



EMPLOYMENT TRIBUNALS

Claimant: Professor A Bonsall-Redston

Respondents: We are Couch Limited (R1)
Ms L Jones (R3)

Heard at: Cardiff, by video

On: 15 September 2025 and the tribunal only in chambers on
10 October 2025

Before: Employment Judge R Harfield
Ms Y Neves
Ms G Rees

Representation

Claimant: Mr Redston (the Claimant's husband)
Respondents: Mr Lucey (Director of R1)

REMEDY JUDGMENT

The unanimous decision of the Tribunal is:

1. The Claimant is awarded:
 - a. £4000.00 (four thousand pounds) injury to feelings;
 - b. £500.73 interest on injury to feelings;
2. The claim for aggravated damages is refused.

REASONS

1. Introduction

1.1 This was a remedy hearing following a Liability Judgment where one complaint of harassment related to disability was upheld against R1 and R3. (There is therefore no remedy claim against R2). The Claimant's other complaints of harassment related to disability, discrimination arising from disability, direct sex discrimination, victimisation, failure to pay holiday pay,

deduction from wages, and breach of contract were not upheld and were dismissed.

- 1.2 We had before us at the remedy hearing the remedy bundle with index; the Claimant's remedy witness statement, and written submissions from the Respondent. We also had access to the papers from the liability hearing.
- 1.3 We heard evidence from the Claimant and also from Mr Redston and Mr Lucey relating to one element of the aggravated damages claim. We heard oral submissions from the parties. There was insufficient time to deliberate and give an oral judgment so we reserved judgment to be delivered in writing following a further deliberation day for the tribunal panel.
- 1.4 The remedies sought are compensation for injury to feelings (with interest) and aggravated damages.

2. The legal principles

- 2.1 Section 124 Equality Act 2010 sets out the remedies the tribunal can award for a successful claim. These include an order that the respondent pays compensation to the claimant, including compensation for injury to feelings. Awards of compensation should apply the principles that would apply in a civil claim brought in tort, because discrimination is a statutory tort. The aim is, as best as money can do it, to put the claimant in the position she would have been in but for the unlawful conduct: Ministry of Defence v Cannock and ors 1994 ICR 918.
- 2.2 Awards for injury to feelings are designed to compensate the injured party fully but not to punish the guilty party. An award should not be inflated by feelings of indignation at the guilty party's conduct. Awards should not be so low as to diminish respect for the policy of discrimination legislation. On the other hand, awards should not be so excessive that they might be regarded as untaxed riches. Awards should be broadly similar to the range of awards in personal injury cases. Tribunals should bear in mind the value in everyday life of the sum they are contemplating. Tribunals should bear in mind the need for public respect for the level of awards made. All these principles come from the seminal case of Amitage, Marsden and HM Prison Service v Johnson [1997] IRLR 162.
- 2.3 It was said in Vento v Chief Constable of West Yorkshire Police (No.2) [2003] IRLR 102:

"It is self-evident that the assessment of compensation for an injury or loss, which is neither physical nor financial presents special problems for the judicial process, which aims to produce results objectively justified by evidence, reason and precedent. Subjective feelings of upset, frustration, worry, anxiety, mental distress, fear, grief, anguish, humiliation, unhappiness, stress, depression and so on and the degree of their intensity are incapable of objective proof or of measurement in monetary terms. Translating hurt feelings into hard currency is bound to be an artificial

exercise.

Although they are incapable of objective proof or measurement in monetary terms, hurt feelings are none the less real in human terms. The courts and tribunals have to do the best they can on the available material to make a sensible assessment, accepting that it is impossible to justify or explain a particular sum with the same kind of solid evidential foundation and persuasive practical reasoning available in the calculation of financial loss or compensation for bodily injury. In these circumstances an appellate body is not entitled to interfere with the assessment of the employment tribunal simply because it would have awarded more or less than the tribunal has done. It has to be established that the tribunal has acted on a wrong principle of law or has misapprehended the facts or made a wholly erroneous estimate of the loss suffered. Striking the right balance between awarding too much and too little is obviously not easy.”

2.4 The Court of Appeal then set out the bands, which have come to be known as the Vento bands or guidelines:

- The top band, at that time, 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. Only in the most exceptional case should an award exceed at that time what was £25,000.
- The middle band of, at that time, between £5,000 and £15,000 which should be used for serious cases, which do not merit an award in the highest band.
- Awards of between (then) £500 and £5,000 for less serious cases, such as where the act of discrimination is an isolated or one-off occurrence.

