EMPLOYMENT TRIBUNALS

Claimant: Ms M Teixeira

Respondent: Sainsbury's Supermarkets Limited

HELD AT: Liverpool **ON:** 15th June 2026

BEFORE: Employment Judge Anderson
Ms HD Price
Mr J Murdie

REPRESENTATION:

Claimant: In Person

Respondent: Mr Carter (Counsel)

RESERVED JUDGMENT ON REMEDY

1. Following the previous finding of two acts of unlawful disability discrimination within the meaning of s.15 Equality Act 201, the unanimous Judgment of the Tribunal is that the Respondent is ordered to pay to the Claimant the sum of **£10,385.37.** This sum consists of:

    a. An award of damages in the sum of £8500.00 for injury to feelings.
    b. Interest calculated at £1885.37.

REASONS

Introduction

1. This is the unanimous Reserved Judgment of the Tribunal in relation to remedy in the case of Ms. M Teixeira v Sainsbury's Supermarkets Limited.

2. In the liability Judgment, the Tribunal determined that the claims of discrimination arising from disability as provided for in s.15 Equality Act 2010 were well founded in respect of the Claimant being provided with a written warning and the Respondent's refusal of the appeal against that written warning.

3. The key conclusions in relation to section 15 Equality Act 2010 can be found in paragraphs 197-225 of the written reasons.

4. All other claims were dismissed.

5. The purpose of the hearing today was to determine the damages payable to the Claimant. This requires consideration of the following points:

    a. Should we treat the discrimination as one act as the Respondent submits or two acts as the Claimant submits? The Respondent suggests that it should be treated as a single act.
    b. What damage was caused to the Claimant as a result of the act or acts of discrimination?
    c. Is the Claimant entitled to aggravated damages?
    d. What interest is payable?
    e. What is the overall sum in damages payable to the Claimant?

Procedural Matters

6. The Claimant provided a witness statement for the hearing today. With respect, that witness statement covered a wide range of issues and only on occasion touched upon the issues that were to be determined at this remedy hearing.

7. In addition, the Schedule of Loss in the remedy bundle had not been updated in light of the liability Judgment. That Schedule of Loss sought an injury to feelings award beyond the top end of the highest Vento band.

8. We therefore discussed with the parties what the hearing today was about. We gave the Claimant time to consider her position and called the parties back in.

9. Because the Claimant appears in person, we considered it to be in the interests of justice and the overriding objective for the Tribunal to ask the Claimant in chief and at the beginning of her oral evidence a) the level of Vento award that she was seeking and b) why she said that level of Vento award was appropriate. Having done so, the Respondent could then cross-examine the Claimant if it wished to do so.

10. We also invited the Claimant to identify if anything else was being claimed beyond injury to feelings, aggravated damages and interest. Nothing else was identified.

11. In her evidence in chief, the Claimant also referenced her successful personal injury claim against the Respondent in April this year. Following this evidence in chief, we gave the Respondent's Counsel a short break to take instructions before the Claimant was cross-examined.

12. Following the evidence being heard, both parties made submissions. This took the hearing to near lunchtime, and we decided to reserve our judgment, taking the time in the afternoon to deliberate.

Findings of Fact

13. The Tribunal found the following facts on the balance of probabilities.

14. In terms of the effect on the Claimant of the discrimination, we accept that the Claimant found the imposition of a written disciplinary warning to be upsetting and that the decision to uphold that disciplinary warning also to be upsetting.

15. We find that this disciplinary warning occurred in the context of the Claimant's disability and that the fact of the Claimant's disability is something that the Claimant considers to be of importance. The Claimant plainly feels matters relating to her disability acutely. It may sound trite, but it is personal to her, and she articulated that before us today.

16. The written warning was made on the 11th August 2023 and the appeal against that warning was refused on the 4th October 2023. Within their policy, Sainsbury's chose to classify the warnings as disciplinary warnings. To be disciplined for absence that was outside her control inevitably impacted on the Claimant.

17. We accept that the Claimant was upset to be put through the process, and we accept that she felt that she was not being listened to.

18. In April 2026, the Claimant succeeded in her claim for personal injury in the County Court against Sainsbury's. We do not have any paperwork from that hearing provided to us from either the Claimant or the Respondent.

19. The Claimant tells us that she was previously represented by a solicitor in that personal injury litigation to around September last year and then represented herself in the County Court. Her evidence was that the County Court awarded 8 weeks of losses in addition to a damages for pain, suffering, loss of amenity (PSLA).

20. The Claimant's evidence was that the 8 weeks of losses was based upon a figure of 8-12 weeks being claimed by her previous solicitor. She says that this was a result of the medical evidence.

21. The Claimant's evidence was that there was no overlap between what was sought at that hearing and what is being determined at this remedy hearing. We accept that submission.

