



EMPLOYMENT TRIBUNALS

Claimant: Mrs I E Odeyemi

Respondent: Cergus Group Limited

Heard at: Midlands West (Hybrid Hearing) On: 14 November 2025

Before: Employment Judge Bansal
Members – Mr P Tsouvallaris & Mrs R Pelter

Representation:

For the Claimant: In Person

For the Respondent: Dr K S Keppell (Registered Manager)

REMEDY JUDGMENT

The Respondent is ordered to pay the Claimant the total sum of **£23,614.20** (gross) which comprises of the following;

- a. Basic Award - £126.00
- b. Loss of earning for dismissal - £5292.00
- c. Acas uplift of 25% on the loss of earnings amount - £1457.66
- d. Loss of Statutory Rights - £250.00
- e. Pension Loss £162.54
- f. Wrongful dismissal - £126.00
- g. Compensation for injury to feelings - £14,000
- h. Interest on compensation for injury to feelings- £2,200

The Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply

REASONS

Introduction

1. By a Liability Judgment dated 8 September 2025 and sent to the parties on 9 September 2025 the Tribunal upheld the claimant's complaints of automatic unfair dismissal, wrongful dismissal and discrimination on the grounds of pregnancy.
2. A Remedy Hearing was heard on 14 November 2025 at which the Tribunal gave oral judgment. These reasons are provided to ensure the parties have full understanding of the judgment given and the calculations made.

Remedy Hearing

3. The Remedy Hearing was listed for 1 day. The Tribunal was provided with a bundle of documents of 13 pages presented by the claimant. No documents were disclosed by the respondent. The claimant also provided a witness statement. No Schedule of Loss was provided by the claimant.
4. The claimant appeared in person with her husband. Dr Keppell, who appeared at the Liability hearing, represented the respondent and attended remotely by CVP.
5. The claimant's witness statement of 2 pages was taken as read. The claimant was cross examined by Dr Keppell and also asked further questions by the Tribunal. The claimant sought an order for compensation and no claim for personal injury was made.

Claimant's evidence and submissions

6. The claimant did not provide a Schedule of Loss. The claimant confirmed that despite concerted efforts to find new employment she remains unemployed. The claimant explained her job searches have been confined to care roles within the care sector because of her skillset and experience. She has applied for roles as far as Essex and Lincoln. She pointed out the difficulty she has had in securing employment due to her immigration status (i.e that of a Skill Workers (Tier 2)). She explained because of this, a prospective employer must first apply for and obtain from the Home Office a Certificate of Sponsorship to employ her. She found this requirement prevented her from finding new employment as no new employer is prepared to make the required application. The claimant confirmed that in August 2025, she received written notification from the Home Office (this letter was not disclosed to the Tribunal or was copied in the bundle) that she was able to seek paid employment limited to 20 hours per week without the requirement to be sponsored pending the determination of her appeal relating to her right to stay in the United Kingdom. Since August 2025 she has been searching for work in the care sector only, and has not been successful.
7. In the bundle of documents, the claimant disclosed limited evidence of job searches made. She claimed there were more evidence of these job searches on her personal computer but were not included in the bundle. The claimant did not provide an explanation for not including this evidence.
8. Financially, the claimant confirmed since her dismissal she has been dependent on her husband's income. She has not received any monies from public funds (i.e social security, maternity pay or maternity allowance) because she is not eligible due to her immigration status.
9. The claimant confirmed that her baby was born on 16 March 2024, and that had she been in the respondent's employment she would have taken 9 months maternity, which she may have extended to 12 months depending on her financial situation.
10. In terms of the impact and effect the dismissal had on her, the claimant repeated the evidence in her witness statement, namely that emotionally it was a painful experience. She felt humiliated, was caused stress and anxiety. She spent many nights crying, worried about her unborn child, about her future

employment situation. The dismissal impacted on her financially and affected her husband's parents in Nigeria.

11. Accordingly, the claimant sought financial compensation for the unlawful acts of discrimination the Tribunal determined and the losses suffered as a consequence, taking into account the heartbreak of losing her job and the emotional stress and anxiety she suffered (including her husband) at a special time when they were looking forward to becoming first time parents, and the uncertainty this has caused for their future stay in the United Kingdom.