2.5 Following the invitation of the Court of Appeal in De Souza v Vinci Construction (UK) Ltd [2017] IRLR 844 these figures are now annually adjusted for inflation through the Presidential Guidance promulgated by the Presidents of Employment Tribunals.

2.6 Overt discrimination is likely to heighten the level of injury to feelings: Taylor v XLN [2010] ICR 656.

2.7 When assessing the severity of the injury it cannot include parts of the claim that failed. The tribunal must also focus on the effect of the discriminatory act on the particular claimant, and not the manner of the discrimination. However, in appropriate circumstances the manner of the discrimination may provide one tool for inferring the level of upset it has caused, particularly where evidence as to the injury suffered is otherwise sparse. Other helpful evidence may include:

- 2.7.1 The claimant's description of their injury, as scrutinised by the tribunal;
- 2.7.2 The duration of the consequences, which may depend on their own levels of fortitude or resilience;
- 2.7.3 Effect on past, current and future work;
- 2.7.4 Effect on personal life or quality of life; Eddie Stobart Limited v Graham [2025] EAT 14.

2.8 In Shakil v Samsons Ltd [2024] EAT 192 the EAT suggested it may be helpful for a tribunal to:

- 2.8.1 Identify the discriminatory treatment for which an award of injury to feelings is to be made;
- 2.8.2 Hear evidence from the claimant about any injury to feelings caused by the discriminatory treatment;
- 2.8.3 Make findings of fact about the injury to feelings suffered;
- 2.8.4 Identify the relevant guidelines applicable to the award;
- 2.8.5 State the band the injury to feelings award falls within;
- 2.8.6 Explain why the injury to feelings falls within that band;
- 2.8.7 Explain where within the band the injury to feelings award falls and why the specific award was made.

2.9 Aggravated damages are often considered to be a sub-head of injury to feelings. They are awarded only on the basis, and to the extent that, aggravating features have increased the impact of the discriminatory act on the claimant and thus the injury to her feelings. They are intended to be compensatory, not punitive. In Alexander v Home Office [1988] ICR 685, the court identified three broad categories of case where aggravated damages may be appropriate:

- 2.9.1 where the act is done in an exceptionally upsetting way: Underhill P in Commissioner of Police of the Metropolis v Shaw UKEAT/0125/11/ZT cites the phrase "high-handed, malicious, insulting or oppressive" behaviour;
- 2.9.2 Where there was a discriminatory motive — where the conduct was evidently based on prejudice or animosity, or was spiteful, vindictive or intended to wound and where the motive is evident;
- 2.9.3 Where subsequent conduct adds to the Claimant's injury. For example: conducting the trial in an unnecessarily oppressive manner, failing to apologise, or failing to treat the complaint with the requisite seriousness; Bungay & Anor v Saini & Ors UKEAT/0331/10 and Zaiwalla & Co v Walia [2002] UKEAT/451/00.

2.10 In Base Childrenswear Limited v Otshudi UKEAT/0267/18 it was emphasised, following Shaw that aggravated damages are really an aspect

of injury to feelings and the tribunal should have regard to the total award to ensure the overall sum is properly compensatory and not excessive. If making an award, tribunals must beware the risk of double recovery, and consider whether the overall award of injury to feelings and aggravated damages is proportionate to the totality of the suffering caused to the Claimant. There is no equivalent to the Vento guidelines for aggravated damages.

3. Findings about the injury to feelings suffered

3.1 The Claimant in her original Schedule of Loss sought £30,000 injury to feelings compensation. There was no claim for aggravated damages at that time (pages [42-44] original hearing bundle). The Claimant ultimately succeeded in one complaint but maintains a claim for £30,000 injury to feelings and £10,000 in aggravated damages. The Respondent asserts that it would be open to the tribunal to make no award at all for injury to feelings, but that in any event the lower Vento band is appropriate.

3.2 The Seventh Addendum to the Presidential Guidance sets out the applicable uprated Vento bands applying to this claim which are a lower band of £1,200 to £11,700, a middle band of £11,700 to £35,200 and an upper band of £35,200 to £58,700. The sum the Claimant seeks is therefore at the higher end of the middle Vento band.