The Law

22. It is for the Claimant to prove her damages and for the Claimant to prove that her damages were caused by the unlawful discrimination.

23. We direct ourselves that in considering injury to feelings, we are considering the effect of the discrimination on the Claimant. The purpose of damages is compensatory. We are not punishing the Respondent nor do we base the damages on the act of discrimination but rather the effect of the act of discrimination.

24. The authority of Vento v Chief Constable of West Yorkshire Police [2003] IRLR 102 provides guidelines for the making of awards for injury to feelings. The Court of Appeal identified three categories and discussed the nature of damages and potentially relevant factors such as the effect on the individual, any medical impact, the effect on personal relationships, the effect of the discrimination on the Claimant's job and their overall career and how any grievance was handled. This is not an exhaustive list and the key consideration is the Tribunal making relevant findings of fact as to the damage caused by the unlawful discrimination and then appropriately assessing it.

25. As to the effect of inflation and any Simmonds v Castle uplift, the April 2023 Presidential Guidance provides as follows:

In respect of claims presented on or after 6 April 2023, 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.

26. It was agreed that the relevant ET 1 was the first ET 1 submitted. It was further agreed that the relevant guidance was the April 2023 guidance.

Conclusions

27. We do not consider the fact of the Claimant's successful personal injury claim in April 2026 to have a bearing on this remedy Judgment. It was not suggested that the damages awarded in that case in any way had a risk of double recovery with any of the matters the Tribunal was dealing with today.

28. What was tentatively raised by the Respondent was the incongruence between the Claimant limiting her personal injury claim to a period of 8-12 weeks based on medical evidence and the position that was before the Tribunal that the Claimant was a disabled person, suffering the effects of that injury at the time of the warnings being provided.

29. We did not consider that these points took the case any further. Our reasoning was as follows:

    a. The Respondent accepted that disability had previously been conceded in this litigation.
    b. There was a significant distinction between the question of causation and damage in personal injury and the test for s.6 disability in the Equality Act 2010.
    c. The Respondent was a party to the litigation in April. As a corporate body, it is seized with all relevant knowledge of what happened at that hearing. If anything at that hearing was material to the Tribunal process, it was the Respondent's responsibility to a) make any appropriate application and b) place any relevant evidence before the Tribunal. This had not occurred.

Injury to Feelings & Interest

30. We have considered whether to treat the discrimination as one or two acts of discrimination.

31. The Respondent submits that this was all part of a single process arising out of the application of the same policy. The Claimant submits that these were two distinct decisions which were taken a number of months apart by two different people.

32. We conclude that there were two acts of discrimination. This is consistent with our liability Judgment which treated the acts as separate and also the way in which the acts were framed in the list of issues. We also accept the Claimant's submissions regarding the fact that there were two decision makers, that the decisions were distinct and that there was a number of months between the two decisions being taken. We accept in broader terms that there is some relevant context, namely that this was part of one process relating to the same subject matter and take that into account when making our overall Judgment on the correct Vento award, but we are clear that we are finding that there were two acts of discrimination.

33. With regard to the level of Vento award, the Claimant submits that this case falls within the middle of the middle Vento band and the Respondent submits that this falls within the lower band in the region of £5,000. The basis for the Respondent's submission in part relies upon some first-instance decisions from 2007 in Harvey which, when uprated to take into account inflation, reach the ballpark of £5,000. It is to be noted that these cases were also pre Simmonds v Castle.

34. The fact that we have found that there were two acts of discrimination is relevant to our consideration of banding, but does not compel us to automatically place this case in the middle band.

35. We have taken into account the original Vento case and the Presidential Guidance from April 2023. Our collective view is that this is a case which is above the middle of the lower band and moves towards the higher end of the lower band.

36. We consider that the original warning had a personal impact on the Claimant. That impact was exacerbated by the fact that the appeal upheld the original discriminatory decision, particularly in circumstances whereby the appeal was poorly handled, which further exacerbated the impact on the Claimant. It is also relevant that this process occurred over a period of just under two months.

37. At the same time, these were warnings. They were not a final warning. The Claimant's dismissal, which was a fair dismissal was not an escalation of these warnings. The Claimant's dismissal in a later period related to long term ill health following a subsequent deterioration in the medical position.

38. When the Claimant refers to her overall career being affected, we do not accept that any effect on her career was caused by the two acts of unlawful discrimination. Had the unlawful discrimination not occurred, we do not have any evidence before us to suggest that the Claimant would be in a different

position in the jobs market today. Again, it must be understood that the dismissal was in no way a continuation of these warnings.

39. We consider that the correct figure for injury to feelings is £8500.00. This reflects the fact that there were two acts, spread out over a number of months and the fact that the Claimant was particularly upset and was in a position of having to challenge her employer in a situation where she did not appear that she was listened to.

