



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs M W Vithana

**Respondents:** West London NHS Trust (R1)  
Ms Innocencia Mashamba (R2)  
Mr Vitus Okereafor (R3)  
Mr Timothy Brackpool (R4)

**Heard at:** Watford

**On:** 18,19,20,21 & 22 March 2024  
25,26 & 27 March 2024 (in  
chambers) & 2 July 2024

**Before:** Employment Judge Bansal  
Mrs J Hancock  
Mr T Poil

**Representation:**

**Claimant:** In Person  
**Respondent:** Mr B Jones (Counsel)

## JUDGMENT ON LIABILITY & REMEDY

The unanimous decision of the Tribunal is that;

1. The claimant's claims of direct discrimination on the grounds of race and sex; harassment on the grounds of race and sex; detriments suffered for making public interest disclosures and raising health and safety concerns; unlawful deduction of wages and holiday pay are not well founded and are dismissed.
2. The claimant's claim of victimisation against the First and Fourth Respondent is well founded and succeeds.
3. The claimant's claim of constructive unfair dismissal against the First Respondent is well founded and succeeds.
4. The claims against the Second and Third Respondent are dismissed.

## REMEDY

5. The First Respondent is ordered to pay the claimant the sum of **£2,132.00**, compensation for constructive unfair dismissal. This award comprises of (i)

Basic Award of 1632.00, and (ii) Loss of Statutory Rights £500. This sum is payable forthwith.

6. The First and/or Fourth Respondent are ordered to pay to the claimant compensation for injury to feelings in the total sum of **£9,227.67**. This award comprises of £7,500 for injury to feelings and interest of £1,727.67. This sum is payable forthwith.
7. The Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply to these awards.

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**Employment Judge Bansal**  
**Date 3 July 2024**

JUDGMENT SENT TO THE PARTIES ON  
4 July 2024

FOR THE TRIBUNAL OFFICE

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.

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