3.3 The Claimant's witness statement refers to the statement prepared by Laurence Millard dated 20 May 2024, the Claimant's Workplace Strategy coach, as referred to in the Liability Judgment. Laurence Millard said they had observed a shift in the Claimant when joining the new workplace, with the Claimant feeling safer to disclose her dyslexia and her desire work with Laurence Millard in delivering a dyslexia awareness presentation for colleagues. Laurence Millard wrote that they had collaboratively prepared for the presentation and that it held significant personal significance for the Claimant as she had not previously had the opportunity to reveal this vulnerable aspect of herself in a professional setting. Laurence Millard wrote: *"However, following receipt of her 360-degree feedback in February, Amy's demeanour noticeably changed. She became visibly distressed and expressed feelings of unsafety and wariness regarding proceeding with the presentation. Our subsequent coaching session focused on addressing her concerns about safety and confidence. Ultimately, Amy and I made the decision not to proceed with the presentation. Based on my professional interaction with Amy over the course of several months, I observed signs of dysregulation and a sense of unsafety stemming from the 360-degree feedback process. It is my belief that Amy's decision not to proceed with the presentation was influenced by her feelings of distress and vulnerability in response to the feedback."*

3.4 The Claimant says that her feeling of security was broken, and that the receipt of the 360 feedback had a serious effect on her self-esteem. She says that she had a session with Laurence Millard focussed on her concerns about safety and confidence. She says that 1R's positioning on EDI is also relevant because her perspective that 1R did not practice what they preach was damaging and continues to be. She says in her witness statement *"My claims of discrimination in relation to my dismissal were unsuccessful, and I have revised my schedule of loss significantly to reflect this. I still consider it is important to highlight that my experiences with the Respondents have significantly changed my attitude to employment. I initially thought that to look for new employment, but found it extremely difficult to face the idea of the employer-employee relationship, due to fear of criticism by an employer which has such a degree of control over my future. I initially sought employment, and was even approached to apply for roles, but in the end I felt unable to go through with the process and turned down opportunities."* The Claimant gives an example of being approached in January 2025 by an acquaintance about a role at Buckinghamshire New University, and that she initially expressed an interest in applying but in the end messaged saying she felt so traumatised by her experiences at 1R and a previous employer that she could not face going through an application. The Claimant sets out in her witness statement the work she is therefore doing and says that as a director of Lawrie Leigh and Bonsall Limited, she had agreed with her fellow directors and have stated in their company policy that they will never use a 360 degree feedback process.

3.5 As set out in paragraph 4.21 of the Liability Judgment we noted that the relevant part of the 360 feedback was a statement that the Claimant talked a lot about her negative experiences in a previous employment, with a constructive suggestion how to take that forward within R1. We noted that such feedback would not be likely to have the same effect on all employees but that the Claimant had vulnerabilities and sensitivities known to KPS, and to a lesser extent by R3 which meant that greater care should have been taken in passing on the unfiltered feedback. We learned for the first time at the Remedy Hearing that the feedback had in fact been first passed to the Claimant orally by KPS, before being forwarded by email. This provides greater context as to what happened. The Claimant and KPS were long time friends and colleagues. They were unhappy at R1. We think it likely that there was a blurring of the lines of the relationship between the Claimant and KPS as manager and employee whilst also being friends. We think it likely that KPS was passing on to the Claimant what had been said in the 360 feedback in an informal way as part of their general chat about situations and relationships that were making them unhappy, and KPS did not act the way she should have as a considerate manager. We consider it likely that afterwards the Claimant then ruminated on what was in that 360 feedback that had gone unfiltered by KPS.

3.6 We find that the passing on of the unfiltered 360 feedback, again as set out in paragraph 4.21 of the Liability Judgment, caused the Claimant to feel distress and to express feelings of unsafety and wariness regarding proceeding with the planned dyslexia awareness presentation. It also then led to the Claimant cancelling the presentation. We accept, as set out in Laurence Millard's statement that the presentation did hold personal significance for the Claimant because she had been feeling safe enough to share personal information about her dyslexia with colleagues, and that the delivery of the 360 feedback led the Claimant to no longer feel safe enough to do so. We accept Laurence Millard's statement that the Claimant became visibly distressed and expressed to Laurence Millard feelings of unsafety and wariness and that they had a coaching session about this, and that Laurence Millard observed signs of a sense of unsafety in sessions with the Claimant over the following months. That shows the injury to feelings and the Claimant is entitled to an injury to feelings award, it is not appropriate (as the Respondents suggest) to award nothing at all.

