



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr K Curd

**Respondent:** Michael and Susan Dallyn T/a M Dallyn & Son

**Heard at:** London South      **On:** 2 and 3 January 2020

**Before:** Employment Judge Khalil sitting with members  
Mrs S Lansley  
Ms S Evans

## Appearances

For the claimant: Mr Percival (lay representative)

For the respondent: Mr Henry, Counsel

## JUDGMENT

- (1) The complaint of Unfair dismissal is well founded. The claimant was unfairly dismissed.
- (2) The complaint of disability discrimination for a failure to make reasonable adjustments succeeds because of the PCP of dismissing the claimant in May 2018 and without proper input from the claimant or any up to date medical evidence succeeds.
- (3) The complaint of indirect disability discrimination fails.
- (4) The Tribunal found there was an 80 % chance of the claimant's dismissal from 1 August 2018 and a 100 % chance of the claimant's dismissal from 18 February 2019.
- (5) The claimant's total monetary award is £9940.38. This is made up of £8000 injury to feelings and £1013 interest and loss of earnings (£412.38), interest (£26), the net basic award (taking in to account the employer's payment of £951.78 already made) (£39) and loss of statutory protection (£450).
- (6) The prescribed element is £412.38
- (7) The period to which the prescribed period relates is 2 June 2018 to 2 January 2020.
- (8) The monetary award exceeds the prescribed element by £9528.

## Public access to employment tribunal decisions

- Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.
- All judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

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**Employment Judge Khalil**

**Dated: 8 January 2020**