Case Number: 3200399/2023

EMPLOYMENT TRIBUNALS

Claimant:	**Miss I Butunoi**
Respondents:	**(1) Turner Health Group Limited** **(2) Dr A K Turner**
Heard at:	**London East Tribunal Centre (by CVP)**
On:	**28 November 2025**
Before:	**Employment Judge Volkmer** **Tribunal Member Mrs W Blake Ranken** **Tribunal Member Mr M Rowe**

Representation

Claimant:	in person, supported by her sister Ms Butunoi
Respondents:	the Second Respondent appeared in person

RESERVED REMEDIES JUDGMENT

1. The Respondent must pay the Claimant a total sum of **£26,809.14**. This comprises:

    a. a compensatory award of £9,995.17 (inclusive of interest); and
    b. an award in relation to injury to feelings of £16,813.97 (inclusive of interest).

2. This must be paid within 14 days of this judgment being sent to the parties.

3. Recoupment does not apply.

REASONS

Introduction

1. In its decision on liability, which was sent to the parties on 19 February 2025, the Tribunal upheld a complaint of discrimination arising from disability in relation to the Claimant's dismissal on 4 November 2022. Complaints of direct disability discrimination, a failure to make reasonable adjustments and unlawful deduction from wages were dismissed. The Respondent requested written reasons which were sent to the parties on 15 October 2024 (referred to as the "Liability Judgment").

2. This hearing was listed to consider remedy as well as each party's application for a preparation time order.

3. The Tribunal had before it three remedy bundles of 309, 40 and 147 pages respectively. They are not paginated, but references to those bundles are references to the PDF page numbers.

4. The Tribunal did not initially understand that there was a remedies witness statement and heard submissions from the parties. After a break to consider the submissions, Ms Turner was asked whether she wished to cross examine the Claimant in relation to this statement (page 137 of Remedy Bundle 3). Dr Turner had not anticipated being given opportunity to the cross examine the Claimant. She was given additional time to consider questions and then proceeded to cross examine.

Issues

5. The issues to be determined in the hearing in relation to remedy were as follows.

    1. *Discrimination*

        1.1 What financial losses has the discrimination caused the Claimant?

        1.2 Has the Claimant taken reasonable steps to replace lost earnings, for example by looking for another job?

        1.3 If not, for what period of loss should the Claimant be compensated for?

        1.4 What injury to feelings has the discrimination caused the Claimant and how much compensation should be awarded for that?

        1.5 Has the discrimination caused the Claimant personal injury and how much compensation should be awarded for that?

        1.6 Is there a chance that the Claimant's employment would have ended in any event? Should their compensation be reduced as a result?

1.7 Did the ACAS Code of Practice on Disciplinary and Grievance Procedures apply? If so, did either party unreasonably fail to comply with it? If so, is it just and equitable to increase or decrease any award payable to the Claimant and, if so, by what proportion up to 25%?

1.8 Should interest be awarded? How much?

Findings of Fact

6. The Claimant had existing depression and anxiety before and throughout her employment with the First Respondent. She had been undergoing psychotherapy since April 2020.

7. The Claimant was assessed by the Department for Work and Pensions ("DWP") as having limited capability for work in October 2022. Nevertheless, the Claimant was able to work full time from December 2022 until August 2024 at LSM, when she states that she cut down her hours to prepare for the hearing.

8. The Claimant was informed by letter on 6 October 2022 that she was being dismissed with effect from 4 November 2022.

9. In the DWP report dated 26 October 2022 (page 262 Bundle 1), this records that the Claimant had psychiatric input in 2015. She started on medication for her mental health in June/July 2022 but this was decreased in dosage and her GP appeared happy with this. It states that the Claimant had suicidal thoughts which had increased in frequency since June 2022.

10. The Claimant had a surgical procedure for endometriosis on 17 February 2023, and her oral evidence was that this is one of the factors which means that she needs flexibility in her work schedule. The chronic pain of this condition has also affected the Claimant's mental state. The Claimant's evidence is that the stress has affected the healing from the surgery.

11. The Claimant attended Psychotherapy sessions from April 2020 to-date, which pre-dates her dismissal on 4 November 2022. She has provided a report from her treating physician which has been translated (page 220 Bundle 1), this states the following:

"*During the therapy, the following aspects were highlighted:*

• Depressive and anxious symptoms: The patient presented with episodes of severe depression, including suicidal ideation. These were accompanied by ongoing anxiety particularly directed towards the events of the dismissal and the formal hearing.

