



EMPLOYMENT TRIBUNALS

Claimant: Ms Malabver-Goulbourne
Respondent: Arbor Academy Trust
Heard at: East London Hearing Centre
On: 16 January 2024
Before: Employment Judge Jones

Claimant: Ms A Palmer, Counsel
Respondent: Mr M Palmer, Counsel

REMEDY JUDGMENT

1. The Claimant was successful in her complaint of unfair dismissal.
2. The Claimant is entitled to the following Remedy for her successful claim.

Basic Award

3. The Claimant was employed from 1 May 2005 and on 5 May 2022. She was employed for 17 years with 3 years over the age of 41. $(14 + 1.5 \times 3) = 18.5$ weeks \times £571 per week = £10,563.50

less 20% (contributory fault) = £2,112.70 = **£8,450.80**

Compensatory Award

4. The calculations were done in two periods to take into account school academic years. Period 1 = 1 January 2023 – 31 August 2023, and Period 2 = 1 September 2023 – 16 January 2024 (remedy hearing) and continuing on to 31 August 2024, being the end of the academic year.

Losses in period 1 = 34.7 weeks \times £1,623.55 = £56,360.22

Losses in period 2 = 19.7 weeks \times £1,737.04 = £34,244.50

£90,604.72

Less net earnings from supply teaching in mitigation = £18,348.38

Less estimated earnings from the period 1 - 16 January 2024 = 2 weeks
@ £816.19 = £1,632.38, and
Less credit for 3% pension contributions = £599.42

$£18,348.38 + £1,632.38 + £599.42 = £20,580.18.$
 $£90,604.72 - £20,580.18 = \mathbf{£70,024.54}$

5. The Claimant is entitled to £500 for loss of statutory rights = **£500.00**
6. The sum for the losses continuing to 31 August 2024 = 32.6 weeks between 16 January and 31 August 2024 = $£1,185.82 \times 32.6 = £38,623.98.$
7. The Compensatory Award calculations are therefore $£70,024.54 + £38,623.98 = \mathbf{£109,148.51}.$
8. This sum has to be reduced by 20% for contribution = $£109,148.51 \times 20\% = £21,829.70.$ $(£109,148.51 - £21,829.70) = £87,318.81.$
9. This sum has to be grossed up to ensure that the Claimant receives the sum of £87,318.81 after tax. The grossed-up figure is £145,003.00. This exceeds the statutory cap of a year's wages. The Tribunal has to apply the cap of £93,878.00 which was the Claimant's annual wage (gross salary + Employer's pension contributions).
10. The Claimant is therefore awarded a Basic Award of **£8,450.80** and a Compensatory Award of **£93,878.00** as her total compensation for her successful complaint of unfair dismissal.
11. The Respondent is ordered to pay the Claimant the total sum of **£102,328.80** as her remedy judgment.

Employment Judge Jones
Dated: 5 June 2024