3.7 We do not, however, accept that this injury to feelings caused equates to an injury towards the top of the middle Vento band. It was a one-off incident albeit one that, as stated, caused the Claimant to feel unsafe in sharing with her then colleagues personal information about her dyslexia and the cancelling of the planned presentation. That harm should be properly reflected in the injury to feeling award, but it does not equate to the higher part of the middle Vento band. As set out in our Liability Judgment, this was not an act of overt or intentional discrimination. Indeed as we have said and the Respondent points out, the individual mainly responsible in passing over the unfiltered feedback, KPS, was the Claimant's long-time friend and colleague. The incident is not something that caused, for example, the Claimant to take sick leave at the time. It is not referred to in the exchanges in the Liability hearing bundle between the Claimant and KPS where they are expressing their unhappiness working at R1. An award at £30,000, as sought, would not reflect parity with the level of personal injury awards in the Judicial College Guidelines for the Assessment of General Damages in Personal Injury Claims, it would amount to penalising the Respondent rather than compensating the Claimant, and would diminish public respect for tribunal awards.

3.8 In terms of the extent of the harm suffered we consider that the Claimant's claim of £30,000 overstates the position. The delivery of the unfiltered 360 feedback was just one element of the many matters that the Claimant raised in her grievance and employment tribunal claim, including centrally her dismissal, about which the Claimant was at the time outraged, as set out in the Liability Judgment. To claim £30,000 injury to feelings for the whole claim as originally brought, and then continue to claim £30,000 injury to feeling for the one complaint that was successful, does not represent any reasonable apportionment of injury to feelings between different causes.

3.9 We consider that other causes, and in particular, the Claimant's dismissal, played a significant part in the Claimant's sense of injury at the hands of the Respondents and which do not fall to be compensated in the award we make for the one complaint that succeeded. That the delivery of the 360 feedback was, in the great scheme of things, a lesser part and limited in its overall impact on the Claimant, is demonstrated by the fact that the Claimant's pleaded case and witness statement for the liability hearing the Claimant had actually misremembered what caused her to cancel the dyslexia presentation, mistakenly attributing at that time to a request R3 made to sit it on a coaching session (a complaint that was not itself upheld); see paragraph 4.9 of the Liability Judgment.

3.10 We do not accept that the effect of this one incident by itself led to a fundamental distrust and fear of going back into employed work with long lasting impact on the Claimant's mental wellbeing. That ignores all the many of things the Claimant considered at the time the Respondent did that she felt upset about and brought her grievance and tribunal claim about, including dismissing her in circumstances in which again she subjectively felt she was being unfairly criticised and diminished relating to her dyslexia (complaints that were not upheld). Indeed, the Claimant's own impact statement at this point refers to all her experiences with the Respondent and is not aimed at the 360 feedback itself.

3.11 Moreover if the incident in question had caused such lasting impact on the Claimant we would expect there to be medical evidence showing this through GP entries or other medical evidence. We have no such evidence before us.

3.12 We therefore consider that the appropriate Vento band is the lower band and we have decided to award the sum of £4000. We consider that this is a sum that fairly compensates for the actual injury caused in terms of the distress experienced at the time, the loss of the sense of safety in the Claimant sharing personal information about her dyslexia with her colleagues, the cancellation of the presentation with Laurence Millard and the coaching that Laurence Millard did with the Claimant about the impact of the event. Those surrounding circumstances take the appropriate award above the lower end of the bottom Vento band and we consider that sum of £4000 to be appropriate and achieves parity with the Judicial College Guidelines.

4. Aggravated damages

4.1 We turn to the aggravated damages claim, working through the allegations set out in the Schedule of Loss.

"The Respondents have at several stages of the claim sought to delay proceedings. The most recent example of this is the recent application from the

Third Respondent dated 20 May 2025, to delay the Tribunal's order for the parties to provide proposed case management directions for the Remedy hearing. The Respondents assert that they are hoping to resolve this matter through Acas, but they have failed entirely to respond to without prejudice approaches by the Claimant through Acas, and we have heard nothing from them at all in relation to any attempt to resolve things."