• Post-traumatic stress: The events following the dismissal, especially the interactions with the former employer, triggered a post-traumatic response manifested by a constant state of alertness, irritability and flashbacks related to the interactions from that time

• Impact on social and family life: The stress experienced affected the patient's ability to fulfil her household responsibilities. Her sister, Irina, took over some of these responsibilities because the patient did not have the mental and physical energy to engage in normal daily activities.

• Therapeutic evolution: During therapy, the patient initially had a period of progress, but the events related to the dismissal significantly worsened her mental and physical condition. The progress observed prior to the events was strongly affected, the symptoms being aggravated."

12. The Claimant states in her witness statement that events after dismissal have significantly affected her: the Respondent's alleged non-compliance with Tribunal orders, matters relating to a data subject access request, and the demands of actually dealing with the litigation itself. At paragraph 60, she describes being depressed and exhausted after the liability hearing for a period.

13. In a further DWP assessment dated 11 October 2024, it is recorded that her mental health and suicidal ideation had been getting worse in the last year (page 26 Bundle 2). Her medication was increased recently (page 30 Bundle 2)

14. At paragraph 20 of the Liability Judgment, the Tribunal set out the following:

"*The Claimant explained to the Tribunal that she had not received the Hearing Bundle or the Second Respondent's witness statement from the Respondents until the morning of the hearing and so had not had any time to familiarise herself with the documents. Further, the Respondents had not included the documents she had asked to be included in the bundle. The Respondents stated that they had not sent the hearing bundle or witness statement in advance was because they had been unsure about whether the hearing would go ahead after being copied to a notice of appeal in relation to the Preliminary Hearing on 15 May 2024. They had become aware on 9 September 2024 that the hearing would go ahead but had not sent the Hearing Bundle and witness statement on that date either. They had not included the Claimant's documents in the Hearing Bundle because the Hearing Bundle was already 500 pages."*

15. The Claimant described being taken off guard by not having seen the documents and evidence and went through an episode of being depressed and overwhelmed after the hearing.

The Law on Remedies

Remedies for discrimination

16. Where a Tribunal finds that an employer has discriminated against an employee, it may award compensation pursuant to section 124 of the Equality Act 2010 ("EqA").

17. If the Tribunal decides to award compensation, then it must be calculated in the same way as damages in tort (sections 124(6) and 119(2)(a) EqA). The

aim, as the *EAT* put it in *Ministry of Defence v Cannock and ors 1994 ICR 918, EAT*, is that "*as best as money can do it, the applicant must be put into the position she [or he] would have been in but for the unlawful conduct*". The compensatory award can comprise past and future financial losses, injury to feelings, personal injury, aggravated and exemplary damages.

18. The Tribunal may make an award for injury to feelings and have a broad discretion about what level of award to make. This is intended to compensate the Claimant for subjective feelings of upset, frustration, worry, anxiety, mental distress, fear, grief, anguish, humiliation, unhappiness, stress and depression caused by the unlawful treatment she has received (see *Vento v Chief Constable of West Yorkshire Police (No2) [2003] IRLR 102*). In *Vento* the following guidelines were set for the assessment of injury to feelings.

"*65. Employment tribunals and those who practise in them might find it helpful if this court were to identify three broad bands of compensation for injury to feelings, as distinct from compensation for psychiatric or similar personal injury. (i) The top band should normally be between £15,000 and £25,000. Sums in this range should be awarded in the most serious cases, such as where there has been a lengthy campaign of discriminatory harassment on the ground of sex or race. This case falls within that band. Only in the most exceptional case should an award of compensation for injury to feelings exceed £25,000. (ii) The middle band of between £5,000 and £15,000 should be used for serious cases, which do not merit an award in the highest band. (iii) Awards of between £500 and £5,000 are appropriate for less serious cases, such as where the act of discrimination is an isolated or one off occurrence. In general, awards of less than £500 are to be avoided altogether, as they risk being regarded as so low as not to be a proper recognition of injury to feelings*."

