**IN THE LONDON EMPLOYMENT TRIBUNALS**

**Claim No:**

**BETWEEN**

**JANE KNARESBOROUGH**

**Claimant**

**and**

**FICTITIOUS MADE-UP COMPANY**

**Respondent**

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**CLAIMANT’S SCHEDULE OF LOSS**

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**Preface**

The Claimant was employed by the Respondent for 10 years, the last eight years of which she was employed as the Respondent’s Regional Manager for the North West.

The Claimant was dismissed by the Respondent on 28 February 2012 for alleged Gross Misconduct.

The Effective Date of Termination (‘EDT’) is 28 February 2012.

The Claimant’s date of birth is 2 February 1975. The Claimant was 37 years old at the time of the dismissal.

The Claimant’s net weekly pay was £700. The Claimant’s gross weekly pay was £900.

**Wrongful Dismissal**

The Claimant’s notice entitlement was six months. The Claimant was dismissed without notice or payment in lieu of notice. The Claimant claims **£18,200.00.**

**Basic Award**

The Claimant’s gross weekly pay is capped at £450.00 for the purposes of the basic award calculation.

The Claimant claims for 10 weeks of gross pay totalling **£4,500.00.**

**Compensatory Award**

The Claimant has been unable to find permanent employment since her dismissal.

The Claimant has been unable to secure any employment since the dismissal, despite her best efforts.

**Past Loss of Earnings**

The Claimant claims for past loss of earnings from the EDT until the date of this Schedule of Loss, approximately 17 weeks:

17 weeks x £700 = **£11,900.00**

**Future Loss of Earnings**

The Claimant considers that she is unlikely to ever secure a comparable role with an equivalent level of pay and benefits. The Claimant was entitled to 9 months of full sick pay.

Presently the labour market conditions are unfavourable. The Claimant lives in a small town with limited opportunities for her to work in the same sector.

The Claimant has lost the chance for promotion to a Director role and pleads that it would be just an equitable to take this into consideration at remedy stage.

The Claimant’s severe disability will make it more difficult for her to find employment, particularly in the hospitality sector, where the work is predominantly non-desk based.

The Claimant claims career losses as it is highly unlikely that she will be able to earn the same sum, or have the same level of benefits, in the future. As the Claimant avers that her dismissal was related to her disability, the statutory cap does not apply. The Claimant claims **£100,000.00.**

**Pension Loss**

The Claimant was entitled to a substantial contribution to her pension from the Respondent. At the time of writing the Respondent’s representatives have failed to disclose the Claimant’s personnel records which should, amongst other things, include details of the type of scheme of which the Claimant was a member. The Claimant will therefore provide an updated Schedule of Loss, in due course, to take into account the likely pension loss. **TBC**

**Long Notice Award**

The Claimant will have to work for two years to regain her right not to be unfairly dismissed. Whilst employed by the Respondent the Claimant’s notice period was six months.

The Long Notice award reflects that the Claimant has lost the benefit of 10 years of entitlement to statutory notice (though contractually she was entitled to more). This claim is for half a week’s wage for each year of statutory notice lost above the second year.

8 x £450 = **£3,600.00**

**Loss of sickness benefits**

Due to her disability, the Claimant required substantial periods of time off work sick. The Claimant’s contract provides for 9 months’ full pay in the event of a long period of sickness. The Claimant is unlikely to find such favourable contractual terms in any new employment.

Given the likelihood that the Claimant will require future neck surgery, and given that following the neck operations of 2008 and 2010 the Claimant required four months off work to recover, the Claimant claims four months’ net pay to reflect the loss of this contractual entitlement, which was most useful to the Claimant. The Claimant claims £12,133.33 less the current SSP rate of £86.70 per week totalling = **£10,052.53**

**Expenses**

The Claimant claims expenses which have been, and will be, incurred in connection with finding alternative employment including travel expenses, phone calls etc. The Claimant may make a claim for removal charges and/or for re-training in due course should she need to move house in order to secure employment. For present purposes, the Claimant claims **£400.00.**

**Injury to feelings award**

Following the Vento guidelines, the Claimant contends that her discrimination falls into the upper band of £18,000-£30,000 because she avers that her disability was a significant factor in her dismissal. The Claimant’s medical records make reference to the Claimant feeling suicidal following her dismissal. The Claimant has been referred to an urgent psychiatric evaluation.

The Claimant claims **£24,000.00.**

**Other Losses**

The Claimant had health insurance with BUPA which was paid for by the Respondent. Post-dismissal, the Claimant contacted BUPA to see what it would cost to purchase the same level of cover, given her specific health difficulties; BUPA confirmed that the cost would be £???? per annum. The Claimant made frequent use of the private medical cover because of her disability-related issues. **£????.**

**Sub Total**

**Wrongful Dismissal £18,200.00**

**Basic Award £4,500.00**

**Past loss of earnings £11,900.00**

**Future loss of earnings £100,000.00**

**Pension Loss TBC**

**Long Notice Award £3,600.00**

**Loss of Sickness Absence £10,052.53**

**Expenses £400.00**

**Injury to feelings £24,000**

**Other Losses TBC**

**Grand Total: TBC**