- 4.2 The liability judgment was sent to the parties on 25 March 2025 with a direction to provide non availability dates for a remedy hearing, to indicate the length of the remedy hearing needed, and whether they considered remedy directions were needed. They were also encouraged to use the services of Acas to see if they could resolve the question of remedy. Katie Rishi was the only recipient of the email for the Respondents and replied on 17 April to explain she was on long term sick leave and asking that Ms Jones and Mr Lucey be copied in going forward. Mr Redston also replied on 21 April and on 22 April Ms Jones sent through the Respondents' non availability dates and also said that they were in discussion through Acas with the intention of resolving the question of remedy.
- 4.3 At that point in time the Claimant had made an offer to the Respondent on 31 March 2025 [102] which Acas communicated to the Respondent on 7 April 2025 and chased on 16 April 2025.
- 4.4 Neither party had responded on the question of remedy case management orders and therefore on 14 May 2025 Judge Harfield asked that the parties be directed to write in, in 14 days, with their proposed case management orders.
- 4.5 As Judge Harfield explained to the parties, the tribunal's file and the parties' remedy bundle then take different routes. On the tribunal file on 26 August 2025 Judge Sharp was told that Judge Harfield's direction of 14 May 2025 had never been sent. By this point in time the remedy hearing was not far away; 15 September. Judge Sharp therefore directed the parties to provide comments within 7 days on their preparation for the remedy hearing and made directions about uploading the bundle and statements.
- 4.6 The remedy hearing file prepared by the parties shows that in fact the tribunal file was and still is not up to date. EJ Harfield's direction of 14 May had in fact been actioned on 16 May but there is no record of that on the tribunal file. The parties told to write in by 30 May with their proposed case management orders [107]. On 20 May Ms Jones replied (again not on the tribunal file) to say: *"We are hoping to resolve this matter through discussion with Acas, so might I suggest that we extend this deadline out by a month so that we can give ourselves the best opportunity of achieving that resolution without using additional time with the Tribunal."* On 27 May 2025 Mr Redston emailed with proposed remedy case management orders and an updated Schedule of Loss. He said the Claimant objected to any delay

in the strongest terms, saying that the Respondents had failed to make any contact without Acas or otherwise and there had been no response to the Claimant's offer. He said it seemed the Respondent was simply seeking to further delay the Claimant receiving a remedy or that the Respondent was refusing to take suitable legal advice and did not know how to respond to the request for remedy directions. On 28 May 2025 the Respondents made an offer to the Claimants via Acas [119].

- 4.7 The parties' correspondence of 20 May and 27 May 2025 therefore never made their way to the tribunal file or before any judge and as far as any judge was concerned the parties had not even been asked to provide proposed remedy directions. This is why the parties did not receive a response to their communications; although they would not have known that at the time. In the meantime the parties on 19 June 2025 had been sent the notice of remedy hearing for the 15 September.
- 4.8 On 5 September Mr Redston wrote to say that in the absence of any formal case management orders they had prepared an updated Schedule of Loss, an impact statement for injury to feeling and a small bundle of documents. Ms Jones also emailed in to say they would provide the Claimant with their documents and written submissions on remedy and would upload the final hearing bundle to the tribunal's Document Upload Centre, which they did as directed on 8 September.
- 4.9 We do not find that the Respondents were seeking to delay proceedings. All Ms Jones did was make a suggestion that there be a delay in remedy directions timetable to allow time for Acas discussions. There is nothing wrong with such a suggestion. It did not actually cause any delay because in fact it never even made its way to the tribunal file, let alone a Judge and indeed the tribunal listing team were in any event working towards getting the remedy hearing listed. The parties were left in the dark about remedy preparation but that lies in the hands of the tribunal, not the Respondents. The Respondents then did make an offer through Acas 8 days later. That is timing may have been linked to Mr Redston's email of 27 May is, in our judgment, neither here nor there. If one party is writing to the tribunal to say they have not heard from another party, it is perfectly sensible for the party to then respond.
- 4.10 We do not find the Respondents were seeking to delay remedy proceedings, and the conduct about which the Claimant complains is very far removed from amounting to oppressive conduct for the purposes of an aggravated damages claim. It is the type of conduct that is entirely typical the way in which ordinary tribunal litigation unfolds; those involved (including here in this example, the tribunal) do not always behave perfectly but that is not the territory of aggravated damages awards. Mr Redston in his oral submissions attempting to add to this complaint the fact that the Respondent made an offer of £1000, below the bottom part of the Vento

