



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs D Sawdon  
**Respondent:** Royal Mencap Society  
**Heard at:** Sheffield      **On:** 6 March 2017  
**Before:** Employment Judge Brain  
Mr M Firkin  
Mr L Priestley

## Representation

**Claimant:** In person  
**Respondent:** Mr M D Bloom, Solicitor

## JUDGMENT ON REMEDY

1. It is not practicable for the Respondent to re-employ the Claimant. The Claimant's application for reinstatement or re-engagement is refused.
2. No basic award is payable to the Claimant as the Respondent made a statutory redundancy payment to her on or around 3 June 2016.
3. The Respondent shall pay to the Claimant a compensatory award in the sum of £17,019.03 calculated as follows:
  - 3.1. Past loss of earnings
    - (a) 29.6.16 to 17.10.16  
16 weeks' loss of net salary and loss of pension contributions @  
£481.10 per week £ 7,697.60
    - (b) 18.10.16 to 30.6.17  
21 weeks' partial loss of net salary @

	£132.31 per week	£ 2,778.51
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	Total part loss	£10,476.11
3.2.	<u>Future loss of earnings</u>	
(a)	16 weeks' net partial loss of earnings for the remainder of the Claimant's fixed term contract with Doncaster MBC @ £132.31 per week	£ 2,116.96
(b)	3 months' loss of earnings @ £481.10 per month until the Claimant obtains alternative employment	£ 6,265.38
(c)	12 months' partial loss of earnings assuming employment paying a salary of £20,000 per annum gross, £1,406.65 net per month: loss of net earnings is thus in the sum of £678.13 per calendar month	£ 8,137.56
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	Total future loss	£16,519.90
3.3.	Loss of statutory rights	£ 500.00
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	Total compensatory award	£27,496.01
	Less: (a) reduction for the chance of a fair dismissal	£ 6,874.00
	(b) excess of redundancy payment in excess of statutory entitlement	£ 3,602.98
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		£17,019.03

4. The Respondent shall pay to the Claimant the sum of £1,200 in reimbursement of the Tribunal issue fee and hearing fee paid by her.
5. The Recoupment Regulations apply to the compensatory award as follows:-
- |     |   |            |
|-----|---|------------|
| (a) | Grand total   | £17,019.03 |
| (b) | Prescribed element (being the past loss of earnings reduced by 25%) | £ 7,857.08 |
| (c) | Period of prescribed element: from 29.6.16 to 6.3.17                |            |
| (d) | Excess of grand total over prescribed element                       | £ 9,161.95 |
6. The amounts in paragraphs 4 and 5(d) shall be paid on or before 27 March 2017. The balance at paragraph 5(b) less the amount notified to the Respondent by the DWP in a Recoupment Notice shall be paid within 14 days of the date of that Notice.

Employment Judge Brain

Date: 20 March 2017

Sent on: 20 March 2017