



EMPLOYMENT TRIBUNALS

Claimant: Mr D Williams

Respondent: Royal Mail Group Limited

Heard at: Manchester

On: 5 December 2025

Before: Employment Judge McDonald
Mr R Aldritt (remotely by CVP)
Ms H Price

REPRESENTATION:

Claimant: Representing himself (supported by his wife, Mrs M Williams)

Respondent: Mr Steve Peacock (solicitor)

WRITTEN REASONS ON REMEDY

JUDGMENT having been sent to the parties on 4 February 2026 and written reasons having been requested in accordance with Rule 60 of the Employment Tribunals Rules of Procedure, the following reasons are provided:

1. The judgment of the Tribunal is that the respondent shall pay to the claimant the sum of £12,925.59 without any deduction by way of compensation for injury to feelings. That amount includes interest.
2. The Tribunal makes the following recommendation under s.124(2)(b) of the Equality Act 2010: the respondent must by 19 December 2025 write to the claimant to confirm that his current start time is 6 a.m.

REASONS

Introduction

1. By a liability judgment dated 12 September we decided that the claimant's complaint that the respondent had failed to make reasonable adjustments succeeded. We found it would have been a reasonable adjustment for the respondent to:

- a. Agree in September 2023 that the claimant's start time should be 06:00 rather than 06:45.
- b. To allow the claimant to return to work in September 2023 initially on a start time of 05:00 and support the claimant to transition to his new start time of 06:00.

2. In the same judgment we found that the claimant's complaint of disability-related harassment failed.

3. The claimant in his claim form sought compensation and a recommendation that his start time be 6 a.m.

4. By the time of the hearing, the parties had reached agreement about the financial loss suffered by the claimant as a result of the failure to make reasonable adjustment so we make no award in relation to that financial loss.

5. The claimant is currently working with a start time of 6 a.m. He was concerned that he had had nothing in writing to confirm that that is his current start time. The claimant accepts that the respondent cannot guarantee that that will be his start time for ever. There may be a point in the future when changes in circumstances mean it is no longer a reasonable adjustment for him to start at that time. Both parties agreed that we should recommend that the respondent write to the claimant within 14 days to confirm that his current start time is 6 a.m. We have done so in our judgment.

6. The remaining issue in dispute was what compensation for injury to feelings the Tribunal should award for the respondent's failure to make reasonable adjustments in September 2023.

7. This remedy hearing took place at Manchester Employment Tribunal. The parties and the tribunal attended in person apart from Mr Aldritt who attended remotely by CVP.

8. The claimant represented himself, supported by his wife. The respondent was represented by Mr Peacock, a solicitor.

The Hearing

9. After discussing the preliminary matters we adjourned to read the witness statements and key documents in the Remedy Bundle. We then heard the claimant's evidence. We heard oral submissions from Mr Peacock and the claimant. We offered the claimant a break before making his submissions. He preferred to make his submissions straight after Mr Peacock's while matters were still fresh in his mind.

10. After retiring to deliberate, we gave oral judgment.

Preliminary Matters

11. At the start of the hearing the Judge explained the principles the Tribunal would apply to make its decision. A copy of the EAT's judgment in **Eddie Stobart v Graham** was provided to the parties. The Judge took the parties through paras 30-50 of that judgment to assist the claimant in understanding the principles the Tribunal would be applying.

12. It was agreed that the relevant Addendum to the Vento Guidance was the Sixth Addendum, applying to cases presented on or after April 2023. That provides that:

“the “Vento bands” shall be as follows: a lower band of £1,100 to £11,200 (less serious cases); a middle band of £11,200 to £33,700 (cases that do not merit an award in the upper band); and an upper band of £33,700 to £56,200 (the most serious cases), with the most exceptional cases capable of exceeding £56,200”.

Evidence

Remedy Bundle

13. There was a bundle of documents prepared for this hearing (“the Remedy Bundle”) running to 169 pages (including the index).

Witness Evidence

14. The Remedy Bundle included witness statements from the claimant and his wife.

15. Mr Peacock cross-examined the claimant. He chose not cross-examine Mrs Williams. She took the oath and confirmed the truth of her witness statement. We have read it and, since she attended the hearing and was available to be cross examined, give it as much weight as if she had given oral evidence.

Relevant Law

Compensation for breach of the Equality Act 2010

16. Section 124 of the Equality Act 2010 provides that where a Tribunal finds there has been a contravention of a relevant provision the Tribunal may make a declaration as to the rights of the parties; an order requiring the payment of compensation and an appropriate recommendation.

17. In loss, the aim is to put the claimant in the position that he would have been in but for the discriminatory act. Loss caused by anything other than the discrimination is not recoverable.

