



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr M Carter

**Respondent:** (1) Parkland Estates Limited  
(2) Alexander Robinson

**HELD AT:** Liverpool **ON:** 10, 11, 12 and 13  
February 2020

**BEFORE:** Employment Judge Horne

**MEMBERS:** Mr M Gelling  
Ms D Kelly

## REPRESENTATION:

**Claimant:** Mr M Mensah, counsel  
**Respondent:** Mr M Howson, consultant

# JUDGMENT

## The unanimous judgment of the tribunal is as follows:

1. The tribunal has jurisdiction to consider the complaint of failure to make adjustments during the period June to September 2018. Although the claim was presented after the expiry of the statutory time limit, it is just and equitable for the time limit to be extended.
2. The tribunal has no jurisdiction to consider the complaint of failure to make adjustments during any period prior to June 2018. The claim was presented after the expiry of the statutory time limit and it is not just and equitable for the time limit to be extended.
3. Parkland Estates Limited failed in its duty to make adjustments during the period June to September 2018.

4. The tribunal has jurisdiction to consider the complaint of indirect discrimination during the period June to September 2018.
5. The tribunal has no jurisdiction to consider the complaint of indirect discrimination during any period prior to June 2018. The claim was presented after the expiry of the statutory time limit and it is not just and equitable for the time limit to be extended.
6. Parkland Estates Limited indirectly discriminated against the claimant during the period June to September 2018.
7. The tribunal has no jurisdiction to consider the complaints of harassment or discrimination arising from disability during any period prior to September 2018.
8. Mr Robinson did not harass the claimant in September 2018.
9. In any event, if Mr Robinson did harass the claimant in September 2018, the harassment would not have contravened the Equality Act 2010 because it was not in the course of Mr Robinson's employment with Parkland Estates Limited and it was not in relation to the claimant's employment with Parkland Estates Limited.
10. Mr Robinson discriminated against the claimant in September 2018 because of something arising in consequence of his disability, but the discrimination did not contravene the Equality Act 2010, because it was not in the course of Mr Robinson's employment with Parkland Estates Limited.
11. As compensation for the indirect discrimination and the failure to make adjustments, Parkland Estates Limited is ordered to pay the claimant damages of £4,500.00 plus interest of £600.00.
12. Parkland Estates Limited is ordered under section 38 of the Employment Act 2002 to pay the claimant a further £600.00.
13. The total amount payable by Parkland Estates Limited is therefore £5,700.00.

Employment Judge Horne

13 February 2020

SENT TO THE PARTIES ON  
24 February 2020

FOR THE TRIBUNAL OFFICE

Note – Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party makes a request in writing within 14 days of the judgment being sent to the parties. If written reasons are provided, they will be published on the tribunal's online register, which is visible to internet searches.



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2400003/2019**

Name of case: **Mr M Carter** v **Parkland Estates Limited**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 24 February 2020

"the calculation day" is: 25 February 2020

"the stipulated rate of interest" is: **8%**

MR S ARTINGSTALL  
For the Employment Tribunal Office

## INTEREST ON TRIBUNAL AWARDS

### **GUIDANCE NOTE**

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at

[www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426](http://www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426)

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.