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## EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4110584/2019

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Hearing Held by Cloud Video Platform (CVP) on 25 & 26 February 2021

Employment Judge - A Strain  
Members – Peter O’Hagan & Andrew McFarlane

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**Ms L Monaghan**

**Claimant  
Represented by  
Mr W McParland  
Solicitor**

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**ASA International Limited**

**Respondent  
Represented by  
Ms G Stevenson  
(HR Director)**

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## JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The Judgment of the Employment Tribunal is that:

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(1) The Respondent has unlawfully discriminated against the Claimant contrary to the provisions of section 19 and section 21 of the **Equality Act 2010**;

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(2) The Tribunal makes a total monetary award of **£10,000** in favour of the Claimant and orders the Respondent to pay her that amount.

## Background

1. The Claimant was represented by Mr McParland, Solicitor. She asserted claims of Indirect Disability Discrimination under Section 19 of the **Equality Act 2010 (EA 2010)** and a failure to make reasonable adjustments under section 20 and 21 of **EA 2010**. She sought Compensation for Injury to Feelings.  
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2. The Respondent was represented by its HR Director, Ms G Stevenson.
- 10 3. Following a Preliminary Hearing on 10 August 2020 it was determined that at the relevant time the Claimant had a qualifying disability under section 6 of **EA 2010**. The disability was endometriosis.
- 15 4. The Preliminary Hearing on 10 August 2020 also determined that the Claimant was, at the relevant time, an agency worker engaged by the Respondent under a contract for services.
- 20 5. The issues for determination by the Tribunal had been identified at a Preliminary Hearing on 22 November 2019 as follows:
  - (i) did the Respondent apply a PCP and what was that PCP?
  - (ii) did the PCP place the Claimant at a substantial disadvantage in comparison to those who are not disabled?
  - (iii) what was the disadvantage? and;
  - 25 (iv) what adjustment could reasonably have been made to avoid any disadvantage?
- 30 6. The Parties had lodged a Joint Bundle of Documents with the Tribunal. Witness Statements had been prepared and exchanged in advance of the Hearing. It was agreed that these would form the witnesses' evidence in chief but could be supplemented at the Hearing.

7. The Claimant gave evidence on her own behalf. Ms Stevenson and Mr G Burns (Operations Director) gave evidence on behalf of the Respondent.

### Findings in Fact

8. Having heard the evidence of the Claimant, Ms Stevenson and Mr Burns and considered the documentary evidence before it the Tribunal made the following findings in fact:
- 8.1 The Respondent is a limited company which provides agency workers to various local authorities to provide home support to residents in their homes. The Respondent operates from premises in Glasgow.
- 8.2 The Respondent was engaged by East Renfrewshire Council (**ERC**) to provide home support services to its residents under a contract (Production 2) for the period 01.08.2018 to 31.07.2022.
- 8.3 The Claimant was engaged as an agency worker under a contract for services (Production 1) by the Respondent from 30 November 2015 as a Home Support Worker.
- 8.4 The Claimant supplied home support and care services to ERC residents at their homes covering an area from Barrhead to Eaglesham. This included supporting residents upon discharge from hospital.
- 8.5 The Claimant reported to Leah Aitkenhead (**LA**). LA was the Consultant at ASA responsible for the ERC account.
- 8.6 The Claimant worked on a 4 on 4 off shift pattern on a weekly rota basis. She often worked additional shifts as paid overtime.
- 8.7 The Claimant worked as part of a close-knit team of Home Support Workers. The team was made up of employees of ERC and agency staff.
- 8.8 The Claimant had no fixed place of work but used the ERC base at Lowndes Street in Barrhead on a daily basis. She travelled from her

home in Greenock to Lowndes Street in Barrhead each day to start work at 08:00.

5 8.9 ERC provided the Claimant with a work van and mobile phone with an app. The app logged the appointments to be undertaken and other resident information. She collected the van from the Lowndes base in the mornings and travelled to and from appointments. She would do between 20 and 25 appointments per day. At the end of her day she would return the van to Lowndes Street and travel back home to Greenock.

10 8.10 The Claimant regularly worked 08:00-14:00; 16:00-19:00; and 19:00-22:00 each day.

8.11 The Claimant suffers from a condition called Endometriosis (which is disability). This causes her severe pain and heavy bleeding. Pain and bleeding can occur at any time and without notice.

15 8.12 The condition has persisted for a number of years without improvement and it is unlikely to resolve.

20 8.13 Due to the nature of the condition and the fact that pain and bleeding could occur without notice the Claimant used the toilet and washing facilities at Lowndes Street on average about 3 times per day. The Lowndes Street base was unused by anyone else apart from Home Support Workers. It offered the Claimant a degree of privacy and peace of mind.

25 8.14 On 2 June 2019, the Claimant suffered an incident at work when she was in a resident's home. She began bleeding so much that the blood was splashing off the floor. She had to ask the resident for permission to use one of her incontinence pads to try to stem the bleeding. This ended up being completely saturated with blood. When she returned to her work van she had to use a plastic bag to catch the blood.

