



EMPLOYMENT TRIBUNALS

Claimant: Mrs B Lee

Respondent: Northern Care Alliance NHS
Foundation Trust

Held at: Manchester Employment Tribunal **On:** 8 April 2024

Before: Employment Judge Barker
Mr Q Colburn
Mr M Stemp

Representation:
Claimant: In person
Respondent: Mr Gibson, solicitor

REMEDY JUDGMENT

The unanimous judgment of the Tribunal is that the respondent is to pay to the claimant the sum of £42,962.29 (that is, £40,369.83 when grossed up to take account of tax), comprised as follows:

- a. The claimant is entitled to be paid compensation for discrimination and unfair dismissal as follows:
 - i. A basic award of £6,689.40;
 - ii. A compensatory award calculated as follows:
 1. Losses from the date of termination, that is, 25 August 2021, to the date of alternative employment (31 October 2022), a period of 61.5 weeks at a net weekly wage of £178.44, a total of £10,974.06;
 2. Loss of statutory rights of £500;
 3. Interest on the losses of £10,974.06 and £500 at the rate

of 8% from the mid-point of the period of loss to today's date, a period of 479 days, being £1,204.60;

4. No award is made for future loss of earnings as the claimant has mitigated her losses as of 31 October 2022.
 5. The total award for financial losses for dismissal is £19,368.06. This award is taxable as it is for termination arising from discrimination (s401 Income Tax Earnings and Pensions Act 2003.). All of this award falls below the £30,000 tax free limit on termination payments and so will not be grossed-up.
- iii. The claimant is awarded a sum for injury to feelings as a result of disability discrimination as follows:
1. For injury to feelings - £17,000;
 2. Interest on the award for injury to feelings of 8% calculated from the date of the discriminatory act (1 May 2021) to today's date, which is 1074 days, which interest amounts to £4001.75.
 3. The total award for injury to feelings and interest thereon is £21,001.75.
 4. The injury to feelings award arose in connection with the claimant's dismissal and is taxable (s401 Income Tax Earnings and Pensions Act 2003.).
 5. The amount of the injury to feelings award that will be taxed is £10,369.83. This is the sum which remains when the £30,000 tax free amount is applied to the total award. The sum of £10,369.83 is to be grossed up at the marginal rate of tax of 20%. This = £12,962.29.
 6. The total grossed award for injury to feelings and interest thereon is £23,594.21.
- iv. The grossing-up of the claimant's award was made without submissions from the parties of the Tribunal's own initiative, on the basis that the claimant is a basic rate tax payer and taking into account her presumed personal allowance of £12,570. It was not raised by either party during the hearing. If either party objects to this course of action, any applications for reconsideration of decision should be made to the Tribunal within 14 days of the date this judgment is sent to the parties.

Employment Judge Barker
8 April 2024

JUDGMENT SENT TO THE PARTIES ON

22 April 2024

FOR THE SECRETARY OF EMPLOYMENT TRIBUNALS

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.

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>



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2411187/2021**

Name of case: **Mrs B Lee** v **Northern Care Alliance
NHS Foundation Trust**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party 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: 22 April 2024

the calculation day in this case is: 23 April 2024

the stipulated rate of interest is: **8% per annum.**

For the Employment Tribunal Office