Respondent's submissions

12. According to Dr Keppell, her understanding was that contrary to the claimant's assertion, she would have been entitled to continue to work without restriction following her dismissal until August 2025 when she received notification from the Home Office limiting her hours of work up to 20 hours per week. In terms of mitigation, Dr Keppell submitted the claimant has not provided sufficient evidence of the job searches made to show that she has taken reasonable steps to find new employment. The applications disclosed show only 4 applications made in the last two years. Accordingly, the Tribunal should not make any award for loss of earnings. In relation to the injury to feelings suffered by the claimant, Dr Keppell submitted the claimant had exaggerated the emotional impact of her dismissal. The claimant had provided no medical evidence in support, and therefore any award for injury to feelings should be limited. Dr Keppell was invited to comment on the award the Tribunal should consider making for injury to feelings. Dr Keppell declined to address the Tribunal on this issue.

The Legal Framework

13. The Tribunal in determining the amount of compensation to be awarded to the claimant had regard to the following statutory provisions and legal authorities; s124 Equality Act 2010; the guidelines set out in Vento v Chief Constable of West Yorkshire (No2) (2003) ICR 318; Eddie Stobart Ltd v Miss Caitlin Graham (2025) EAT 14; Ministry of Defence v Cannock (1994) ICR 918; Wilding v British Telecommunications PLC (2002) ICR 1079. The Employment Tribunal (Interest on Awards in Discrimination Cases) Regulations 1996; and the ACAS Code of Practice.

Conclusion

14. The Tribunal found the claimant to be honest and a credible witness and did not find she exaggerated her evidence or the impact of the respondent's unlawful conduct had on her emotional wellbeing. The Tribunal did not agree with Dr Keppell's submissions that the claimant had exaggerated her evidence and that following dismissal the claimant was able to work without restriction and therefore her loss of earnings should be limited. The fact is that the claimant could only secure new employment if the proposed new employer first obtained a Certificate of Sponsorship.
15. In assessing the loss of earnings claim, the claimant disclosed 3 pay slips issued by the respondent covering the working hours she had worked during her period of employment. The average number of hours worked amounted to

12 hours per week. She was paid at the rate of £10.50 per hour. The amount she received was £126 (gross). The Tribunal concluded that although the claimant was told her contractual working hours were 40 hours per week and was therefore required to be available to work 40 hours, the reality of the situation was that the claimant had only been offered and worked on average 12 hours per week during the period of her employment. The Tribunal therefore determined the loss of earnings claims based on 12 hours per week.

16. In assessing compensation for loss of earnings the Tribunal considered losses for four periods, namely, (i) from date of dismissal to potential date of maternity leave; (ii) period of maternity leave to end of maternity leave (March 2024 to December 2024); (iii) the period from end of maternity leave to August 2025, and (iii) from August 2025 to date of this Remedy hearing. The Tribunal reminded itself that the principle behind awarding loss of earnings is not to penalise the respondent but to put the claimant into the same financial position had the claimant not been dismissed.
17. The Tribunal accepted that following the claimant's dismissal, her right to work was restricted because of her immigration status. This restriction was varied in August 2025 when she was given the right to work limited to 20 hours per week, without the need of a Certificate of Sponsorship. The Tribunal also considered that, even if the claimant's right to work had not been restricted, given that as of the date of dismissal she was heavily pregnant and due to give birth in early March, it is highly unlikely she would have been looking for work, or would have been successful in obtaining new employment. Apart from making general submissions about mitigation of loss, Dr Keppell submitted the claimant had failed to mitigate her loss based on the limited evidence and job applications made. The respondent has the burden of proof to show the claimant had not taken reasonable steps or failed to mitigate her loss. The respondent did not provide any evidence of available vacancies or suggest which job roles or vacancies the claimant could or should have applied for or considered during the period from her dismissal to early March 2024 or from the end of her maternity period to date.
18. In respect of the three time periods as mentioned above, the Tribunal concluded as follows;
 - (i) Date of dismissal to potential date of maternity leave (13 weeks).

The Tribunal was satisfied the claimant was not able to mitigate her loss because of her immigration status and given she was in the later stages of her pregnancy it would have been highly unlikely she would have secured new employment. Accordingly, the claimant was awarded 12 weeks' pay for this period, taking into account one week's pay notice pay the claimant has been awarded for the wrongful dismissal claim.(see below)
 - (ii) Maternity leave period – March to end of December 2024)

The claimant did not offer any evidence to satisfy the Tribunal that she would have been entitled to any maternity pay or maternity allowance for this period and if so how much. It was incumbent on the claimant to prove this claim. In the absence of any information of loss the Tribunal concluded it was not appropriate to award any compensatory loss for this period.
 - (iii) Period from end of maternity leave to August 2025. (7 months)

The Tribunal was satisfied during this period the claimant's ability to find new

employment was restricted due to her immigration status. She was not able to find new employment without sponsorship from a proposed employer. The Tribunal concluded it was appropriate and fair to award losses from the start of January 2025, being the end of the 9 month maternity leave period to end of July 2025, which is 7 months losses.

