



EMPLOYMENT TRIBUNALS

Claimant: Mrs A Wainwright

Respondent: Cennox Plc

Heard at: East London Employment Tribunal

On: 10 October 2024, 6,7 8 November 2024 and 31 March 2025

Before: Employment Judge C Lewis

Members: Ms M Legg
Ms J Isherwood

Representation

Claimant: Ms G Cullen, Counsel (on 10 October, 6, 7, 8 November 2024) and
Ms Julie Temple solicitor (on 31 March 2025)

Respondent: Ms R White, Counsel

REMEDY JUDGMENT

1. The Claimant having succeeded in her claims that she was constructively dismissed and that her dismissal was discriminatory and the Tribunal having decided the amount of the award for injury to feelings in a judgment sent to the parties on 5 August 2024, the Tribunal makes the following award in respect of the Claimant's financial losses and interest.
2. At the hearing on 8 November 2024 the Claimant was asked to provide the figures for grossing up to include in the judgment and for the final calculations to be agreed with the Respondent if possible. The figures set out below reflect respect the parties' calculations following the oral decision in November 2024 in which the Tribunal set out its findings on the issues relevant to remedy, and a provisional table provided by the Tribunal to the parties subject to grossing up calculations. The figures for accelerated receipt, interest and grossing up have been agreed by the parties following the hearing on 31 March 2025.

The Written Reasons requested by the Respondent at the hearing on 8 November 2024 are to follow.

REMEDY

1. Basic award

Claimants date of birth - 26/12/1976

Claimants age (years) at effective date of terminations (EDT): 42

Period of service from 22/07/2002

To 27/09/2019

Total continuous service (years) 17

$16 \times 1 \times £525 = £8,400.00$

$1 \times 1.5 \times 525 = £787.50$

Total basic award = £9,187.50

2. Compensation for discrimination

2.1 Loss of statutory rights **£900.00**

2.2 Injury to feelings **£40,000.00**

2.3 Financial losses

Past losses

Table A:

| <u>Past loss of income</u> <u>Each April</u> <u>annual</u> <u>increase of</u> <u>1.7%</u> | <u>Salary £ per annum</u> | <u>Employee pension (5%)</u> | <u>Pension employer's contribution @ 3%</u> | <u>Bonus</u> |
|---|-------------------------------------|-------------------------------|---|----------------------------------|
| October 2019-March 2020 - gross | (85,000.00 ((x 6/12)) £42,500.00 | £4,250 (x6/12) (£2,125.00) | £2,550.00 (x 6/12) (£1,275.00) | 5353.52 (x 6/12) (£2,676.76) |
| net | £28,917.92 | £2,125.00 | £1,275.00 | £320.02 |
| April 2020-2021 - gross | £86,445.00 | £4,322.25 | £2,593.35 | £5,444.53 |
| Net | £56,271.20 | £4,322.25 | £2,593.35 | £3,157.82 |
| April 2021-2022 - gross | £87,914.56 | £4,395.73 | £2,637.44 | £5,537.09 |
| Net | £57,130.08 | £4,395.73 | £2,637.44 | £3,211.51 |
| April 2022-2023 - gross | £89,409.11 | £4,470.46 | £2,682.27 | £5,631.22 |
| Net | £58,313.82 | £4,470.46 | £2,682.27 | £3,266.10 |

| | | | | |
|--|---------------------------------------|----------------------------------|---------------------------------|-----------------------------------|
| April 2023-2024 -gross | £90,929.06 | £4,546.45 | £2,727.87 | £5,726.95 |
| Net | £59,905.32 | £4,546.45 | £2,727.87 | £3,321.63 |
| April 2024— to 8 November 2024 gross | £92,474.85 (x 8 /12) (£61,649.90) | £4,623.74 (x8/12) (£3,082.50) | 2774.24 (x 8/12) (£1,849.50) | £5,824.31 (x 8/12) (£3,882.87) |
| Net | £41,007.36 | £3,082.50 | £1,849.50 | £2,252.07 |
| Total past loss of income to 8 November 2024 [before deductions for sums received.] gross | £458,847.63 | £22,942.38 | £13,765.43 | £28,899.42 |
| Net | £301,545.70 | £22,942.38 | £13,765.43 | £15,529.15 |
| TOTAL GROSS | £524,545.86 | | | |
| TOTAL NET | £353,782.66 | | | |

