



EMPLOYMENT TRIBUNALS

Claimant: Ms A Idowu

Respondent: West London YMCA

Heard at: Reading by CVP

On: 15 July 2024

Before: Employment Judge Findlay and
Members: Mr C. Juden and Mr F. Wright

Representation

Claimant: In person

Respondent: Ms J Linford (Counsel)

REMEDY JUDGMENT

The respondent having been found to have unfairly dismissed the claimant, it shall pay the claimant **£22,748.34** calculated as follows:

1. Basic award in the agreed sum of $\pounds(7 \times 374.46) = \pounds 2621.22$;
2. A compensatory award in the sum of **£20,127.12**, being limited to the amount specified in section 124(1ZA)(b) of the Employment Rights Act 1996 calculated as follows :
 - Loss of earnings** 18.3.22 to 15.7.24:
121 weeks x $\pounds 319.18$ (net pay) = $\pounds 38,620.78$
 - Loss of Statutory Rights** = $\pounds 500$
 - Job-seeking expenses**
(DBS and Healthcare training) = $\pounds 80.90$
 - Total loss $\pounds 39,201.68$
 - Minus earnings in that period $\pounds 4,000$
 - Loss** **$\pounds 35,201.68$**
 - Minus 15% "Polkey" reduction = $\pounds 29,921.43$
 - Plus 15% ACAS uplift = $\pounds 34,409.65$
 - But statutory limit under section 124(1ZA)(b)**
= $\pounds(52 \times 387.06) = \pounds 20,127.12$
3. The prescribed particulars for the purposes of the **Employment Protection (Recoupment of Benefit) Regulations) 1996** are as follows:
 - (a) **Monetary award** = $\pounds(20,127.12 + 2621.22) = \pounds 22,748.34$

- (b) **Prescribed element** : $[(20,127.12/34,409.65 \times 100) = 58\% \times 20,127.12$
as per regulation 4(2) EP(R)Regulations 1996 = **£11,673.73**
- (c) The prescribed element is attributable to the period **18 March 2022 – 15 July 2024**;
- (d) The **monetary award exceeds the prescribed element** by :
- £22,748.34 – 11673.73 = £11074.61.**

Employment Judge Findlay

23 July 2024

Date _____

JUDGMENT SENT TO THE PARTIES ON
28 August 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.

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/>