



EMPLOYMENT TRIBUNALS

Claimant: Ms J Hodkinson

Respondent: B & R Care Limited

Heard at: Manchester

On: 8 October 2024

Before: Employment Judge K M Ross
Ms C Nield
Mr P Dobson

REPRESENTATION:

Claimant: in person

Respondent: Mr Ramsbottom, Litigation Consultant.

JUDGMENT ON REMEDY

It is the unanimous judgment of the Employment Tribunal to make the following award:

1. **Injury to feelings** (inclusive of any award for psychiatric illness) and inclusive of interest - **£14,000**

Compensatory award

2. Loss for the period from 19 August 2022 to 1 February 2023 = £6,048 - £1,455.12 = **£4,592.88.**
3. Loss for the period 1 February 2023 to 1 November 2023 is £1,360.80 + £6,072.99 = £7,433.79 - £1,501.50 = **£5,932.29.**
4. Loss for the period 2 November 2023 to 8 October 2024 (to date) = £14,276.99 - £4,573.14 benefits = **£9,703.85.**
5. No award is made for future loss.
6. An uplift of 20% is awarded for the respondent's failure to follow the ACAS Code of Practice: 20% of £20,229.02 = **£4,045.80.**

7. There is no reduction in compensation for the claimant's withdrawal of her appeal.

Interest

8. Interest is calculated in accordance with the Employment Tribunals (Interest on Awards in Discrimination Cases) Regulations 1996 at 8% of the total loss of earnings of £24,274.82. The relevant date is the midpoint between the date of discrimination on 19 August 2024 and the date of calculation on 8 October 2024. The midpoint is 13 September 2023. The Tribunal calculated interest at 8% for one year from 13 September 2023 to 13 September 2024 at £1,941.88 and a further amount of £133.01 for the period 13 September 2024 to 8 October 2024. The total interest is **£2,074.99**.

Grand Total

9. The grand total of the sum payable by the respondent to the claimant within 14 days of the date of this Judgment is **£40,349.81**.

Employment Judge K M Ross
Date: 9 October 2024

JUDGMENT SENT TO THE PARTIES ON
17 October 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/>



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2409868/2022**

Name of case: **Ms J Hodkinson** v **B & R Care Limited**

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: 17 October 2024

the calculation day in this case is: 18 October 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

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.