Table B:

| <u>Past loss of employee benefits</u> | <u>Weekly amount</u> | <u>No of weeks to 8/11/24</u> |
|---|-----------------------------|--------------------------------------|
| Cost of replacing private health insurance | £207.95 | |
| Life insurance | £2.70 | |
| EAP | £2.70 | |
| Income protection | £2.70 | |
| Total | £216.05 | 266 |
| Total loss to 8/11/24 | £57,469.30 | |

Table C : Business expenses – past loss

| <u>Reasonable expenses in setting up and running own business – as per SOL dated 7/11/24</u> | | |
|---|------------|------------------|
| 2019-2020 | £8,177.28 | |
| 2020-2021 | £11,658.50 | |
| 2021-2022 | £7,241.39 | |
| 2022-2023 | £1,089.04 | |
| 2023-2024 | £4,325.53 | |
| 2024-2025 | £5,057.03 | To year end 2025 |

| | | |
|--------------|-------------------|--|
| total | £37,548.77 | |
|--------------|-------------------|--|

Table D: Less credit for income received.

| Benefit received | period | amount |
|------------------|------------------|------------------|
| ESA | 28/9/19- 19/2/20 | £1,409.79 |
| Universal Credit | 4/8/20-3/9/21 | £341.66 |
| Total | | £1,751.45 |

| Income received to 8/11/24 As per SOL | Gross figures | |
|--|-------------------|--|
| 2021-2022 | £2,905.00 | |
| 2022-2023 | £11,082.50 | |
| 2023-2024 | £22,016.75 | |
| 2024-2025 | £13,668.54 | |
| Total income | £49,672.79 | |
| Tax | £1,940.68 | |
| Net pay | £47,732.11 | |
| including benefits | £49,483.56 | |

Past loss totals = A + B + C – D

$$£353,782.66 + £57,469.30 + £37,548.77 - £49,483.56 = \mathbf{£399,317.17}$$

FUTURE Loss from 8 November 2024 to 8 November 2030

Table A

| <u>Future loss of income – before deductions for anticipated income</u> | <u>Salary</u> | <u>5%</u> | <u>Pension 3%</u> | <u>Bonus</u> | <u>Accumulated accelerated receipt discount (4.5% p/a)</u> | <u>Total after accumulated discount (4.5% p/a) accelerated receipt</u> |
|--|----------------------------------|--------------------------------|-------------------------------|----------------------------------|---|---|
| From 8 November 2024- April 2025- gross | 92474.85 (x4/12) (£30,824.95) | 4623.74 (x4/12) (£1,541.25) | 2774.24 (x 4/12) (£924.75) | 5824.31 (x 4/12) (£1,941.43) | N/A | N/A |
| Net | £20,503.68 | £1,541.25 | £924.75 | £1,126.03 | N/A | £24,095.71 |
| April 2025-2026 - gross | £94,046.92 | £4,702.35 | 2821.40 | £5,923.32 | | |
| Net | £62,377.25 | £4,702.35 | £2,821.41 | £3,435.53 | (£73,336.54 x 4.5%) £3,300.14 | £70,036.40 |
| April 2026-2027 - gross | £95,645.72 | £4,782.29 | 2869.37 | £6,024.02 | | |
| Net | £63,258.19 | £4,782.29 | £2,869.37 | £3,493.93 | (£74,403.78 x 8.7975%) £6,545.67 | £67,858.11 |
| April 2027- 2028 gross | £97,271.70 | £4,863.59 | 2918.15 | £6,126.42 | | |
| Net | £64,154.11 | £4,863.59 | £2,918.15 | £3,553.32 | (£75,489.17 x 12.016%) | £66,418.39 |