40. We consider that if we were to make a lower award, in the region suggested by the Respondent this would not adequately reflect the injury to feelings on this specific Claimant. First instance decisions can provide an indication, but injury to feelings is inherently fact sensitive. We do not know whether there was more than one act in those cases and these cases have been drawn to our attention because they are 'warnings' cases which is relevant context, but has to be seen in the wider context of the key consideration not being the act itself but the effect on the Claimant.

41. We do not award a higher sum. In seeking to cover off so many non discriminatory events in her witness statement, the Claimant has had greater difficulty in identifying and proving the effects of the specific acts of discrimination found. We have made allowances in accordance with the overriding objective and allowed ourselves to ask some questions of the Claimant in order to give her the opportunity to give evidence on this, but it is also right that we must make our decision on the evidence that is before us.

42. Much of what the Claimant describes as the more significant effects on her, including her employment, her long-term well-being and what she identifies as being the most serious matters, e.g. allegedly being locked out of the store or dismissed, are not acts of discrimination. What we have tried to explain in this hearing and in this Judgment is the need for causation between the acts of the discrimination and the damages sought.

43. We award interest at 8%. The Respondent asks that we consider the wording of section 124 of the Equality Act 2010 and make a lower award. We have considered this submission. We see no reason either in law or on the facts why it would be appropriate to award interest at a rate less than 8%. We award interest at a rate of 8% in accordance with the Employment Tribunals (Interest on Awards in Discrimination Cases) Regulations 1996 SI 1996/2803.

44. We accept the Respondent's submission that if we were to find two acts of discrimination then one way of calculating interest is to find the mid point between the two relevant dates. The alternative would be to make two separate injury to feelings awards, a route which we do not consider to be attractive in

circumstances where we must look at the totality of the award. Therefore, we approach interest using the approach of the mid date between the two acts of discrimination as the relevant start date. The written warning was dated 11th August 2023. The appeal was rejected on the 4th October 2023. The mid-point between these two dates is the 7th September 2023. The remedy hearing was held on the 15th June 2026 and there are 1,012 days between these two dates. Accordingly, we award the sum of £1,885.37 in interest.

45. We have also taken a step back and looked at the totality of the award. We do not consider it to be unduly excessive or too low. We consider it to be the correct award on the specific facts of this case.

Aggravated Damages

46. In her witness statement and as discussed with the parties in submissions, the Claimant's witness statement seeks 'uplifts' based upon the conduct of the Respondent in this litigation.

47. The Claimant contends that the disclosure breaches, which are detailed in our liability Judgment should give rise to aggravated damages.

48. The Claimant also relies upon the Respondent's conduct of the litigation in terms of the allegations put to her in cross-examination and also suggests that there were documents in the bundle which were forged.

49. As to aggravated damages, we direct ourselves in accordance with the Judgment in Commissioner of the Police for the Metropolis v Shaw [2012] IRLR 291 that they are an extension of an award for injury to feelings.

50. It follows that aggravated damages are not a general award in respect of any criticism that may be attached to how a Respondent has conducted the litigation. There must still be sufficient causation between the unlawful discrimination and the damage sustained by the Claimant.

51. The vast majority of matters which the Claimant relies upon to establish injury to feelings relate in some way to points in respect of which it has been found that there was no unlawful discrimination.

52. As to the test for aggravated damages, we direct ourselves that it must be found that the Respondent acted in a "high-handed, malicious, insulting or oppressive manner." We do not make this finding. There are a number of criticisms of the Respondents conduct of the litigation in the liability Judgment, but as noted above, they are not on point.

53. There are two potential criticisms which on the face of it may relate back to the matters of unlawful discrimination that we have found. They are a) the disclosure breach regarding the failure to put the correct version of the absence policy in the original bundle; and b) the criticisms that we make of Ms. Sleyyum's witness statement.

54. Neither of these points has been focused on by the Claimant as a basis for aggravated damages and therefore we would consider it to be unduly prejudicial to the Respondent for us, of our own volition, to find these points to be aggravated damages.

55. But in any event, we do not consider in the overall circumstances of this hard-fought litigation that the matters in our original liability Judgment meet the threshold of the Respondent acting in a "high-handed, malicious, insulting or oppressive manner". We consider that so finding would risk effectively treating any substantive criticism as a basis for the awarding of such damages in circumstances where the high threshold is not met.

56. In our liability Judgment, we do not make a finding that the disclosure breaches were deliberate. There is no sensible reason why the Respondent would place the wrong policy in the bundle only for its later witnesses to identify, unprompted that the wrong policy was in the bundle. As to the witness statement, our criticisms stand, but we do not consider that they are sufficient to merit a finding of aggravated damages.