Compensation for Injury to Feelings

18. The relevant law on compensation for Injury to Feelings was recently reviewed and summarised by the President of the Employment Tribunal in England and Wales, Judge Barry Clarke, sitting in the Employment Appeal Tribunal in **Eddie Stobart v Graham [2025] EAT 14**:

“31. The five key points of principle were established by the EAT, nearly 30 years ago, in **Armitage, Marsden and HM Prison Service v Johnson [1997] IRLR 162 (at paragraph 27)**:

(1) Awards for injury to feelings are compensatory. They should be just to both parties. They should compensate fully without punishing the tortfeasor. Feelings of indignation at the tortfeasor's conduct should not be allowed to inflate the award.

(2) Awards should not be too low, as that would diminish respect for the policy of the anti-discrimination legislation. Society has condemned discrimination and awards must ensure that it is seen to be wrong. On the other hand, awards should be restrained, as excessive awards could, to use Lord Bingham's phrase, be seen as the way to untaxed riches.

(3) Awards should bear some broad general similarity to the range of awards in personal injury cases. We do not think this should be done by reference to any particular type of personal injury award; rather to the whole range of such awards.

(4) In exercising their discretion in assessing a sum, tribunals should remind themselves of the value in everyday life of the sum they have in mind. This may be done by reference to purchasing power or by reference to earnings.

(5) Finally, tribunals should bear in mind Lord Bingham's reference to the need for public respect for the level of awards made.

32. These principles were approved by the Court of Appeal in **Vento v Chief Constable of West Yorkshire Police (No.2) [2003] IRLR 102.**”....

33. At paragraph 65 of **Vento**, the Court of Appeal then set out the bands for which its judgment is best known and quoted daily in Employment Tribunal hearings:

33.1.1 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.

33.1.2 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.

33.1.3 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.

34. As the Court of Appeal said of the Vento bands in **Kemeh v Ministry of Defence [2014] IRLR 377** (at paragraph 54) : "they are designed to ensure a measure of consistency and fairness in the way in which tribunals approach

their task", before adding the essential reminder that "the aim is to compensate for genuinely injured feelings, not to punish an employer for bad management or poor personnel practice".

35. By way of guidance issued annually since 2017, following the invitation of the Court of Appeal in *De Souza v Vinci Construction (UK) Ltd* [2017] IRLR 844 (paragraph 34) , these figures are now annually adjusted for inflation through the vehicle of Presidential Guidance promulgated by the Presidents of Employment Tribunals.

36. As the EAT observed in **HM Land Registry v McGlue (UKEAT/0435/11, paragraph 25)**, such awards are "not susceptible of close calculation" and "will not be interfered with unless they are manifestly excessive or wrong in principle".

37. It is clear that, when quantifying the appropriate amount to award for injury to feelings, the tribunal must focus on the effect of the discriminatory act upon the particular claimant. The tribunal is required to compensate for the injury suffered, not the manner of the discrimination. As the band categorisation in **Vento** implicitly acknowledges, however, it is difficult to do this without reference to whether the discrimination causing the injury is more (or less) "serious". As I will explore further below, the manner of discrimination can, in certain circumstances and if used with caution, provide a benchmark for assessing severity of the injury."

19. In **Graham**, the President went on (at paras 38-50) to set out the importance of evidence of injury and the relationship between the manner of discrimination and injury. In summary, he made the following points:

- a. There can be no award of compensation if there is no evidence of injury. An award is not automatically to be made whenever unlawful discrimination is proved or admitted and it is permissible for a tribunal to make no award where a claimant has failed to adduce evidence of any injury to feelings such as would warrant an award under this head.
- b. While tribunals should avoid making assumptions, it can properly be borne in mind that in every kind of discrimination case a claimant will usually suffer some injury to feelings.
- c. The manner of discrimination can provide a basis for inferring the level of upset it has caused. So long as the tribunal does not lose sight of the fact that it is compensating a claimant for the injury suffered, rather than the manner of the discrimination, the latter can be a useful guide to inferring the former when evidence is otherwise sparse.
- d. The manner of discrimination is neither determinative of, nor a proxy for, the seriousness of the claimant's injury. To treat it as the sole mechanism for identifying the appropriate **Vento** band would distract the tribunal from its focus on the claimant's injury. That focus may mean that the same discriminatory behaviour results in different levels of compensation for injured feelings for two different individuals, as recognised by the EAT in **Cadogan Hotel Partners Ltd v Ozog (UKEAT/001/14, paragraph 49)**.

- e. At its highest, the point can be put this way: the manner of discrimination is a tool by which the tribunal can properly draw an inference of secondary fact as to the injury suffered by a claimant when, as often happens in such cases, there is little else to go on.

