



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Miss Samantha Hodgkinson -v- **(1) Woods Catering Staffordshire Limited**
(2) Neil Wood
**(3) The Secretary of State for Business,
 Energy & Industrial Strategy**

FINAL MERITS HEARING

Heard: **at the Employment Tribunal sitting in Birmingham**On: **29 & 30 August 2023**Before: **Employment Judge Perry, Mrs R Forrest & Mr P Davis**

Appearances

For the Claimant: **In person assisted by her daughter Miss A Hodgkinson**For the Respondents: **No appearance**

JUDGMENT

1. The first and second respondents contravened part 5 of the Equality Act 2010. The claimant's complaint that she was victimised and harassed on grounds of disability in breach of Part 5 Equality Act 2010 succeeds. Her complaint that the first and second respondent failed to make reasonable adjustments is dismissed. She is awarded the following :-

Compensation from start of sickness absence to dismissal (18/03/2021 to 07/04/2022)	55 weeks at £329.27 per week	£18,109.85
Less SSP paid in the period (18/03/2021 to 07/04/2022)		-£2,775.80
Compensation from expiry of statutory notice to age 67(12/05/2022 to 13/06/2030)	422 * weeks at £329.27 per week	£138,951.94
Sub Total		£154,285.99
Interest on above at 8% from mid point (22/05/2022 to 30/08/2023)	465 days at £33.82 per day	£15,724.49
Injury to feelings		£21,500.00
Interest at 8% from date of discrimination (11/02/2021 to 30/08/2023)	930 days at £4.71per day	£4,382.47
Total		£195,892.95



2. The first respondent failed to compensate the claimant in relation to the claimant's entitlement to holiday leave that had accrued as at the termination of the claimant's employment pursuant to the Working Time Regulations 1998 (SI 1998/1833). The first respondent is ordered to pay **£2,135.70** (gross) to the claimant in respect of the accrued leave entitlement.

01/01/21 – 31/12/21	5.6 weeks	at £305.10 per week	£1,708.56
01/01/22 - 07/04/22	¼ x 5.6 weeks	at £305.10 per week	£427.14
Total			£2,135.70

3. The claimant was dismissed in breach of contract on 7 April 2022. The first respondent is ordered to pay total **£2,161.95** (gross) to the claimant made up as follows:-

pension payments shortfall 2020-2021	£515.60
5 weeks notice pay at £329.27 (£305.10 plus employer's pension contributions of £24.17) per week	£1,646.35
Total	£2,161.95

4. The claimant was unfairly dismissed by the respondent on 7 April 2022 . Her complaint that she was unfairly dismissed is well founded. The first respondent is ordered to pay to the claimant the sum of **£2,208.56** calculated as follows as compensation for unfair dismissal.

Basic Award

7.5 weeks at £305.10 per week **£2,288.25†**

Compensatory Award

Loss of statutory rights £500.00

No further award is made as this duplicates the awards for discrimination and wrongful dismissal £0.00

Total **£2,788.25†**

5. The sums above shall be grossed-up to reflect the tax payable as follows:-

Sub-total (paragraphs 1 - 4)	<u>£203,558.54†</u>
Tax	<u>£116,916.98†</u>
Total	<u>£320,475.52†</u>

6. All other complaints are dismissed.

7. The second respondent behaved unreasonably in the way proceedings were conducted and failed to comply with tribunal orders prior to his response being struck out. He is ordered to pay to the claimant her preparation time summarily assessed in the sum of £7,600.00.

8. By virtue of having made no applicable award the Employment Protection (Recoupment of Jobseekers Allowance & Income Support) Regulations 1996 do not apply.

Employment Judge Perry
30 August 2023



Case Number: 1303148/2021

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.

The Employment Tribunal is required to maintain a register of all judgments and written reasons. The register must be accessible to the public. Shortly after a copy of all judgments and reasons are sent to the parties a copy will be published, in full, at www.gov.uk/employment-tribunal-decisions. The Employment Tribunal has no power to refuse to place a judgment or reasons on the online register, or to remove a judgment or reasons from the register once they have been placed there. If you consider that these documents should be anonymised in any way prior to publication, you will need to apply to the Employment Tribunal for an order to that effect under Rule 50 of the Employment Tribunal's Rules of Procedure. Such an application would need to be copied to all other parties for comment.