guidelines. We had a discussion about the start of the hearing about without prejudice and Mr Lucey had said if without prejudice applied then he was content to waive it. Having looked back at the Schedule of Loss we cannot see that particular ground for the aggravated damages complaint is actually before us because it is not set out there. The claim has to be addressed in a structured way otherwise it is unfair to the Respondents who are ambushed. But in any event we would not find it appropriate to conclude that the offer made was oppressive conduct of the proceedings or a lack of taking them seriously in circumstances in which we do not have the full exchange of offers before us, with the situation being cherry picked. Furthermore, it seems to us that an offer below the lowest Vento band (as updated) is more reflective of the polarised perspectives of both parties to everything about this piece of litigation rather than reflecting oppressive conduct, or a lack of seriousness, or obstructing the conclusion of the proceedings.

“The Respondents briefed Counsel for the hearing, but otherwise appear to have decided to take no legal advice in respect of the Claimant’s claims, demonstrating the high-handed manner in which they have conducted the proceeding and that they did not take the Claimant’s claims seriously. As a result, the Respondent’s lack of understanding of the Tribunal process caused significant strain on the Claimant and her husband, as the Respondent’s failed to properly prepare or comply with case management orders.”

“The Respondents failed to comply with the order for disclosure by 20 September 2024 and the general ongoing duty of disclosure by withholding documents which were relevant to the issues in dispute causing difficulties to the Claimant in finalising the bundle for the final hearing, amongst other things. After some correspondence back and forth regarding the finalising of the bundle, the Respondents revealed on 7 November 2024 that they were intending to disclose further documents but that they would not provide these until “close of play” on 15 November 2024 (a self-imposed deadline they then missed). Once received, these additional documents amounted to 196 pages, many of which were in the Claimant’s opinion not relevant to the issues in dispute. The Claimant raised her concerns to the Tribunal at the time that this represented a failure by the Respondents to comply with their disclosure duties, as the Claimant could see no reason these documents had not been disclosed by 20 September 2024 as ordered, or why, if they were only identified as necessary on 7 November they were not disclosed then.”

“During the final hearing, it transpired that the Respondents had not included key documents in their disclosure, namely anything from the Microsoft Teams channel on which the Claimant communicated with her line manager, which would have demonstrated the extent of the Claimant’s work and what had actually been communicated to her by her line manager.”

4.11 We take these together as they appear to be linked. Mr Lucey said that

sums had in fact been spent on taking legal services, and we have no reason to doubt that. Although in any event it is not a basis for an aggravated damages claim; any party to tribunal litigation is perfectly entitled to take legal advice only on select points, or represent themselves, or have a lay representative. Ultimately claimants choose to bring employment tribunal proceedings and what inevitably comes with that is work that needs to be done and the strain involved in that. A Judge may decide to pass case management responsibilities on to the represented party, or a Claimant where there is no representative at all, because it is the Claimant bringing the case. That is just how adversarial litigation works. It is a tough process.

4.12 The disclosure process in employment tribunal litigation is often not a perfect process (nor indeed general case management progression). Often there are delays on both sides. It is often the case that more documents come to light as litigation progresses towards hearing. It is also often the case the parties having differing views as to what is or is not relevant because they are approaching the litigation from entirely different perspectives. That is one of the reasons why the tribunal tries to get the disclosure process started as early as possible in the litigation, and also why parties can make applications, including applications for specific disclosure, if they are unable to resolve the disclosure dispute between themselves.

4.13 We can see no evidence at all of the deliberate withholding of relevant evidence by the Respondents. What seems to have happened is no more than is often the case in litigation, of more potentially relevant documents coming to light and being disclosed. The correspondence passing between the parties in the Remedy Bundle actually shows both parties working hard and consciously to get the case ready for hearing and that significant efforts had been made by Katie Rishi to locate documents such as, for example, the Claimant's recollection that a message had been sent about inviting SG to meetings. If there were further documents the Claimant considered were missing (including from the Teams Channel she worked on and knew about) then she would have been at liberty to make a specific disclosure application. There was no such application. We consider that the history of this case is "run of the mill" in terms of hearing preparation and can see no basis on which to make an award of aggravated damages.