19. The Court of Appeal in *Vento* identified three broad bands of compensation for injury to feelings (see above). There is within each band considerable flexibility, allowing tribunals to fix what is considered to be fair, reasonable and just compensation in the particular circumstances of the case. The Fifth Addendum to Presidential Guidance (originally issued on 5 September 2017) states that in respect of claims presented on or after 6 April 2022, taking account of *Simmons v Castle [2012] EWCA Civ 1039*, the Vento bands shall be as follows: the lower band of £990 to £9,900 (less serious cases); a middle band of £9,900 to £29,600 (cases that do not merit an award in the upper band); and an upper band of £29,600 to £49,300 (the most serious cases), with the most exceptional cases capable of exceeding £49,300. This claim was presented on 28 February 2023 and so falls within this addendum to the Presidential Guidance.

20. It is compensatory and not punitive, but the focus is on the actual injury to feelings suffered by the Claimant and not the gravity of the acts of the Respondent(s) (see *Komeng v Creative Support Ltd [2019] UKEAT/0275/18*).

21. The general principles that apply to assessing an appropriate injury to feelings award were set out by the EAT in *Sadia Shakil v Samsons Ltd [2024] EAT 192*, as follows:

> *16.1 an award of injury to feelings compensates for "subjective feelings of upset, frustration, worry, anxiety, mental distress, fear, grief, anguish, humiliation, unhappiness, stress, depression and so on": **Vento** par 50*
>
> *16.2 the purpose of the award is to compensate the claimant rather than to punish the respondent or deter them from particular courses of conduct; see for example: **Ministry of Defence v Cannock** [1994] I.C.R. 918*
>
> *16.3 the actual impact upon the individual must be assessed because unlawful discriminatory behaviour may affect different individuals differently, which must be assessed and analysed from the evidence: **Vento***
>
> *16.4 overt discrimination is likely to heighten the level of injury to feelings: **Taylor v XLN** [2010] I.C.R. 656*
>
> *16.5 feelings of indignation and outrage towards a respondent should not inflate the award: **Corus Hotels plc v Woodward and Anr** UKEAT/0536/05/LA*
>
> *16.6 equally, as the award is compensatory, concern about the respondent's ability to pay is not relevant to assessing injury to feelings: **Evans v Oaklands Nursing Home Group Ltd** (1999) EAT/331/99*
>
> *16.7 the conduct of the respondent, including defending the claim in an inappropriate manner, can increase the level of injury to feelings: **Commissioner of Police of the Metropolis v Shaw** [2012] I.C.R. 464.*

22. In the case of *Eddie Stobart Limited v Graham [2025] EAT 14,* while not providing a checklist, the EAT indicated that the following may be helpful to consider:

> "*52.1 The claimant's description of their injury. This is an obvious starting point: what does Judgment approved by the Court for handing down the claimant actually say in their evidence? However, tribunals should be ready to scrutinise apparent stoicism with as much as care as apparent upset; for some individuals, stoicism is the refuge of the inarticulate. Equally, tribunals should take claimants as they find them, considering whether there is any fragility that makes them more vulnerable to upset or means that the experience is more impactful upon them. Direct evidence of effect on health may be appropriate in some cases, although the tribunal should avoid double counting in respect of a separate award for physical injury (depending on the injury described, evidence may be corroborated by a*

formal medical diagnosis or records of seeking clinical support, counselling and so on). But, in most cases, the description upon which the tribunal bases its award will usually be a claimant's account, in their own words, of how the unlawful treatment made them feel.

52.2 Duration of consequences. A claimant's upset may be fleeting, or it may be long lasting, and much may depend on their own levels of fortitude and resilience. A claimant should be able to say how they are feeling at the remedy hearing, if time has passed since the conduct complained of. Of course there may not be a linear recovery path; there may be an acute stage, a recovery stage, and residual symptoms. If the injured feelings continue, the tribunal should consider how long they may continue to last, as well as how they are being manifested. In a serious case, or where there may be future vulnerability, prognosis will be relevant.

52.3 Effect on past, current and future work. The discriminatory treatment may have affected the claimant's current enjoyment of their work, or have lessened their ability to look back warmly upon their past experiences at work, or have made them less likely to remain in the same line of work in future. It may be relevant to consider the extent to which their self-esteem was bound up in their occupational life, which differs from person to person. An evidenced wish to leave an enjoyable and fulfilling line of work due to discriminatory treatment can properly inform the tribunal's assessment of the hurt caused.

52.4 Effect on personal life or quality of life. The tribunal may wish to consider whether the treatment has adversely impacted personal relationships, private activities, hobbies and the like – sometimes called a "loss of amenity". If a tribunal does consider this, it will be helpful to survey an evidential landscape comparing the claimant's life before and after the discrimination. This is where a third-party view may, in appropriate cases, be helpful, such as from a family member; obviously, the tribunal must decide what weight it gives to such evidence."

