is sent to the parties.

Employment Judge **Leach**

Date 3 October 2023

JUDGMENT SENT TO THE PARTIES ON
10 October 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.

ANNEX ONE

Breakdown of past and future financial losses

A. Loss up to date of Remedy Hearing (date of 31 August 2023 has been used)

1/3/19 to 31/8/19 Loss of net pay at Grade L9 = £18,257.62

1/9/19 to 31/8/20 Loss of net pay at grade L10 = 38,483.25

1/9/20 to 31/8/21 Loss of net pay at Grade L11 = £40,568.25

(NB The following losses then postdate dismissal and are taxable)

1/9/21 to 31/8/22 Loss of net pay at Grade L11 = 40,568.25

1/9/22 to 31/8/23 Loss of net pay at Grade L11 =42,597.00

Total Losses therefore **£180,474.37**

B. Loss from 1/9/23 to 31/8/28

A predicted net annual loss (without deduction) of £27,366. A deduction of 50% applied.

Total therefore for the 5 years of **£68,415**

C. Loss from 1/9/28 to 31/9/32

Amount awarded of **£84,683.20**

D. Pension Losses

Amount awarded of **£112,477.57**

Total therefore £446,050.14

ANNEX TWO

Calculation of Interest

A. Calculation of interest on General Damages of £75,000

Calculation of 8% interest from date of discrimination (20 August 2018) to date of hearing – 5 years and 40 days.

Interest is £30,658.

B. Calculation of interest on past pecuniary losses of £180,474,37

Calculation of interest from a mid-point date of 15 June 2021 (a period of 2 years and 105 days) . One year's interest is £14,437.95.

Interest for the relevant period therefore is £33,029.28

C. Total interest payable therefore is £63,687.28

ANNEX THREE

Grossing Up

The following elements of the award must be grossed up to take account of tax payable.

1. Basic Award	£14,688
2. Losses from date of dismissal to 31/8/23 (remedy hearing)	£83,165
3. Amounts awarded for future loss (being 68514 plus 84683.20)	£153,197.20
4. Pension Losses	£112,477.57
Total therefore for grossing up purposes	£363,527.77

Grossing Up calculation and method

- A. Deduct £30,000 tax free allowance (but less tax free – redundancy - payment already made on termination) £30,000-14,627.40 = £15,372.60
- B. This leaves £348,900.37. Tax is payable on this amount.

Award breakdown				
Annual Salary Bracket	Tax rate	Gross award within bracket	Tax within bracket	Net award within bracket
£12,570	0%	£12,570	£0	£12,570
£50,270	20%	£37,700	£7,540	£30,160
£125,140	40%	£74,870	£29,948	£44,922
> £125,140	45%	474,997.04	£145,094	£261,248.37
	Totals	£600,137.04	£182,582	£348,900.37

- C. Respondent must pay £600,137.04 in order for the claimant to receive £348,900.37
- D. The additional amount payable by way of grossing up is £600,137.04 – 348,900.77 = **£251,236.67**



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2417254/2018**

Name of case: **Mrs J A Healey** v **Lancashire County Council**

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: 10 October 2023

the calculation day in this case is: 11 October 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.