



EMPLOYMENT TRIBUNALS

Claimant: Mrs A Morgan

Respondent: Marks and Spencer Plc

Heard: via video

On: 6, 7 10 & 11 August 2020

Before: Employment Judge S Jenkins
Members: Mr W Horne
Mr C Stephenson

Representation

Claimant: In person

Respondent: Ms K Parker (Counsel)

JUDGMENT

1. The Claimant was unfairly dismissed, and therefore her claim of unfair dismissal succeeds.
2. The Claimant was treated unfavourably because of something arising in consequence of her disability, and therefore her claim of discrimination arising from disability succeeds.
3. The Claimant's claim of failure to comply with the duty to make reasonable adjustments was brought outside the required time limit, it was not just and equitable to extend time, and that claim is therefore dismissed.
4. In terms of compensation, the Respondent is ordered to pay the Claimant the following sums:

Basic Award - £5,725.20

Compensatory Award:

Prescribed Element - £6,127.00#

Non-prescribed element - £919.87
£7,046.87

Injury to Feelings - £3,000.00

Grand Total - £15,772.07

For the purposes of the Employment Protection (Recoupment of Benefits) Regulations 1996, the following applies:

- (a) Grand total £15,772.07
- (b) Prescribed element £6,127.00
- (c) Period of prescribed element: 19 March 2019 to 31 August 2019
- (d) Excess of grand total over prescribed element - £9,645.07

Employment Judge S Jenkins

Date: 11 August 2020

JUDGMENT SENT TO THE PARTIES ON 13 August 2020

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FOR THE TRIBUNAL OFFICE

Notes

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.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.