



# EMPLOYMENT TRIBUNALS

## BETWEEN

**Claimant**

**Respondent**

**Mr J Tchamba**

**v The Whittington Hospital NHS Trust**

**Watford**

**3 March 2017**

**Employment Judge Smail  
Mrs S Low  
Mrs I Sood**

## JUDGMENT

The Respondent must pay the Claimant compensation in the sum of £36,699.27 within 14 days.

## REASONS

1. Following 2 days of remedy evidence and submissions on 1 September and 25 November 2016, the parties were invited to agree the figure that the decisions made on those days produced. This was to avoid the costs of a further hearing before the Tribunal. Reasons for the decisions in principle were sent out on 10 January 2017. Whilst substantially agreed on the effect of the Tribunal's rulings, differences remained and brief submissions were contained in an otherwise agreed document.
2. Doing the best I can, I agree with Mr MacPhail's figure of £10,559.83 for loss of basic salary from EDT to start of new agency role less notice pay, and less JSA, reduced by 60% and plus interest. It seems to be accurate.
3. I prefer Miss Masters approach to pension loss with the important exception that I disagree that credit should be given for the speculation that the Claimant will secure £9,043.84 in increased salary over the 3 years of projected pension loss. The limitation of 3 years is itself taking into

account the likelihood of mitigation of pension loss by the end of that period. There should not be the further reduction for a speculative sustained increase in salary. I prefer Miss Masters' approach to the calculation of the deferred annual pension pots.

4. The award, then, that I calculate is:

ET fees	£ 1,200.00
Injury to feelings plus Interest	£ 7,794.07
Basic Award	£ 4,275.00
Loss of statutory rights less 60%	£ 160.00
Loss of earnings	£10,559.83
Pension loss less 60%	<u>£12,710.37</u>
Grand Total	£36,699.27

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Employment Judge Smail

South East Region

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Judgment sent to the parties on

Date 07/03/2017