



EMPLOYMENT TRIBUNALS

Claimant: Miss Lindsay Smith

Respondent: SHARE Multi-Academy Trust

On: 19, 20 and 21 April 2021

Before: Employment Judge D N Jones
Mr D Pugh
Ms Hiser

This hearing was conducted remotely, by video (V), because of the restrictions arising from the pandemic Covid19.

REPRESENTATION:

Claimant: In person
Respondent: Miss T Nash, HR Manager

JUDGMENT

1. The claimant was unfairly dismissed by the respondent.
2. Had the respondent adopted a fair procedure, the claimant would have been dismissed and it is not just and equitable to make a compensatory award.
3. The respondent shall pay to the claimant a basic award of £349.89.
4. The respondent unlawfully discriminated against the claimant as a disabled person, in unfavourably treating her by suggesting she consider resigning and wrongly stating that part-time work could not be accommodated in a referral to occupational health advisers. That was because of the claimant's inability to return to work at that time and arose from her disability. It was not justified.
5. It is just and equitable for the discrimination claim to be brought within the further period of five months.

6. The respondent shall pay to the claimant compensation of £10,100 (being £9,100 for injury to feelings and £1,000 interest) for the discrimination.
7. The decision is one on which all members of the Tribunal agree.

Employment Judge D N Jones
Date: 21 April 2021

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.