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What are injuries to feelings?

By Andrew Macaulay

Injury to feelings is a form of compensation awarded to claimants who are successful in their discrimination claims in the Employment Tribunal.

It is monetary compensation representing non-economic loss and compensates for emotional damage caused by the unlawful discrimination that the claimant has been subjected to, including (but not limited to) anger, mental distress, humiliation, stress and depression.

The award is meant to compensate the worker (rather than punish the employer/individual who discriminated against the worker) and the Employment Tribunal has discretion to determine the level of award to make. To assist in determining the level of award, the tribunal will need to hear evidence on the effect and impact the discrimination had on the claimant. Awards can be increased depending on a number of factors, such as the vulnerability of the claimant, any medical conditions they suffer from and the effect the discrimination has had on their career progression.

Case law has dictated that tribunals need to focus on how the employer's conduct affected the particular individual rather than the seriousness of the conduct. For example, if a claimant reacted more severely than another person with the same protected characteristic, then this should be accounted for regardless as to whether the discrimination could be viewed "objectively" as less serious. The focus is on the feelings of the claimant themselves. There is no standard response to discrimination.

There are three bands for injury to feelings, created following the Court of Appeal case of *Vento v Chief Constable of West Yorkshire Police*, known as "Vento Bands". The Vento bands increase annually for inflation and for claims presented on or after **6 April 2025**, the bands will be as follows:

- **Lower band** of £1,200 – £12,100 for cases regarded as "less serious" (e.g., typically applicable for an isolated or one-off occurrence)
- **Middle band** of £12,100 – £36,400 for cases more serious than a lower band but not as serious as an upper band, and;
- **Upper band** of £36,400 – £60,700 for most serious cases; (e.g., a lengthy campaign of discriminatory harassment) and
- The most **exceptional cases** capable of exceeding £60,700.

Every case is determined on its own merits, and the Vento bands are only recommendations. Annual updates ensure that Employment Tribunal compensation awards are in line with inflation while providing consistent guidelines for assessing reasonable damages.

If you need further advice on employment tribunal claims, the employment lawyers at Hethertons will be here to help.

Call Andrew Macaulay on **01904 528391** or email on **ama@hethertons.co.uk**

Our expert team of lawyers are on hand to help if you need further advice or guidance.

