



EMPLOYMENT TRIBUNALS

Claimant: Ms C Whelpley

Respondent: Cardiff Mind Limited

Heard at: By video

On: 26 January 2024

Before: Employment Judge S Moore

Representation

Claimant: Mr Toms, Counsel

Respondent: Mr Moore, Counsel

JUDGMENT ON REMEDY

1. The Respondent is ordered to pay the Claimant:

- a basic award of £329.00;
- a compensatory award of £40,090.75 reduced to 33,443.28 by the statutory cap;
- the sum of £500 for loss of statutory rights.

Note that these are actual the sums payable to the claimant after any deductions or uplifts have been applied.

2. The Respondent unreasonably failed to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures 2015 and it is just and equitable to increase the compensatory award payable to the claimant by 25 % in accordance with s 207A Trade Union & Labour Relations (Consolidation) Act 1992.

3. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply:

- a. The total monetary award (i.e. the compensatory award plus basic award) payable to the claimant for unfair dismissal is **£33,443.28**.
- b. The prescribed element is **£23,395.45**.
- c. The period of the prescribed element is from **1 April 2023 to 26 January 2024**.
- d. The difference between (1) and (2) is **£10,047.83**.

Employment Judge S Moore

Date: 26 January 2024

JUDGMENT SENT TO THE PARTIES ON 29 January 2024

FOR THE TRIBUNAL OFFICE Mr N Roche

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.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>