



EMPLOYMENT TRIBUNALS (SCOTLAND)

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Case Number: 4102143/2017

Hearing held in Edinburgh on 9th April 2019

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Employment Judge M Whitcombe
Mr S Gray
Mr A Ross

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Dr A

Claimant
Represented by:
Mr D Northall (Counsel)

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NHS Education for Scotland

First Respondent
No attendance at this
reconsideration hearing

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Lothian Health Board

Second Respondent
Represented by:
Mr D Fairley QC (Counsel)

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RECONSIDERATION

The unanimous judgment of the Tribunal is that paragraph (4) of our judgment on liability concerning the second respondent should be revoked and varied.

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We substitute the following wording:

(4) The dismissal of the claimant by the second respondent was for a reason arising from her disability for the purposes of section 15 of the Equality Act 2010.

10 The issue whether that dismissal was a proportionate means of achieving a legitimate aim for the purposes of section 15(1)(b) of that Act will be determined once the remaining evidence in the case has been heard in full.

Paragraphs 287-289 of our reasons should be read accordingly.

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Date of Judgment: 10 April 2019

20 **Employment Judge: Mark Whitcombe**

Entered Into the Register: 12 April 2019

And Copied to Parties