



# EMPLOYMENT TRIBUNALS

**Claimants:** Miss J Fish

**Respondents:** Helping Hands Property Service Ltd

## JUDGMENT

Employment Tribunals Rules of Procedure 2013, Rule 21

**The respondent not having presented a response to the claim and on the information before the Judge,**

1. The claimant was unfairly dismissed.
2. The claim for the basic award in accordance with section 119 of the Employment Rights Act 1996 is well founded. The respondent is ordered to pay the gross sum of **£937.80**.
3. The claim for a compensatory award in accordance with section 123 of the Employment Rights Act 1996 is well founded. The respondent is ordered to pay the net sum of **£13,384.88**.
4. The claimant was subjected to pregnancy and maternity discrimination.
5. The claim for compensation for injury to feelings is well founded. The respondent is ordered to pay the sum of **£12,000**.
6. The respondent is ordered to pay the sum of **£662.79** by way of interest on the award of compensation for injury to feelings.
7. The Employment Protection (Recoupment of Benefit) Regulations 1996 apply to this award. The claimant received benefits from the Department of Work and Pensions during the period of unemployment from 14 November 2023 until the date of this hearing (the prescribed period) and 1996 Regulations provide for recoupment of those benefits, calculated as the prescribed element, from any Tribunal award for unfair dismissal. The respondent must withhold the prescribed element in order for the recoupment exercise to take place.
8. During the prescribed period, the claimant would have earned £8446.88 had she returned to employment with the respondent. However, because the statutory cap has been applied to the claimant's award for compensation for unfair dismissal and

that award has been reduced by 36%, the prescribed element for the prescribed period is also reduced by 36% to £5406.

9. The prescribed element is £5406 attributable to 14 November 2023 – 23 July 2024. The total award is £26,985.47. The balance to be paid by the respondent to the claimant, pending recoupment of benefit, is **£21,579.47**. The respondent must pay any balance of the prescribed element to the claimant after recoupment of benefits.

## **REASONS**

1. The claimant worked as an administrator for the respondent property services company from 21 July 2021 to 14 November 2023.

2. The claimant complained that she was subjected to unfavourable treatment because of her pregnancy.

3. The claimant also complained that she was dismissed when she tried to return to her role after the expiry of her additional maternity leave period.

4. Prior to the expiry of the additional maternity leave period, the claimant was entitled to gross wages of £468.90 per week.

5. On termination of employment, the claimant was 28 years of age and had worked for the respondent for 2 complete years.

6. Section 119 provides that a basic award shall be calculated by establishing the number of years the claimant worked for the respondent and allowing one week's pay for each year worked that the claimant was not below the age of 22.

7. The claimant is therefore entitled to a basic award payment of £937.80.

8. Following the expiry of the additional maternity leave period, the claimant intended to return to her role part time and work 22.5 hours a week. However, the respondent terminated the claimant's employment without notice before she could return to work.

9. The Tribunal has determined that the claimant will not be able to return to work until 1 October 2026 and is entitled to receive the compensatory award from 14 November 2023 until 1 October 2026.

10. Had the claimant been able to return to work she would have received an hourly rate of pay of £10.42 up until 31 March 2024. The claimant's net weekly pay would have been £224.20.

11. From 14 November 2023 until 31 March 2024, the claimant had a net loss of wages of £4484.

12. From 1 April 2024 until 1 October 2026 the claimant would have received an hourly rate of pay of £111.44. The claimant's net weekly pay would have been £247.68.

13. From 1 April 2024 until 1 October 2026, the claimant's net loss is £32,198.47.

14. Section 124 of the Employment Rights Act 1996 states that the amount of the compensatory award is the lower of £105,707 or the gross annual pay. The claimant's gross annual pay had she been able to return to work would have been £13,384.88.

15. The claimant is therefore entitled to a compensatory award of £13,384.88.

16. The claimant gave evidence about the unfavourable treatment. The Tribunal determined that the claimant was entitled to compensation for injury to feelings in the middle band in accordance with **Vento v Chief Constable of West Yorkshire Police (No 2) (2003) IRLR 102**.

17. The claimant submitted the claim form on 5 December 2023. The middle band applicable to this claim is £11,200 - £33,700.

