



# THE EMPLOYMENT TRIBUNAL

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**SITTING AT:** ASHFORD  
**BEFORE:** EMPLOYMENT JUDGE CROSFILL  
**MEMBERS** MR C WILBY  
MR T LANE  
**BETWEEN:**

Miss H Johnson

Claimant

-and-

East Sussex NHS Trust

Respondent

**ON:** 13, 14, 15, & 16 February 2017

**APPEARANCES:**

**For the Claimant:** In person  
**For the Respondent:** Mr T Ogg of Counsel

## **JUDGMENT**

1. The Claimant was unfairly dismissed by the Respondent contrary to Section 94 of the Employment Rights Act 1996.
2. The Claimant's claim that she was unlawfully discriminated against contrary to Sections 15 and 39 of the Equality Act 2010 succeeds.
3. The Claimant's claims that the Respondent failed to make reasonable

adjustments under sections 20 and 39 of the Equality Act 2010 is dismissed.

4. The Respondent is ordered to pay the Claimant a basic award made under section 119 of the Employment Rights Act 1996 in the sum of £3,592.80.
5. There is no separate compensatory award made under Section 123 of the Employment Rights Act 1996 as the Claimant is fully compensated by reason of the awards made in the Equality Act 2010 claim.
6. The Respondent is ordered to pay the Claimant the sum of £8041.32 in damages and interest under section 124 of the Equality Act 2010 and the Employment Tribunals (Interest on Awards in Discrimination Cases) Regulations 1996 calculated as set out in the schedule below.
7. The recoupment regulations do not apply the sums that the Respondent has been ordered to pay the Claimant.
8. The Claimant having obtained a full fee remission is not entitled to any fee award.

#### Schedule

1. The Tribunal held that the Claimant would have been dismissed in any event on a date 14 weeks after her actual dismissal.
2. The Tribunal made an award of damages for injury to feelings of £6,600.00.
3. Her losses during that period were 14 x her net weekly pay of £149.70 = £2095.80 less payments of employment and support allowance ("ESA"). There were 9 payments of £74 and 5 payments of £120 by way of ESA during that period; a total of £1,266.00. Her loss of earnings are therefore £2095.80 - £1,266.00 that is £829.80.
4. Interest on the injury to feelings award at a rate of 8% from the date of the injury (the dismissal) 1 February 2016, to the date of the hearing, 16 February 2017, amounted to £551.14. Calculated as  $381\text{days}/365 \times 0.08 \times £6,600$ .
5. Interest on the loss of earnings from a date representing the midpoint of that loss, that being 3 March 2016, to the date of the hearing, 16 February 2017, amounted to £60.38. Calculated as  $350/365 \times 0.08 \times £829.80$ .

6. The total of all sums due from the Respondent to the Claimant is therefore:

- a. Basic Award of £3592.80
- b. Injury to feelings award of £6,600
- c. Interest on the above award of £551.14
- d. Loss of earnings of £829.80
- e. Interest on the above of £60.39

A total of £11,634.12

Employment Judge Crosfill

Date: 7 March 2017

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.