



EMPLOYMENT TRIBUNALS

Claimant: Mrs K L Rogers

Respondent: West Country Home Care Ltd (1)
Gautam Kumar Saroagi (2)

Heard at: Bodmin Employment Tribunal
On:

Before: Employment Judge Volkmer
Tribunal Member Mrs Blake
Tribunal Member Ms Clarke

Representation

Claimant: Mr Dukes (Counsel)
Respondent: Ms Veimou, lay representative (Pensinsula)

JUDGMENT

1. The constructive unfair dismissal complaint is well founded and succeeds.
2. The pregnancy and maternity discrimination complaints at 3.1.1 to 3.1.3 (inclusive) of the List of Issues are well founded and succeed against the First and Second Respondents.
3. The pregnancy and maternity discrimination complaints at 3.1.4 and 3.1.6 are well founded and succeed against the First Respondent.
4. The pregnancy and maternity discrimination complaint at 3.1.4 against the Second Respondent is not well founded and is dismissed.
5. The pregnancy and maternity discrimination complaint at 3.1.5 is not well founded and is dismissed.
6. The complaint of indirect sex discrimination is not well-founded and is dismissed.
7. The complaint of victimisation is well founded and succeeds against the First Respondent.

8. The First Respondent must pay the Claimant a total of **£13,909.48** (comprising a basic award of £2,059.60 and a compensatory award of £10,759.80)
9. The First and Second Respondents are jointly and severally liable to pay the Claimant an injury to feelings award of **£13,909.48**.
10. These sums must be paid to the Claimant within 14 days from the date that this judgment is sent to the parties.

Employment Judge Volkmer

30 September 2024

JUDGMENT SENT TO THE PARTIES ON
12 October 2024 By Mr J McCormick

FOR THE TRIBUNAL OFFICE

Notes

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.

Public access to employment tribunal decisions

Judgments 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.

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/>

SCHEDULE

1. Details

Date of birth of claimant	14/04/1999
Date started employment	14/02/2017
Effective Date of Termination	01/09/2023
Period of continuous service (years)	6
Age at Effective Date of Termination	24
Remedy hearing date	26/09/2024
Date by which employer should no longer be liable	31/10/2024
Statutory notice period (weeks)	6
Net weekly pay at EDT	427.49
Gross weekly pay at EDT	514.90

2. Basic award

Basic award	2,059.60
Number of qualifying weeks (4) x Gross weekly pay (514.90)	
Total basic award	2,059.60

3. Compensatory award (immediate loss)

Loss of net earnings	23,896.69
Number of weeks (55.9) x Net weekly pay (427.49)	
Plus loss of statutory rights	500.00
Plus Loss of pension benefit (55.9 weeks x £15.46)	864.21
Less Earnings received	-15,610.39
Total compensation (immediate loss)	9,650.51

4. Compensatory award (future loss)

Loss of future earnings	2,137.45
Number of weeks (5) x Net Weekly pay (427.49)	
Plus Loss of pension benefit (£15.46 x 5 weeks)	77.30
Less Mitigation (£309.73 x 5 weeks)	-1,548.65
Total compensation (future loss)	666.10

5. Adjustments to total compensatory award

Plus interest (compensation award) @ 8% for 196 days (mid point between 1 September 2023 and 26 September 2024)	443.19
Compensatory award before adjustments	10,316.61
Total adjustments to the compensatory award	443.19

Compensatory award after adjustments	10,759.80
6. Non financial losses	
Injury to feelings	12,000.00
Plus interest @ 8% for 726 days (calculated from date of first discriminatory act, 1 October 2022)	1,909.48
Total non-financial award	13,909.48
7. Summary totals	
Basic award	2,059.60
Compensation award including statutory rights	10,759.80
Non-financial loss	13,909.48
Total	26,728.88