

Injury To Feelings – Vento bands

This guidance was grouped into three main bands and took into account the guidelines compiled for the Judicial Studies Board (now the Judicial College Guidelines) in the context of personal injury claims.

29 March 2022

Back in 2002, the Court of Appeal in the case of *Vento v The Chief Constable of West Yorkshire Police* provided guidance as to the appropriate level of compensation that should be awarded for injury to feelings. This guidance was grouped into three main bands and took into account the guidelines compiled for the Judicial Studies Board (now the Judicial College Guidelines) in the context of personal injury claims. This was to ensure a degree of consistency in awards for non-pecuniary loss. As a result of the application of these guidelines, the Claimant's injury to feelings award in this case fell from the original £65,000 plus £15,000 aggravated damages awarded by the ET to £18,000 and £5,000 aggravated damages.

The bands in 2002 were:

- Lower: £500 to £5,000
- Middle: £5,000 to £15,000
- Upper: £15,000 to £25,000

Awards below £500 or above £25,000 would be exceptional.

These bands have been updated over time. For claims issued on or after 6 April 2022, the bands will be:

- Lower: £990 to £9,900
- Middle: £9,900 to £29,600
- Upper: £29,600 to £49,300

As before, awards below £990 or above £49,300 would be exceptional.

The Presidential Guidance indicates that the RPI measure of inflation has shortcomings, and that any change in approach adopted in the Judicial College Guidelines (JCG) will be considered.

Compensation for injury to feelings is not meant to be punitive – it is meant to compensate an individual for the effect of the discrimination on the individual i.e. how hurt they are by the discriminatory act(s). But are they still in step with the JCG? By way of example, a “less severe” case of post-traumatic stress disorder is one described as “a virtually full recover will have been made within one to two years and only minor symptoms will persist over any longer period” – and the indicative band (with 10% uplift) is £3,300 to £6,850 within the JCG (15th Edition). This would place it on par with the lower band for injury to feelings purposes – and that band is intended to cover less serious cases, such as one-off acts or isolated occurrences. Should hurt feelings from a single act of less serious discrimination result in a similar level of compensation for up to two years of PTSD symptoms?

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