23. In order to be compensated for injury to feelings, it is necessary for the Tribunal to be satisfied, on the basis of the evidence and its findings of fact, that the injury to feelings suffered by the Claimant was caused by the act of discrimination (*Essa v Laing Ltd 2004 ICR 746, CA*).

24. Compensation for non-financial loss may include an added element of aggravated damages. Aggravated damages awarded to the extent that the aggravating features have increased the impact of the discriminatory act on the Claimant and thus the injury to her feelings. The award continues to be compensatory, not punitive (*HM Land Registry v McGlue EAT 0435/11*).

25. The circumstances in which aggravated damages may be appropriate was set out in *Commissioner of Police of the Metropolis v Shaw 2012 ICR 464, EAT*. They fell under three broad categories. Instances when an award of aggravated damages may be appropriate are:

    25.1 where the manner in which the wrong was committed was in an exceptionally upsetting way, often referred to as "*high-handed,*

malicious, insulting or oppressive" manner (deriving from Broome *v Cassell & Co Ltd [1972] AC 1027*);

25.2 where the motive was based on prejudice or animosity or which was spiteful or vindictive or intended to wound (however this is only likely to affect injury to feelings if the Claimant was aware of the motive); and/or

25.3 where subsequent conduct adds to the injury such as conducting the hearing in an unnecessarily oppressive manner, failing to apologise, or failing to treat the complaint with the requisite seriousness.

26. A Tribunal must consider whether the overall award of injury to feelings and aggravated damages is proportionate to the totality of the suffering caused to the Claimant so as to avoid double recovery (*Commissioner of Police of the Metropolis v Shaw 2012 ICR 464, EAT*). The Tribunal also needs to explain why the aggravating factor makes an ordinary award for injury to feelings insufficient to compensate the Claimant and the extent to which the aggravating conduct has increased the impact of the discriminatory act on the Claimant (*Wilson Barca LLP and others v Shirin [2020] UKEAT/0276/19*).

27. The Tribunal may also award general damages for physical or psychiatric injury ("personal injury") caused by unlawful discriminatory acts (*Sheriff v Klyne Tugs (Lowestoft) Ltd [1999] IRLR 481* and *Virgo Fidelis Senior School v Boyle [2004] IRLR 268*). However, it is not possible to claim under this head of loss for something already claimed for under the head "injury to feelings" as this would amount to double counting.

28. In assessing damages for personal injury Employment Tribunals adopt the same basis as the Courts and will have regard to the Judicial College Guidelines on assessing general damages.

29. Under s124(2)(b) EqA and the Employment Tribunals (Interest on Awards in Discrimination Cases) Regulations 1996 ("the Regulations") interest may be added to awards of damages in discrimination cases. The Tribunal is required to consider an award of interest even if the Claimant does not specifically apply for it. Interest is limited to past loss. The current rate of interest is 8%.

30. Interest is awarded on injury to feelings awards from the date of the act of discrimination complained of until the date on which the tribunal calculates the compensation (see reg 6(1)(a) of the Regulations). Interest is awarded on all sums other than compensation for injury to feelings from the midpoint date (reg 6(1)(b)). The mid-point date is the date halfway through the period between the date of the discrimination complained of and the date when the tribunal calculates the award (reg 4).

31. It is for a Claimant to prove loss. It is for the Respondent to prove any alleged failure to mitigate.

ACAS Uplift

32. Section 207A(2) of the Trade Union and Labour Relations (Consolidation) Act 1992 ("TULR(C)A") provides that: "*If in any proceedings to which this section applies, it appears to the employment tribunal that – (a) the claim to which the proceedings relate concerns a matter to which a relevant Code of Practice applies, (b) the employer has failed to comply with that Code in relation to that matter, and (c) the failure was unreasonable, the employment tribunal may, if it considers it just and equitable in all the circumstances to do so, increase any award it makes to the employee by no more than 25 per cent*."

33. Section 207A(5) of TULR(C)A provides that where an award falls to be adjusted under that section and under section 38 of the Employment Act 2002 the adjustment under Section 207A of TULR(C)A is made first. Section 207A(1) of TULR(C)A states that the section applies in respect of claims proceeding before an Employment Tribunal relating to a claim by an employee under any of the jurisdictions listed in Schedule A2. The schedule includes discrimination claims and claims brought for breach of contract under The Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994.