20. Noting the many factual possibilities inhabit the territory between the "lengthy campaign of discriminatory harassment" associated with the top **Vento** band and the "isolated or one-off occurrence" associated with the bottom **Vento** band, the President said that the frequency and duration of the claimant's exposure to the discriminatory conduct are not the only measures that can support an inference of injury. Other relevant considerations are:

- a. Whether the discrimination can be described as "overt". As noted by the EAT at paragraph 10(2) of **Taylor v XLN Telecom Ltd and others [2010] IRLR 499**, it may validly be inferred that overt discrimination is more likely to cause distress and humiliation, because the victim has understood the motivation at the time to be discriminatory.
- b. The existence of ridicule or exposure. Discrimination played out in front of colleagues or others to see may well cause greater harm. It may provide a reasoned basis for inferring as a fact the seriousness of the injury suffered, especially in respect of compensable feelings of humiliation.
- c. The discrimination reflecting or exposing an asymmetry of power, influence and information. In some cases, this can be manifested in disciplinary threats that create worry, or in exclusion that causes isolation. Such features may again provide a reasoned basis for inferring more serious injury to feelings.

Recommendations

21. S.124(2)(c) Equality Act 2010 provides that a Tribunal may make an "appropriate recommendation". S.124(3) defines that as:

"(3) An appropriate recommendation is a recommendation that within a specified period the respondent takes specified steps for the purpose of obviating or reducing the adverse effect on the complainant of any matter to which the proceedings relate."

Interest

22. In discrimination cases, legislation requires the Tribunal to consider whether to award interest on awards for discrimination. The basis of calculation is set out in the Employment Tribunals (Interest on Awards in Discrimination Cases) Regulations [1996] SI 2803 (as amended). For injury to feelings awards interest is awarded for the period beginning on the date of the act of discrimination and ending on the day the amount of interest is calculated. For other awards interest commences at a midpoint. There are no equivalent regulations applying to awards of compensation for protected disclosure detriment

Taxation

23. In relation to taxation, the Court of Appeal in **Moorthy v HMRC [2018] EWCA Civ 847** held that awards for injury to feelings were to be treated as tax free whether or not related to the termination of employment. This position changed from 6 April 2018 by an amendment to section 406 of the Income Tax (Earnings and Pensions) Act 2003 so that although “injury” in subsection (1) includes psychiatric injury it does not include injured feelings. This amendment has effect for the tax year 2018-19 and subsequent tax years. Section 406 which deals with the tax exemption provides:

“(1) This chapter does not apply to a payment or other benefit provided –

(a) in connection with the termination of employment by the death of an employee, or

(b) on account of injury to, or disability of, an employee.

(2) Although ‘injury’ in subsection (1) includes psychiatric injury, it does not include injured feelings.”

24. This means that an award of compensation for psychiatric injury falls within the tax exemption but an award compensating for injury to feelings does not if it is “in connection with termination of employment”. Therefore, an award for injury to feelings is taxable to the extent that it exceeds £30,000 if made in connection with termination of employment.

Findings of Fact

25. We set out below our findings of fact based on the evidence we heard and read and taking into account the parties’ submissions on that evidence. These findings should be read alongside the findings of fact in our liability judgment.

26. We found the claimant to be a sincere witness and his evidence reliable.

27. We find that the claimant’s mental health had suffered because of issues at work before the failure to make reasonable adjustments in September 2023. He had been absent from work at the end of 2022 and again from April 2023.

28. Although those absences were partly related to physical issues, specifically shin splints, the claimant accepted that it was also partly due to mental health issues. His evidence, which we accept, was that from April 2023 he had fallen to what he described as an “all time low”. A contributing factor to that was his relationship with his then line manager.

29. Our concern is with the position from September 2023 onwards. The claimant accepted that by that point he had been having CBT. The Occupational Health reports from that point (specifically those from November and December 2023) report an improvement and stability in his mental health. The December OH report confirmed his ability to return to work (with adjustments) and he did so from February 2024. We accept that return was in part due to his financial circumstances.

30. We accept the claimant's evidence that there were continuing frustrations with his employer after his return. He used CBT techniques to manage what he described as abuse at work from colleagues.

31. The claimant gave evidence that he was taunted by colleagues about losing his hours. He did not give specific instances and the claim to which our judgment relates did not include harassment or any other legal complaint based on that behaviour. We do accept, however, that the fact of the claimant's change of hours (what he described as "losing his hours") would be known to colleagues at work. We accept that the claimant experienced a degree of humiliation as a result.

32. We find that the changes to the structured work hours he had worked for a number of years impacted especially hard on the claimant. He had worked for the respondent since he was 18 and the structure his working hours gave him worked well with his disability. We also find that the fact of the claimant's "loss of hours" being public knowledge among his colleagues impacted on his self-esteem.

Submissions

33. Mr Peacock submitted that this was a case falling at the top of the lower Vento band. He reminded us that we are compensating the claimant for the unlawful act by the respondent. In this case, that was the failure to make reasonable adjustments. The compensation could only relate to the injury to feelings arising from that act from 29 September 2023 onwards.

