



EMPLOYMENT TRIBUNALS

Claimant: Mrs L Williams
Respondent: Mersey Care NHS Foundation Trust
Heard at: Liverpool
On: 6, 7, 8 and 9 February 2024 (in person) and 30 April 2024 (CVP)
Before: Employment Judge Horne, sitting with
Members: Mr A Clarke and Ms P Owen

Representatives

For the claimant: Mr R Ross, counsel

For the respondent on 6-9 February 2024: Mr J Kinsey, counsel

For the respondent on 30 April 2024: Ms B Worthington, solicitor

The unanimous judgment of the tribunal is as follows:

JUDGMENT

1. The tribunal has jurisdiction to consider the claimant's complaint that the respondent discriminated against her because of maternity by failing to consult or communicate with her regarding the change of base from Edge Lane to Prescot.
2. That complaint is well founded.
3. The tribunal did not determine whether it had jurisdiction to consider the remainder of the claim.
4. Except as declared in paragraphs 1 and 2, the respondent did not discriminate against the claimant because of maternity.
5. The respondent did not discriminate against the claimant because of pregnancy.
6. The respondent did not discriminate against the claimant because of sex.
7. The respondent did not harass the claimant.
8. The claimant was not constructively dismissed. Her complaints of unfair dismissal and discriminatory dismissal are therefore not well-founded.

9. As a remedy for the unlawful discrimination declared in paragraphs 1 and 2, the respondent is ordered to pay the claimant damages of £4,000.00, with interest of £541, making a total of £4,541.00.

Employment Judge Horne

30 April 2024

SENT TO THE PARTIES ON
3 May 2024

FOR THE TRIBUNAL OFFICE

Notes

Written reasons for paragraphs 1 to 8 of the judgment have been requested in accordance with rule 62 of the Employment Tribunal Rules of Procedure 2013. These will follow.

Reasons for paragraph 9 having been given orally at the hearing, written reasons will not be provided unless 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

Tribunal case number: **2404408/2023**

Mrs L Williams v Mersey Care NHS Foundation Trust

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 3 May 2024

"the calculation day" is: 4 May 2024

"the stipulated rate of interest" is: **8%**

Mr P Guilfoyle
For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at www.gov.uk/government/collections/employment-tribunal-forms

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.