| | | | | | | |
|--|---|------------|---------------------------------|----------------------------------|--|-------------|
| | | | | | £9,070.78 | |
| April 2028 -2029 - gross | £98,925.32 | £4,946.27 | £2,967.75 | £6,230.57 | | |
| Net | £65,065.25 | £4,946.27 | £2,967.76 | £3,571.81 | (£76,551.09 x 16.8211%) £12,876.73 | £63,674.36 |
| April 2029 -2030 gross | £100,607.05 | £5,030.35 | £3,018.21 | £6,336.49 | | |
| Net | £65,991.89 | £5,030.35 | £3,018.21 | £3,292.52 | (£77,332.97 x 20.5641%) £15,902.83 | £61,430.14 |
| April 2030 – to 8 November 2030- gross | £102,317.37 (x 8/12) (£68,211.58) | £3,410.58 | 3069.52 (x 8/12) (£2,046.35) | 6444.21 (x 8 /12) (£4,296.08) | | |
| Net | £44,622.85 | £3,410.58 | £2,046.35 | £2,005.82 | (£52,085.60 x 24.1388%) £12,572.84 | £39,512.76 |
| Total future loss of income before deductions - gross | £585,533.24 | £29,276.66 | £17,566.00 | £36,878.33 | | £669,254.23 |
| Net | £385,973.22 | £29,276.68 | £17,566.00 | £20,478.96 | £60,268.99 | £453,294.86 |
| TOTAL GROSS | | | | | £669,254.23 | |
| TOTAL NET | | | | | £453,294.86 | |
| TOTAL NET AFTER DEDUCTIONS | | | | | <u>£393,025.87</u> | |

Table B:

| <u>Future loss of employee benefits</u> | <u>Weekly amount</u> | <u>Number of weeks</u> | <u>Total</u> | <u>Accumulated accelerated receipt discount (4.5% p/a)</u> | <u>Total after accumulated discount (4.5% p/a) accelerated receipt</u> |
|---|----------------------|------------------------|-------------------|--|--|
| | 216.05 | | | | |
| 8 November 2024- 5 April 2025 | | 21 | £4,537.05 | N/A | £4,537.05 |
| April 2025-2026 | | 52 | £11,234.60 | (£11,234.60 x 4.5%) £505.56 | £10,729.04 |
| April 2026-2027 | | 52 | £11,234.60 | (£11,234.60 x 8.7975%) £988.36 | £10,246.24 |
| April 2027-2028 | | 52 | £11,234.60 | (£11,234.60 x 12.016%) £1,349.95 | £9,884.65 |
| April 2028 - 2029 | | 52 | £11,234.60 | (£11,234.60 x 16.8211%) £1,889.78 | £9,344.82 |
| April 2029 - 2030 | | 52 | £11,234.60 | (£11,234.60 x 20.5641%) £2,310.29 | £8,924.31 |
| April 2030 – to 8 November 2030 | | 31 | £6,697.55 | (£6,697.55 x 24.1388%) £1,616.71 | £5,080.84 |
| Total | | 313 | £67,407.60 | £8,660.65 | £58,746.95 |