34. Mr Peacock submitted the evidence showed that the claimant had experienced anxiety, stress and depression prior to the act of discrimination. The OH reports suggested if anything that there was a slight improvement by Sept 2023. The claimant was able to return to work.

35. Mr Peacock made it clear that he was not suggesting that there should be no award of compensation for injury to feelings-the discrimination had to be recognised. However, the appropriate award was in the lower Vento band. Such an award recognised that what had happened was that the act of discrimination had exacerbated existing mental health issues.

36. The claimant submitted that the relevant Vento band was the middle or top band. This was not a lower band case. A lower band case was usually a one-off incident whereas the effect of the respondent's actions had gone on for years until the claimant was vindicated by the liability judgment. He had had to keep pursuing matters with the respondent and their failures to address the occupational health recommendations were akin to banging his head against a brick wall. Experiencing humiliation by colleagues had made matters worse.

Decision

Injury to Feelings award

37. We found that the claimant suffered mental health issues because of his experiences at work. We remind ourselves that we have to compensate for the impact of the discriminatory act. We have to separate out the effect of the failure from 29th of

September 2023 onwards from the effect of those other matters which are not part of this claim.

38. As the case-law makes clear, discrimination has to be acknowledged by way of compensation. As we have said in our findings of fact, we do find the failures to adjust his hours impacted especially hard on the claimant because of the length of time he had consistently worked those hours and the impact of changes of routine on him as a disabled person with his particular disability. Coupled with that was the impact on the claimant's self-esteem and humiliation he felt from his "losing his hours" being known to colleagues at work.

39. As we stated in our liability judgment, the respondent gave no real reason for the refusal to implement reasonable adjustments. In effect, it gave no acknowledgment to the claimant's disability. The claimant's frustration at having to constantly try and put his case and getting brick walled in return was evident. Those factors increased the injury to feelings.

40. However, we accept that there is clear evidence (which the claimant very honestly accepted in his evidence) that he had mental health issues prior to the act of discrimination. We accept Mr Peacock's submission that the evidence is clear that the act of discrimination did not significantly exacerbate the claimant's existing mental health issues. The OH evidence showed no obvious dip in the claimant's mental health from September onwards attributable to the act of discrimination.

41. We take into account what the claimant says about the lower band usually applying to one off acts. In one sense, the act of discrimination in this case was a one-off act, i.e. there was a decision to impose working hours starting at 6:45. However, the respondent also failed to respond to the claimant's attempts to negotiate adjustments to those imposed working hours. We accept the claimant's submission that the act in this case is more correctly seen as a continuing failure to make a reasonable adjustment rather than a one-off act.

42. We accept that referring to what the claimant experienced as being in a "lower band" could be seen as being disrespectful to his experience. We obviously take the Vento bands into account, but the key thing is for us to decide what compensation is appropriate for the claimant given the evidence we've heard about his injury to feelings.

43. We accept that this is a case where the injury to feelings resulting from the act of discrimination took the form of an exacerbation of existing mental health issues rather than triggering mental health issues where there previously had been none. In those circumstances we find that the appropriate award is £11,000.

44. That is at the top of the lower Vento band. That is in essence what Mr Peacock had submitted was appropriate and we do find his submissions to be persuasive. We should say that we do not by that mean to diminish the impact of the experiences which the claimant clearly had at work. We say again that what we are doing is compensating for the specific act of discrimination that we have found the respondent committed, not for those other matters beyond that act about which we heard from the claimant.

Interest

45. We have decided it is appropriate to apply interest to the award in accordance with the Employment Tribunals (Interest on Awards in Discrimination Cases)

Regulations 1996. We have calculated interest on the injury to feelings for the whole of the relevant period. That is from the act of discrimination on the 29th of September 2023 until the date of this remedy judgment.

46. The compensation we have awarded is £11,000. The interest rate is 8% per annum which equals to £880 of interest per year or £2.41 per day. The interest on the injury to feelings award to today is therefore £2.41 x 799 days which equals £1925.59.

Grossing-up for tax

47. When there is an award of injury to feelings there is the question of whether it should be grossed up to take into the possibility into account the possibility that it may be subject to income tax.

48. In this case the compensation for injury to feelings is awarded for pre termination discrimination. Based on the current case law and legislation our view is that that means it is not taxable and therefore we should not gross it up.

49. For the avoidance of doubt what that means is that the sum that we have awarded should be paid to the claimant without any deduction for tax or National Insurance.

Conclusions

50. The total award to the claimant is the sum of £12,925.59 consisting of the following elements:

a. Injury to feelings	£11,000.00
b. Interest	£1,925.59

Approved by:

Employment Judge McDonald

1 April 2026

Judgment sent to the parties on:

13 May 2026

.....

For the Tribunal:

Judgments (apart from judgments under rule 51) and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

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