**In the Cardiff Employment Tribunal**

**CASE NUMBER 123456/2019**

**MR A**

**CLAIMANT**

**V**

**X Y Z PLC**

**RESPONDENT**

**SCHEDULE OF LOSS EXAMPLE [*NO PENSION LOSS*]**

Date of Dismissal: 16/10/18

Start of Employment: 09/11/91

Date of birth: 12/08/77

Age at date of dismissal: 41

Reason for dismissal: Capability

Number of weeks between dismissal and tribunal hearing: 75

Net monthly Pay: £1245

Gross weekly pay: £307.69

Net weekly pay: £287.30

Notice period: 4 weeks

Notice Pay: Not paid – summary dismissal

[*Information in italics and the square brackets is for guidance only and would not be added in a schedule of loss*]

[*It is helpful to include the details for the Claimant’s age, wages (gross and net) etc. this information can then been referred to throughout the schedule of loss*].

1. **BASIC AWARD:**

*[Under s.119 ERA 1996:*

1. *The amount of the basic award is calculated by:*
   1. *Determining the period, ending with the effective date of termination, during which the employee has been continuously employed;*
   2. *Reckoning backwards from the end of that period the number of years of employment falling within that period; and*
   3. *Allowing the appropriate amount for each of those years of employment.*
2. *In subsection (1)(c) “the appropriate amount” means”*
   1. *One and a half weeks’ pay for a year of employment in which the employee was not below the age of forty-one;*
   2. *One week’s pay for a year of employment (not within paragraph (a)) in which he was not below the age of twenty-two; and*
   3. *Half a week’s pay for a year of employment not within paragraph (a) or (b).*
3. *Where twenty years of employment have been reckoned under subsection (1), no account shall be taken under that subsection of any year of employment earlier than those twenty years.]*

Total years service = 26

Years at x1.5 = 0

Years at x1 = 19

Years at x0.5 = 1

Gross weekly pay =

Basic award =

1. **COMPENSATORY LOSSES**

**2.1 Loss of statutory rights:**

**£500**

[*A nominal amount to reflect Mr A’s inability to claim unfair dismissal or redundancy pay in a new employment for 2 years as a result of the dismissal*.]

**2.2 Loss of income to date of trial:**

75 weeks x 287.30 = £21,547.50

Minus Income

*[e.g. Notice pay: 4 weeks x 287.30 = £1,149.20]*

**= £21,547.50**

Minus ESA to be repaid to the DWP

The Claimant as been in receipt of ESA since his dismissal. This has been paid at a rate of:

£57.90 per week from the 3/10/18 to the 09/01/19 (14 weeks) = £810.60

And thereafter:

£125.05 per week until the 10/04/19 (13 weeks)= £1625.65

And thereafter

£125.55 per week x 48 weeks = £6026.40

Total paid in ESA = - **£8,462.65**

Mr A’s Total past loss = £11,935.65 (with an additional £8,462.65 for the Respondent to repay to the DWP for ESA claimed).

**2.3 Future Losses:**

The Claimant is now fit to work and no longer receiving ESA.

The Claimant considers that it will take around 26 weeks for him to find work after the hearing. The hope is that having the hearing completed, this will relieve the stress and pressure on the Claimant and he will begin to feel better. Thereafter it will take time for him to find work.

26 weeks x £287.30 = **£7,469.80**

1. **COMPENSATION FOR DISCRIMINATION**

**INJURY TO FEELINGS**

The Claimant contends that he will fall into the Middle Vento Band:

£6600-£19800

**£15,000** plus interest

**Interest**

£15,000 x 2% = £1,200/365 days = £3.28 per day x 525 days = **£1,726.02**

*[Vento Bands*

*In the leading case of Vento v Chief Constable of West Yorkshire Police (No 2) [2003] IRLR 102, the Court of Appeal set clear guidelines for the amount of compensation to be given for injured feelings and set out three bands of potential awards:*

*•The lower band: "appropriate for less serious cases, such as where the act of discrimination is an isolated or one-off occurrence".*

*•The middle band: "serious cases, which do not merit an award in the highest band".*

*•The top band: "the most serious cases, such as where there has been a lengthy campaign of discriminatory harassment on the ground of sex or race". Only in "the most exceptional case" should an award for injury to feelings exceed the top of this band.*

*In respect of claims presented on or after 6 April 2019, the Vento bands increased as follows:*

*•Lower band: £900 - £8,800.*

*•Middle band: £8,800 - £26,300.*

*•Upper band: £26,300 - £44,000*]

**Total Loss: £43,383.02**

The above figure does not take into account ESA payments that the Claimant has received that will have to be repaid to the DWP in addition to the sums lost by the Claimant.