"On 29 October 2024, the Claimant's husband received a telephone call from Ian Lucey, who it is understood is the new owner of the First Respondent. The Claimant believes that this call was intended to be intimidatory, and included a suggestion that Mr Lucey would initiate a high court claim against the Claimant, for which he provided no detail or evidence as to what he was taking against the Claimant for, and during the course of the conversation highlighted the extent of his resources, that he has access to top King's Counsel and that it is very difficult to defend litigation against "multi-millionaires."

4.14 Both parties agreed to waive privilege in respect of this conversation which otherwise, on the face of it, may have been one caught by without prejudice.

- 4.15 We heard evidence from Mr Redston and Mr Lucey under oath and they both had the opportunity to cross examine each other. There is no contemporaneous documentation other than the email that the Claimant send to the Tribunal on 1 November 2024, albeit that is her perspective on what she was told by Mr Redston as she was not a participant in the conversation itself.
- 4.16 On the balance of probabilities we find that Mr Lucey did not telephone the Claimant with the intention of being intimidatory. We find that he telephoned Mr Redston with the perfectly laudable aim of having a discussion about what the Claimant was seeking to achieve through the litigation, and to see whether there was any scope for a resolution.
- 4.17 The Respondents did hold concerns that the Claimant made have acted in breach of contract, including her involvement with Dr Jennifer Leigh. That is set out in Mr Rishi's witness statement for the liability hearing at paragraph 61. We would accept that during the course of the conversation Mr Lucey may have made some reference to the potential for there to be some form of counter claim against the Claimant. We do not find it likely, on the balance of probabilities, that he said it is difficult to defend litigation against multi millionaires. But we accept that he is likely to have made some kind of reference to, if litigation was going to continue between the parties, that the Respondents were in a position to fund it. That would have been a correct statement.
- 4.18 We do not find that Mr Lucey's conduct in the phone call was intimidating or intending to be so. It was supposed to be a frank discussion about the tribunal claim, where the Claimant saw it going, what she was looking for, what the Respondents' position on it was with the risk of potentially there being counter claims, the expense of litigation for everyone involved at a financial and human level, and whether there was a way forward. It is the kind of conversation that happens lawyer to lawyer all the time, and the kind of conversation that parties to litigation are generally encouraged to have (hence the scope of the without prejudice principle to start with). Mr Redston, as the Claimant's husband, is understandably very close to the litigation. That he and then in turn the Claimant took an intimidatory motivation away from the phone call does not mean that is what actually happened. We do not find that this was intimidatory, oppressive, or highhanded conduct of the litigation.

"The First Respondent describes itself as a company for which equality, diversity and inclusion is at its core, but now has a Judgment of disability-related harassment against it. The Claimant contends that the above examples of how it has conducted litigation to date demonstrates a very high-handed and oppressive manner toward the Claimant and her discrimination claims."

- 4.19 We do not consider this is any basis on which an award of aggravated damages could be made. The Claimant succeeded in one complaint of harassment related to disability that was found to be non-intentional. She

did not succeed in her many other complaints where the Respondents were found not to have discriminated against the Claimant. The Claimant was entitled to bring her claims. The Respondents were also perfectly entitled to defend the proceedings. We do not consider that the Respondents have behaved in a very high handed or oppressive manner towards the Claimant in the conduct of the litigation and the situation is very far from that high threshold being reached.

- 4.20 Our final observation is that this litigation has reached the point where it seems to the tribunal both parties have long lost the ability to maintain objectivity; instead they interpret the worst from whatever happens. There is very much a need for both sides to move on from the litigation, and we hope and encourage them to do so.

5. Interest

- 5.1 The final matter is interest which the tribunal is bound to consider under the Employment Tribunals (Interest on Awards in Discrimination Cases) Regulations 1996. For injury to feelings awards, interest runs from the date of the discriminatory act to the date of calculation, at 8% per annum.
- 5.2 The date of the discriminatory act was 22 February 2024 and the calculation date is 15 September 2025. That gives 314 days in 2024 in the sum of £274.54 and 258 days in 2025 in the sum of £226.19. The total interest sum is therefore **£500.73**.

Approved by:

**Employment Judge R Harfield
17 October 2025**

JUDGMENT SENT TO THE PARTIES
ON

28 October 2025

Adam Holborn
FOR THE TRIBUNAL OFFICE

Notes

All judgments (apart from judgments under Rule 51) and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.

If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. 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:

www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/