Discussion and Conclusions

Financial Loss: Compensatory Award

34. The parties agreed that the Claimant's net weekly pay before dismissal (not taking into account periods of ill health) was £314.50 if calculated by reference to working three days per week.

35. The Respondent made submissions that this should be calculated by reference to working two days per week. The Tribunal considered that in circumstances that the Claimant considered that she could work full time (and did so from December 2022), it was appropriate to calculate loss by reference to the Claimant's full contractual pay of three days per week of working.

36. The Claimant had already been working for LSM during her employment and was able to increase her availability to full time from December 2022. She only ceased working full time in August 2024 to prepare for the hearing. The Claimant said that she had made a few applications for better paid work and had a few interviews.

37. The Tribunal has taken into account the Claimant's tax submission for the tax year running from April 2023 to April 2024 (page 9, Remedy Bundle 1). This records £13,815 of total self-employment profit for the relevant tax year, less £361.05 in tax and national insurance contributions. This leaves a net total of £13,453.95 earnings for that period. The Tribunal calculates this as a net of £258.73 per week.

38. Whilst the Tribunal acknowledges that the Claimant needed flexibility in relation to her work due to her wrist, endometriosis and mental health conditions, on her own evidence she was able to work full time in a similar

role to that which she did at the Respondent. She only made a few applications to better paid employment. The Tribunal considers that the Claimant could have been expected to fully mitigate her loss of earnings by a year after her dismissal, by 3 November 2023, by seeking work paid at an equivalent level to what she was paid at the Respondent. The Tribunal awards financial losses to that date.

39. The Tribunal therefore makes an award of financial loss between 4 November 2022 and 3 November 2023 in the sum of £8,902.48. This is calculated as follows.

    39.1 the full (three-day per week) pay of £314.50 is awarded for the first four weeks following the end of her employment on 4 November 2022 in the sum of £1,258 (4 x £314.50 = £1,258);

    39.2 the Claimant started working full time for LSM from December 2022. The Tribunal calculates that if the Claimant had worked at the First Respondent for three days per week and LSM for two days per week, her total earnings would have been £417.99 ((258.73 ÷ 5) x 2) + 314.50 = £417.99). Her actual earnings were £258.73 per week. The shortfall is £159.26 per week (£417.99 - £258.73 = £159.26). This shortfall is awarded for the remaining 48 weeks in the sum of £7,644.48 (48 x £159.26 = £7,644.48);

    39.3 the total 52-week figure is £8,902.48 (£7,644.48 + £1,258 = £8,902.48).

40. Interest is added on to financial losses from the mid-point between the date of dismissal and the date of the remedy hearing at a rate of 8%. The Tribunal calculates that there are 1120 days between 4 November 2022 and 28 November 2025. This means that interest is awarded in the sum of £1,092.69 ((1120/2) x 0.08 x 1/365 x £8,902.48 = £1,092.69).

41. The total compensatory award is therefore **£9,995.17** (£8,902.48 + £1,092.69 = £9,995.17)

42. The Claimant seeks to recover costs of psychotherapy sessions. Since the Claimant was undertaking the same frequency of these sessions for around two and a half years before the dismissal, the Tribunal considers that this is not a loss arising from the dismissal.

43. Costs of translating documents form part of the litigation costs and cannot be awarded under this head of loss.

Injury to Feelings

44. The evidence is set out above in the Tribunal's findings. In relation to this, the Tribunal takes the following into account:

    44.1 <u>the claimant's description of her injury</u>

44.1.1 the Claimant's evidence is that felt under stress and pressure. She had disrupted sleep, weird dreams and nightmares, unhealthy eating habits, starting smoking again. This impacted her ability to focus, her tolerance was low, she had periods of depression and low mood and suicidal ideation;

44.1.2 whilst the Claimant's psychotherapy report states "*events related to the dismissal significantly worsened her mental and physical condition. The progress observed prior to the events was strongly affected, the symptoms being aggravated*" (page 220), the Tribunal considers that it must place lower weight on this evidence because it has not been provided by an independent medical expert, but rather the Claimant's own treating physician. There is no statement of truth or acknowledgement of duty to the Tribunal;

