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EMPLOYMENT TRIBUNALS

Claimant: Ms Victoria Pearson

Respondents: (1) The Belsteads Group Ltd.
(2) Ms Kerry Pollard
(3) Mr Alec Cussell
(4) Ms Joanne Turner

Heard at: East London Hearing Centre (by CVP)

On: 5 and 6 December 2023

Before: Employment Judge B Elgot
Members: Mr D Ross
Mr J Webb

Representation

Claimant: Mr E Johnson (Lay representative)
Respondents: Mr P Maratos (Legal Consultant)

The Tribunal gave judgment as follows:-

CORRECTED REMEDY JUDGMENT

1. The Claimant having succeeded in the claims set out in the Liability Judgment dated 27 July 2023 and sent to the parties on 7 August 2023 the Tribunal has determined the remedy to be awarded to her as a matter of the joint and several liability to pay by R1, R3 and R4.
2. There is an outstanding application dated 30 November 2023 for an out of time reconsideration of the liability judgment against R2 on the ground that she was unaware of the proceedings and was not served with the Claim. We have decided that the judgment in relation only to R2 shall be reconsidered at a hearing of one day's duration on a date to be fixed. A Notice of Hearing will be sent out in due course.
3. Thereafter the liability of any or all of the four respondents to pay additional compensation in respect of those claims which have succeeded against R2 will be determined at a separate remedy hearing.
4. By reference to paragraph 160 of the liability judgment and in respect of the finding by the Tribunal that R1, R3 and R4 subjected the Claimant to detriment by extending

her probationary period on 24 April 2020 on the ground that she made a protected disclosure on 4 April 2020 we award compensation for injury to feelings for which R1, R3 and R4 have joint and several liability to pay as follows :-

Injury to Feelings	£ 3000
15 % uplift for unreasonable failure to comply with the ACAS Code of Practice on Disciplinary and Grievance 2015	£ 450
Total	£ 3450

We do not consider it just and equitable to make any reduction under section 49 (5) Employment Rights Act 1996 in respect of any action by the Claimant which caused or contributed to the detrimental action taken by the relevant respondents R1, R3 and R4.

Interest on this award of £3450 is included and is calculated in accordance with the Employment Tribunals ((Interest on Awards in Discrimination Cases) Regulations 1996. Interest is calculated as simple interest accruing day to day at 8% as follows:-

Date of act of contravention/discrimination	24 April 2020
Date of calculation	6 December 2023
Duration is 1322 days	

Interest	£ 999.13
Total	£4449.13

5. IN RESPECT OF THE FINDING BY THE TRIBUNAL THAT R1 AND R3 SUBJECTED THE CLAIMANT TO DETRIMENT BY INSTIGATING ON 7 JULY 2020 AND PURSUING A WORKPLACE INVESTIGATION ON THE GROUND THAT SHE MADE A PROTECTED DISCLOSURE ON 4 APRIL 2020 WE AWARD COMPENSATION FOR INJURY TO FEELINGS FOR WHICH R1 AND R3 HAVE JOINT AND SEVERAL LIABILITY TO PAY AS FOLLOWS :-

Injury to feelings	£7500
15% ACAS uplift as above	£ 1125
Total	£8625

We do not consider it just and equitable to make any reduction in compensation in respect of any of the Claimant's actions or omissions which caused or contributed to the detriment to which she was subjected.

Interest

Date of contravention/discrimination is 7 July 2020

The date of calculation is 6 December 2023.

The duration is 1248 days

Interest is	£ 2358.31
Total	£10,983.31

6. Pregnancy and Maternity Discrimination

By reference to our findings in paragraphs 138-155 of the Liability Judgment we award compensation for injury to feelings to the Claimant which sum is jointly and severally the liability of R1 and R3 to pay.

Injury to feelings £ 6000

There is no uplift because we find that there is no relevant Code of Practice which applies to this part of the proceedings.

Interest

The date of discrimination was 11 August 2020

The date of calculation is 6 December 2023

The duration is 1213 days

Interest at 8% per annum on injury to feelings award is £1594.66

Total is **£ 7594.66**

7. Harassment related to the protected characteristic of sex

By reference to our findings in paragraphs 156-159 of the Liability Judgment we make an award to the Claimant for injury to her feelings against R1 and R3 who have joint and several liability to pay.

Injury to feelings £ 5000

No uplift applies

Interest at 8% per annum is payable as follows :-

Date of discrimination is on or around 1 August 2020

Date of calculation is 6 December 2023

Duration is 1223 days

Interest is £ 1339.82

Total is **£6339.82**

8. Section 38 Employment Act 2002 (failure to give statement of employment particulars under section 1(1) Employment Rights Act 1996). The Claimant having succeeded

in some of her other claims and the Tribunal having found that R1 was unreasonably in breach of its duty under section 1 of the 1996 Act we make an award of the minimum amount equal to two weeks' pay. We do not consider it just and equitable to award the higher amount of four weeks' pay.

2 x £ 398 pw = **£796**

9. The amounts payable to the Claimant **within 21 days** are as follows :-

First Respondent must pay £796 as its sole liability as employer.

The total payable in respect of injury to feelings (plus interest) is £29,366.92.

Total £30,162.92

Employment Judge B Elgot

12 February 2024

Note

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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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/>