Table C: Business expenses - future

| <u>Expenses to 8 November 2029 by which time expect C to replace business income with salaried income</u> | <u>Weekly amount</u> | <u>Number of weeks</u> <u>261</u> | <u>Total</u> | <u>Accumulated accelerated receipt discount (4.5% p/a)</u> | <u>Total after accumulated discount (4.5% p/a) accelerated receipt</u> |
|---|----------------------|--------------------------------------|--------------|--|--|
| 8 November 2024- 5 April 2025 | £213.19 | 21 | £4,476.99 | N/A | £4,476.99 |
| April 2025-2026 | £213.19 | 52 | £11,085.88 | (£11,085.88 x 4.5%) £498.86 | £10,587.02 |

| | | | | | |
|---------------------------------|---------|-----|-------------------|--------------------------------------|-------------------|
| April 2026-2027 | £213.19 | 52 | £11,085.88 | (£11,085.88 x 8.7975%) £975.28 | £10,110.60 |
| April 2027-2028 | £213.19 | 52 | £11,085.88 | (£11,085.88 x 12.016%) £1,332.08 | £9,753.80 |
| April 2028-2029 | £213.19 | 52 | £11,085.88 | (£11,085.88 x 16.8211%) £1,864.76 | £9,221.12 |
| April 2029-November 2029 | £213.19 | 31 | £6,608.89 | (£6,608.89 x 20.5641%) £1,359.06 | £5,249.83 |
| Total | | 261 | £55,429.40 | £6,030.04 | £49,399.36 |

Table D – anticipated future income

| | | | |
|---|--------------------------------|--|--|
| <u>Estimated future net earnings to year end</u> | | | |
| From 8 November 2024- April 2025 | 21,022.40 (x4/12) £7,007.47 | | |
| 2025-2026 | £24,422.40 | | |
| 2026-2027 | £27,822.40 | | |
| 2027-2028 | £31,222.40 | | |
| 2028-2029 | £34,622.40 | | |
| 2029-2030 | £38,022.40 | | |
| 2030-2031 up to November 2030 | £21,022.40 | | |
| Credit given for total | £184,141.87 | | |
| plus credit for additional income to reflect Tribunal finding of reasonable to return to future net earnings approx. 52k for 2028 – 2029 and 2029- 2030 | | | |
| Additional credit for 2029- 2030 | 14,000 | | |
| 2030 – 2031 | [14,000 x 7/12] 8166.67 | | |
| | | | |
| Total income to be deducted from future loss | £206,308.54 | | |

Total future loss : A + B + C – D

£393,025.87 + £58,746.95 + £49,399.36 – £206,308.54 = **£294,863.64**

Plus interest

Interest on award

Interest under Employment Tribunals (Interest on Awards in Discrimination Cases) Regulations 1996

1. Interest on the injury to feelings award from the date of the first act of discrimination being 7 November 2018 as set out in the judgment sent to the parties on 10 May 2021 at paragraph 162.
2. Interest on financial loss to the date of the remedy hearing from the mid point

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of the first act to the calculation date (8 November 2024) We accept the Claimant's calculation of the mid point to be 9 May 2021 (7 November 2021 to 8 November 2024 = 1097 days; midpoint is 7 November 2021 plus 548 days).

| | | | interest per day | date of act | calculation date | number of days | |
|---|-------------|----|---------------------|-------------|---------------------|-------------------|-------------|
| 1 | £40,000.00 | 8% | £8.7671 | 07/11/2018 | 08/11/2024 | 2194 | £19,235.02 |
| 2 | £399,317.17 | 8% | £87.52 | 07/11/2021 | 31/03/2025 | 1241 | |
| | | | | | | | £108,612.32 |

Grossing up – to take into account Claimant's liability for tax

| Award Type | | Figures |
|--|--|----------------------|
| Basic award | | £9,187.50 |
| Loss statutory rights | | £900.00 |
| Injury to feelings | | £40,000.00 |
| Past loss | | £399,317.17 |
| Future loss (after discount for accelerated receipt) | | £294,863.64 |
| Interest | | £19,235.02 |
| | | £108,612.32 |
| Total net | | £872,115.65 |
| | | |
| Grossed up amount -on payment already made on or before 5 April 2025 | | £62,532.02 |
| Grossed up amount based on payment to be made on or after 6 April 2025 | | £1,162,329.91 |
| TOTAL GROSS AWARD | | £1,224,861.94 |

Employment Judge C Lewis
Dated: 2 May 2025