44.1.3 the Tribunal takes into account that the Claimant had pre-existing depression and anxiety which required weekly psychotherapy from April 2020 onwards. There were significant effects of the Respondent's conduct prior to 4 November 2022 which was found not to be discriminatory. The Claimant had suicidal ideation and depression symptoms before the dismissal. The Claimant's evidence places a lot of weight on the effect of the post-dismissal grievance process, the stress and effect of making the claim itself and dealing with the legal system, as well as other parts of the Tribunal process (such as going through a liability hearing). All of these are not matters in relation to which an injury to feelings award can be made This is set out in the Claimant's witness evidence and the medical evidence;

44.1.4 the Claimant's witness statement at paragraph 63 states "*I have experienced PTSD in my current work role at least twice and found it extremely difficult to navigate – which is a ditrect (sic) effect of events that had a traumatizing effect on me – events which took place at Nurture (performance review meeting, ill health reviews, grievance – which were conducted unfairly).*". These are all matters in relation to which no injury to feeling awards can be made. This Tribunal is only dealing with remedy in relation to the Claimant's dismissal.

44.2 <u>duration of consequences</u>

44.2.1 the Tribunal has evidence before it that the Claimant's anxiety, depression and stress is still ongoing to-date, but as set out above, there are other factors which have significantly contributed to this, which are not the dismissal<u>;</u>

44.2.2 the Claimant had already been working for LSM during her employment and was able to increase her availability to was full time from December 2022. She only ceased working full time in August 2024 to prepare for the hearing;

44.3 <u>effect on past, current and future work</u>

44.3.1 the Claimant had already been working for LSM during her employment and was able to increase her availability to was full time from December 2022. She only ceased working full time in August 2024 to prepare for the hearing;

44.3.2 the Tribunal does take into account the Respondent's conduct of the litigation in relation to late provision of the hearing bundle and witness statements, which did add to the Claimant's injury to feelings;

44.3.3 save for this point, the Tribunal considers that any effects post-dating August 2024 can be properly separated, as there was a significant deterioration for the Claimant as a result of the hearing itself, which is not a matter in relation to which this Tribunal can make a personal injury award;

44.4 <u>effect on personal life or quality of life;</u>

44.4.1 the Claimant's evidence points to the Claimant being unable to "fulfil her household responsibilities".

45. The Claimant points to the Respondent's compliance with data subject access request. These are not relevant to injury to feelings.

46. Whilst the dismissal is a one-off act of discrimination, given the overall effect on the Claimant, Tribunal considers that the appropriate award is broadly at the mid to lower end of the middle band of Vento. The Tribunal has taken into account that the Claimant's injury to feelings has been caused by non-discriminatory events before and after the only upheld act of discrimination (the dismissal itself). We award £13,500 for injury to feelings in total.

47. Interest is added on to injury to feelings award from the date of the act of discrimination at a rate of 8%. The Tribunal calculates that there are 1120 days between 4 November 2022 and 28 November 2025. This means that interest is awarded in the sum of £3,313.97 (1120 x 0.08 x 1/365 x £13,500 = £3,313.97).

48. The total injury to feelings award is therefore **£16,813.97** (£3,313.97 + £13,500 = £16,813.97)

Personal Injury

49. The Claimant seeks an award in relation to personal injury.

50. The Tribunal notes that this is the Claimant's treating physician, rather than an independent medical expert who has acknowledged their duty to the Tribunal and provided a statement of truth.

51. This is a complex case, with pre-existing anxiety and depression and a number of other events both before and after dismissal which appear to have contributed to the effect on the Claimant's mental health.

52. The Claimant seeks to link being pre-diabetic with the stress caused by the claim. There is no medical evidence before the Tribunal regarding medical causation.

53. The Tribunal considers that there is insufficient evidence for a stand-alone personal injury claim. The Tribunal considers that this would require independent medical expert evidence of causation in relation to dismissal only, and the pleaded injury, which the Tribunal does not have before it.

54. Further, the Tribunal considers that to the extent effect on health is referred to by the Claimant's treating physician, this has already been taken account of in the injury to feelings award, and any further award would duplicate the compensation.

ACAS Uplift

55. The Tribunal considered that the ACAS Code of Practice on Disciplinary and Grievance Procedures (the "ACAS Code") did not apply to the Claimant's dismissal, which was a dismissal on the grounds of capability (ill health).

56. The Claimant has referred to ACAS breaches in relation to her grievance. However, her grievance which she submitted on 4 August 2022 (page 155 of the Liability Hearing Bundle) did not relate to her dismissal and it not therefore relevant to an ACAS uplift.

Interest

57. Interest is awarded at 8% (see above).

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Approved by:
Employment Judge Volkmer
Dated: 12 December 2025