(iv) August 2025 to date

The Tribunal was not satisfied since receiving the letter from the Home Office permitting her to work unrestricted (except the limitation on her working hours) the claimant had shown that she had been actively looking for new employment. Whilst the claimant asserted she had made numerous applications for employment over recent months, no documentary evidence was disclosed or sufficient and clear evidence was given. Further, the Tribunal took the view that from August 2025 the claimant should have been looking for jobs within other sectors, namely in retail, cleaning or manual roles. Therefore the Tribunal concluded it was not appropriate and just to award any continuing and future loss of earnings.

Compensation for injury to feelings

19. In considering this award, the Tribunal reminded itself that any award made is to compensate the claimant for the injury caused to her feelings and must relate to the unlawful acts of discrimination and the impact this has had on her. It is limited to the claimant and not extended to others namely her husband and family members. Also, this award is not to penalise the respondent.
20. Based on the claimant's evidence, the Tribunal was satisfied that the injury to the claimant's feelings in losing her job in the manner she did; ignoring her requests for information and reasons for doing so, had a significant impact on her at a very sensitive and important time for. It is completely understandable that losing her job at that time she did, and given her pregnant situation caused her deep distress, anxiety and put her in a state of worry about her and her husband's future. The sudden termination of her employment had continuing consequences, not just emotionally and financially but also at a very important joyous occasion of having her first baby and enjoying motherhood free from worry, stress and anxiety. The Tribunal did not find the claimant exaggerated her feelings or that she was not being truthful. In the circumstances, the Tribunal concluded that an appropriate and just award for injury to feelings would be in the lower end of the middle Vento band. Accordingly, the sum of £12,000 was awarded, to which interest would be added.

Calculations

21. In calculating the loss of earnings and pension loss, Dr Keppell did not challenge the calculations or provide any information to the contrary. The claimant's weekly pay was calculated at £126 per week (gross). The losses awarded are as set out below.

Compensation for Automatic Unfair Dismissal

- a. Basic Award
1 week's pay @ **£126**

The claimant succeeded in her complaint of automatic unfair dismissal and is entitled to a basic award in the sum of £126.

b. Loss of Earnings

(i) Period 4.12.2023 to 29.02.2024

12 weeks at £126 per week = **£1512.00**

(ii) March 2024 to December 2024 (9 months maternity leave period)

No loss of income awarded.

(iii) Period January 2025 to 31 July 2025 (30 weeks)

30 weeks x £126 = **£3,780.00**

c. Pension Loss

The Tribunal calculated the pension loss on the loss of earnings based on the employer contributions of 3% (i.e statutory rate) which the respondent is liable for.

The pension loss to be paid is **£162.54**.

This has been calculated based on the sum of £5418 (i.e £126+1512 & £3780= £5418 x 3%)

d. Loss of Statutory Rights

The Tribunal awarded the sum of **£250** under this head of claim.

e. Acas Uplift at 25%

The Tribunal considered it was appropriate to award a 25% uplift to the compensatory award on the basis the respondent failed to comply with the ACAS Code of Practice in dismissing the claimant.

This uplift applied to the total pecuniary loss, namely the above sums of £126+£1512+£3780+£162.54=£250 = £5,830.54 x 25% = **£1457.66**

Wrongful dismissal

f. The Tribunal found this complaint proven. The claimant is therefore entitled to 1 weeks' notice pay @ **£126.00**

Total compensation for pecuniary loss is £7414.18

The Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply to the award for loss of earnings for unfair dismissal.

g. Compensation for Injury to Feelings

The Tribunal awarded the sum of **£14,000**

Interest on award

Date of discriminatory act 27.11.2023 (date of dismissal) to 14.11.2025 (date of Remedy Hearing) = 717 days x 8% ~365 days = £3.07per day.

717 x £3.07 = **£2,200**

The total compensation for injury to feelings (including interest) is £16,200.00

**Approved By
Employment Judge Bansal
25 November 2025**

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