57. With regard to the references to forged signatures, we resist the invitation to be pulled into collateral issues. We have not made any finding that any individual signature was forged, a finding that we would not make lightly and would require compelling evidence that goes beyond the frailties of individual memory recollection. Rather, we have considered the substance of documents such as the WRAPS and their impact on the list of issues. The detail of the WRAPS could have been communicated more effectively and we have made some criticisms, but the substance, the fact they took place or the contents was not the subject of significant challenge, irrespective of any invitation to consider the accuracy of signatures.

April 2024 Emails

58. Within the remedy bundle [pg. 378] is a document containing a number of emails between Michael Coulson and Jen Bailey which the Claimant says is relevant to remedy. This document was not placed before the Tribunal in the original hearing.

59. We also note that within the Claimant's witness statement for remedy is the suggestion that the Tribunal excluded a document that she wished to place reliance upon. We understand her to be referring to this document.

60. Given the inclusion of this document in the remedy bundle, we take this opportunity to record a number of points.

61. Our collective recollection as a panel is that during the hearing a number of disclosure issues arose. At no time was a document placed before the Tribunal which either the Respondent sought to exclude or the Tribunal in fact determined should be excluded.

62. During the liability hearing, there were general discussions as to what was relevant and what was not, for example, whilst the disciplinary process that was followed in relation to Mr. Sumner was potentially disclosable because it could contain consistent or inconsistent statements with positions adopted by a witness in these proceedings, the Tribunal was not here to adjudicate upon whether or not Mr. Sumner should or should not be disciplined as a result of Sainsbury's internal processes.

63. When a disclosure issue arose, the Respondent either had already or was in the process of providing the Claimant with the late document. The process by which late documents could be relied upon was also explained and during the case, some additional documents were added. Nothing was being excluded.

64. In any event, having read the emails inserted in the remedy bundle, we do not consider them to be revelatory. Indeed, they are entirely consistent with our understanding of the oral, written and documentary background evidence in this case and what Mr. Coulson was saying his view of the evidence was. The email evidence at page 378 supports the general thesis that there were problems with management, that there were problems with effective communication, that things should have been handled better. The Tribunal was aware of this and indeed considers this to be consistent with its liability Judgment.

65. We do not consider this document to be relevant to our determination on remedy. The reason for this is that we are awarding the Claimant damages for the written warning and the appeal, events which occurred in 2023. The document at page 378 is concerned with different issues and is significantly after this period.

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Employment Judge Anderson

15th June 2026

JUDGMENT SENT TO THE PARTIES ON

7 August 2026

FOR THE TRIBUNAL OFFICE

NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990
ARTICLE 12

Case number: **2410963/2023**

Name of case: **Ms M Teixeira** v **Sainsbury's Supermarkets Limited**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to proceedings to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day**, **the calculation day**, and **the stipulated rate of interest** in your case. They are as follows:

the relevant decision day in this case is: 7 August 2026

the calculation day in this case is: 8 August 2026

the stipulated rate of interest is: **8% per annum**.

Paul Guilfoyle
For the Employment Tribunal Office

GUIDANCE NOTE

1. There is more information about Tribunal judgments here, which you should read with this guidance note: www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

   If you do not have access to the internet, you can ask for a paper copy by telephoning the Tribunal office dealing with the claim.

2. The payment of interest on Employment Tribunal awards is governed by The Employment Tribunals (Interest) Order 1990. Interest is payable on Employment Tribunal awards if they remain wholly or partly unpaid more than 14 days after the **relevant decision day**. Sums in the award that represent costs or expenses are excluded. Interest starts to accrue from the day immediately after the **relevant decision day**, which is called **the calculation day**.

3. The date of the **relevant decision day** in your case is set out in the Notice. If the judgment is paid in full by that date, no interest will be payable. If the judgment is not paid in full by that date, interest will start to accrue from the next day.

4. Requesting written reasons after you have received a written judgment does **not** change the date of the **relevant decision day**.

5. Interest will be calculated as simple interest accruing from day to day on any part of the sum of money awarded by the Tribunal that remains unpaid.

6. If the person paying the Tribunal award is required to pay part of it to a public authority by way of tax or National Insurance, no interest is payable on that part.

7. If the Secretary of State has claimed any part of the sum awarded by the Tribunal in a recoupment notice, no interest is payable on that part.

8. If the sum awarded is varied, either because the Tribunal reconsiders its own judgment, or following an appeal to the Employment Appeal Tribunal or a higher court, interest will still be payable from **the calculation day** but it will be payable on the new sum not the sum originally awarded.

9. The online information explains how Employment Tribunal awards are enforced. The interest element of an award is enforced in the same way.

Notes

Public access to employment tribunal decisions

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

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. 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:

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