



EMPLOYMENT TRIBUNALS

Claimant: Mrs V Reid

Respondent: Bradford Teaching Hospitals NHS Foundation Trust

Heard by CVP (remote video link)

On: 24, 25, 26, 27 October 2022,
28 October 2022 (in chambers),
31 October 2022.

Before: Employment Judge D N Jones

REPRESENTATION:

Claimant: In person

Respondent: Mr C Breen, counsel

JUDGMENT

1. The claimant resigned as a consequence of a fundamental breach of contract and was constructively dismissed within the meaning of section 95(1)(c) of the Employment Rights Act 1996.
2. The dismissal was unfair.
3. It is not just and equitable to reduce any award as a consequence of conduct which occurred before, or alternatively which caused or contributed to, the dismissal.
4. The respondent shall pay to the claimant compensation in respect of the unfair dismissal in the sum of £9,379.96, being a basic award of £5,111¹ and a compensatory award of £4,268.96².

¹ £538 (being the maximum allowable weekly pay) x 9.5 (reflecting continuous employment of 8 years, 5 of which were below the age of 41 multiplier of 1 and 3 of which were over 41 with a multiplier of 1.5).

² Loss of statutory rights of £500. Loss of earnings of £3,768.96, being the differential of £157.04 per month for 24 months. This has been calculated on the differential between gross pay reflected in the P60 in current employment (£2,173.91) and an average monthly pay when the claimant was working for the respondent for the 5 months from April 2019 to August 2019, being full shifts and not on sick leave (£2,294.95). The gross pay has been used to exclude the effect of reduced pension contributions in her new employment. As the claimant's tax code remained the same, the differentials should be broadly similar were the computations gross or net.

5. The recruitment provisions do not apply.

Employment Judge D N Jones

Date: 2 November 2022