



EMPLOYMENT TRIBUNALS

Claimant: Dr M Verma

Respondent: Blackpool Teaching Hospitals NHS Foundation Trust

Heard at: Manchester (remotely, by telephone) **On:** 19,20 December 2023

Before: Employment Judge Leach; Mr A. Gill; Mr. A Clarke

Representatives

For the claimant: Ms Tether (Counsel)

For the respondent: Mr Smith (Solicitor)

JUDGMENT - REMEDY

1. Liability in this case was determined following a final hearing in January 2023.
2. The claimant succeeded in complaints under section 20/21 Equality Act 2010 of failures to make reasonable adjustments.
3. This hearing was listed to consider and determine remedy.
4. The Tribunal makes the recommendation attached at Schedule One in terms agreed between the parties.
5. The Tribunal awards compensation as set out below.
 - A. An award for personal injury of **£13,500**
 - B. An award for Injury to Feelings of **£15,000**
 - C. Interest on A and B above = **£5572.32**
 - D. Loss of earnings (between 27 January 2022 and 4 May 2023) **£45418.51 Net**
 - E. Interest on the Loss of earnings **£3472.55**
 - F. Grossing up amounts under D and E above (taking account of income tax and National insurance) in accordance with Schedule 2 attached **£64, 776.90.**

Total compensation payable (including interest and grossing up) **A + B+ C. + F = £98,849.22**

Dates for Payment

6. The Compensation is payable as follows

6.1 £34072.32 is payable on or before 8 January 2024

6.2 £64,776 (subject to adjustment in accordance with the terms of the recommendation) is payable on or before 31 January 2024

Employment Judge **Leach**

Date 20 December 2023

JUDGMENT SENT TO THE PARTIES ON
2 January 2024

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.

SCHEDULE ONE

RECOMMENDATION

The Tribunal makes a recommendation pursuant to section 124(3) Equality Act 2010 in terms agreed between the parties, as follows:-

A. That, on or before 31 January 2024, the respondent makes such payments (contributions) into the 2015 NHS Pension Scheme as will provide the claimant with pensionable service for an additional 149 days more than her existing entitlement, at the level of salary that the claimant was entitled to (but for her absence due to sickness) in the 12 month period from 1 April 2022 -31 March 2023.

Contributions shall be paid as follows:-

A1. The employer contributions shall be paid by the respondent at nil cost to the claimant.

A2. The employee contributions shall be deducted from the compensation payable to the claimant under this judgment.

B. In the event that the respondent is unable to make the payments for whatever reason to increase the claimant's pensionable service in accordance with A above, then the parties have agreed that the respondent shall pay an additional amount by way of financial compensation of £6647 plus interest on and grossing up of that amount.

SCHEDULE 2

Grossing Up calculation to the net compensation amount of £45,418.51

Income Tax and National Insurance are deductible from the compensation for loss of earnings.

It is necessary to calculate the amount payable to the claimant so that she receives the net amount of £45,418,51

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%	£10,268.43	1792.34	£6161.06
> £125,140	45%	NIL	NIL	NIL
	Totals	£60538.43	£	£48891.06

Calculation of gross up amount for NI purposes

Award breakdown				
Annual Salary Bracket	National Insurance rate	Gross award within bracket	NI within bracket	Net award within bracket
£12,570	0%	£12,570	£0	£12,570
£50,270	12%	£34272.73	4112.73	£30,160
£125,140	2%	£6286.80	125.74	£6161.06
> £125,140	45%	NIL	NIL	NIL
	Totals	£53129.53	£	£48891.06

The amount to be paid to gross up for NI purposes is £4238.47

Add this to the £60,538.43 grossed up amount for tax purposes = **£64,776.90**



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2415155/2021**

Name of case: **Dr M Verma** v **Blackpool Teaching
Hospitals NHS
Foundation Trust**

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: 2 January 2024

the calculation day in this case is: 3 January 2024

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.