18. The claimant is entitled to an award for injury to feelings of £12,000.

19. The claimant is entitled to interest on the award for injury to feelings of £662.79.

20. The Tribunal determined that that claimant's dismissal was not discriminatory as it occurred after the end of the protected period.

Employment Judge Ainscough

Date: 6 September 2024

JUDGMENT SENT TO THE PARTIES ON  
10 September 2024

FOR THE TRIBUNAL OFFICE

**Public access to employment tribunal decisions**

Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

**ANNEX TO THE JUDGMENT  
(MONETARY AWARDS)**

Recoupment of Benefits

The following particulars are given pursuant to the Employment Protection (Recoupment of Benefits) Regulations 1996, SI 1996 No 2349.

The Tribunal has awarded compensation to the claimant, but not all of it should be paid immediately. This is because the Secretary of State has the right to recover (recoup) any jobseeker's allowance, income-related employment and support allowance, universal credit or income support paid to the claimant after dismissal. This will be done by way of a Recoupment Notice, which will be sent to the respondent usually within 21 days after the Tribunal's judgment was sent to the parties.

The Tribunal's judgment states: (a) the total monetary award made to the claimant; (b) an amount called the prescribed element, if any; (c) the dates of the period to which the prescribed element is attributable; and (d) the amount, if any, by which the monetary award exceeds the prescribed element. Only the prescribed element is affected by the Recoupment Notice and that part of the Tribunal's award should not be paid until the Recoupment Notice has been received.

**The difference between the monetary award and the prescribed element is payable by the respondent to the claimant immediately.**

When the Secretary of State sends the Recoupment Notice, the respondent must pay the amount specified in the Recoupment Notice to the Secretary of State. This amount can never be more than the prescribed element of any monetary award. If the amount is less than the prescribed element, the respondent must pay the balance to the claimant. If the Secretary of State informs the respondent that it is not intended to issue a Recoupment Notice, the respondent must immediately pay the whole of the prescribed element to the claimant.

The claimant will receive a copy of the Recoupment Notice from the Secretary of State. If the claimant disputes the amount in the Recoupment Notice, the claimant must inform the Secretary of State in writing within 21 days. The Tribunal has no power to resolve such disputes, which must be resolved directly between the claimant and the Secretary of State.



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2412215/2023**

Name of case: **Miss J Fish** v **Helping Hands Property  
Service Ltd**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to proceedings 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: 10 September 2024

**the calculation day** in this case is: 11 September 2024

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

Mr S Artingstall  
For the Employment Tribunal Office

## GUIDANCE NOTE

1. There is more information about Tribunal judgments here, which you should read with this guidance note:

[www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426](https://www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426)

If you do not have access to the internet, you can ask for a paper copy by telephoning the Tribunal office dealing with the claim.

2. The payment of interest on Employment Tribunal awards is governed by The Employment Tribunals (Interest) Order 1990. Interest is payable on Employment Tribunal awards if they remain wholly or partly unpaid more than 14 days after the **relevant decision day**. Sums in the award that represent costs or expenses are excluded. Interest starts to accrue from the day immediately after the **relevant decision day**, which is called **the calculation day**.
3. The date of the **relevant decision day** in your case is set out in the Notice. If the judgment is paid in full by that date, no interest will be payable. If the judgment is not paid in full by that date, interest will start to accrue from the next day.
4. Requesting written reasons after you have received a written judgment does **not** change the date of the **relevant decision day**.
5. Interest will be calculated as simple interest accruing from day to day on any part of the sum of money awarded by the Tribunal that remains unpaid.
6. If the person paying the Tribunal award is required to pay part of it to a public authority by way of tax or National Insurance, no interest is payable on that part.
7. If the Secretary of State has claimed any part of the sum awarded by the Tribunal in a recoupment notice, no interest is payable on that part.
8. If the sum awarded is varied, either because the Tribunal reconsiders its own judgment, or following an appeal to the Employment Appeal Tribunal or a higher court, interest will still be payable from **the calculation day** but it will be payable on the new sum not the sum originally awarded.
9. The online information explains how Employment Tribunal awards are enforced. The interest element of an award is enforced in the same way.