



EMPLOYMENT TRIBUNALS

Claimant: Ms S Davy

Respondent: Arcadia Group Limited (in administration)

Heard at: Manchester (by CVP)

On: 19 January 2023

Before: Employment Judge Phil Allen

REPRESENTATION:

Claimant: In person

Respondent: Did not attend and was not represented

JUDGMENT

The judgment of the Tribunal is that:

1. The claimant was automatically unfairly dismissed as the reason or principal reason for her dismissal was that she was redundant and regulation 10 of the Maternity & Parental Leave etc Regulations 1999 had not been complied with (in accordance with regulation 20(1)(b) of those Regulations). Her claim for unfair dismissal succeeds.
2. The claimant was automatically unfairly dismissed under section 99 of the Employment Rights Act 1996 because the principal reason for her dismissal related to pregnancy and maternity. Her claim for unfair dismissal succeeds.
3. The claimant was treated unfavourably because of her pregnancy and because she was exercising her right to maternity leave contrary to sections 18 and 13 of the Equality Act 2010 in each of the following ways. Her claim for direct discrimination because of pregnancy and/or maternity succeeds:
 - a. During her pregnancy, the respondent removed the claimant's responsibilities;
 - b. During her maternity leave, the respondent subjected the claimant to a pre-determined redundancy selection process;
 - c. During her maternity leave, the respondent consistently provided the claimant with short notice of consultation meetings;

- d. During her maternity leave, the respondent used an interview as a means of selecting the claimant for redundancy;
- e. During her maternity leave at an interview on 8 September 2020, the respondent posed questions which were deliberately designed to disadvantage the claimant as someone who had been on maternity leave since December 2019; and
- f. By making the claimant redundant.

4. The Tribunal did have jurisdiction to consider the matters claimed as discrimination on grounds of pregnancy and maternity, because the matters found were conduct extending over a period and the claim was entered at the Employment Tribunal within the period required following the end of that period.

5. The claimant's claim for direct sex discrimination did not succeed and is dismissed.

6. The claimant is awarded an injury to feelings award for the discrimination found of **£22,000**.

7. The claimant is awarded damages for loss arising from the discrimination found of **£26,807**.

8. The claimant is awarded interest on the injury to feelings award of **£3,742** (776 days at 8% pa, being the period since the discrimination on 4 December 2020).

9. The claimant is awarded interest on the losses awarded of **£2,280** (388 days at 8% pa, being the mid-point of the period between 4 December 2020 and this hearing).

10. No additional award is made for unfair dismissal, as the claimant has already received a statutory redundancy payment and the losses have been awarded in relation to the discrimination found.

Employment Judge Phil Allen

19 January 2023

JUDGMENT SENT TO THE PARTIES ON

20 January 2023

FOR THE TRIBUNAL OFFICE

Notes

Reasons for this 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.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2201380/2021**

Name of case: **Ms S Davy** v **Arcadia Group Ltd (in administration)**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to proceedings to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day**, **the calculation day**, and **the stipulated rate of interest** in your case. They are as follows:

the relevant decision day in this case is: 20 January 2023

the calculation day in this case is: 21 January 2023

the stipulated rate of interest is: 8% per annum.

For the Employment Tribunal Office