8.15 The Claimant called the Respondent's Glasgow office on 3 June 2019 and spoke with one of the Consultants. She could not recall if it was LA

or one of the other Consultants. She explained the circumstances of the incident at the resident's house on 2 June 2019. She also explained that she had been in hospital the night before and was unfit for work.

5 8.16 The Claimant was signed off work on 3 June 2019 following this incident. She supplied the Respondent with a sick line from her GP (Production 7).

8.17 The Claimant learnt shortly thereafter from a colleague (Gemma Gregory) that ERC had announced that the Lowndes Street base was to be used as a foodbank from 30 June 2019.

10 8.18 The Claimant became very stressed and "panicky" at the thought of not having a base with adequate toilet and washing facilities. Due to her concerns she spoke to LA around 17 June 2019 to discuss her concerns and a return to work on 18 June 2019.

15 8.19 She discussed the fact that the Lowndes Street base would no longer be available for use. She told LA that she suffered from Endometriosis and explained the severe nature of that condition and the sudden pain and bleeding than can occur. She explained that she had suffered from this condition for a number of years and had learned to cope with it but needed adequate toilet, washing and changing facilities in place if she suffered a bleed during work.

20 8.20 LA did not ask any questions about the Claimant's condition. LA suggested that the Claimant use public toilets. The Claimant was shocked and humiliated by that suggestion. The conversation was left with LA undertaking to get back to the Claimant.

25 8.21 Following the conversation with LA the Claimant was so concerned that she contacted both the SSSC and Care Commission. Both organisations confirmed to her (orally) that use of public toilets would be inappropriate in the circumstances.

8.22 The Claimant returned to work on 18 June 2019 returning to full-time duties.

5 8.23 The Claimant contacted LA at the end of June 2019 as she had not responded to the request for adequate toilet, washing and changing facilities. The Claimant explained that if that was not provided then it would prevent her returning to work and she would have to consider other alternative roles.

8.24 LA assured her that arrangements were in place and she could use facilities at Sheltered Houses run by ERC.

10 8.25 The Claimant was anxious about those arrangements as she was left unsure to what extent LA had discussed her condition with staff at the Sheltered Houses. She was disappointed that she did not put in place a designated base with facilities.

15 8.26 The Claimant returned to work on 4 July 2019. She picked her van up from Barrhead Health Centre (Kirkton) and commenced her work. She called at the Sheltered Housing complex in Giffnock in early morning. She explained who she was and asked to use the toilet facilities. She was refused entry. She felt humiliated and embarrassed.

8.27 Shortly after that (on the same day), the Claimant attended Bellfield Court in Barrhead but received no answer from the Warden at the door so could not gain access.

20 8.28 The Respondent had not put any formal arrangements in place. LA suggested Sheltered Houses as alternatives but had not formalised the arrangements with ERC.

8.29 The Claimant could not continue her shift on 4 July 2019 in the circumstances.

25 8.30 The Claimant spoke with either LA or Amanda Haughey of the Respondent and complained that no arrangements or facilities had been put in place and that she had to go home because she was in agony.

8.31 The Claimant was distressed and upset that she was getting nowhere with LA. She felt she had no option other than to escalate the matter to

5 Gary Burns (Operations Director) (**GB**). She contacted GB by email of 4 July 2019 (Production 9). This email made it clear that the Claimant suffered from Endometriosis. It informed GB that LA had assured her that facilities were in place when they were not. It further explained that the Claimant could not continue to work for ERC unless they changed their policy. The Claimant has never received a response to this email from the Respondent.

10 8.32 The Claimant spoke with LA on 5 July 2019 and explained the issues that she had experienced on 4 July 2019. LA informed her that she would send details of all Sheltered Housing available for the Claimant's permitted use. The Claimant has never received any details from the Respondent.

15 8.33 The Claimant was unable to return without appropriate facilities in place. She felt let down and left in limbo. She felt that there was so much more that the Respondent could have done.

20 8.34 Around mid-July 2019, the Claimant spoke with LA about possible alternative roles. The Claimant suggested a role within a Nursing Home. She explained to LA that she was available for work but her GP was not willing to sign her off until facilities in place. The conversation ended on the basis that LA would look into matters and get back to her. LA never did.

8.35 The Claimant did not hear anything further from the Respondent and was left in financial hardship. She became stressed and upset about the implications of having no income as a single parent.

25 8.36 Around 8 July 2019 the Claimant contacted Inverclyde Advice Employment Rights Centre. She received assistance from Jim McCourt (**JMC**) to draft a Grievance Letter to Gayle Stevenson (Respondent's HR Manager) (**GS**) detailing her concerns (Production 10).

30 8.37 In her Grievance she asked that the Respondent or ERC make facilities available. She also explained the effect the condition had on her and the

need to be able to change clothes at very short notice. She asked why there were no reasonable adjustments made or considered following the removal of the Lowndes Street base. She described the exchanges with the Respondent as “humiliating.”

5 8.38 The Claimant hoped that the Respondent would deal with her grievance promptly given that this was preventing her return to work.

8.39 The Claimant did not receive any response until she received an email response to JMC from GS dated 26 July 2019 (Production 11). This email stated that (a) the Respondent had identified with ERC that alternate facilities were available within care homes, sheltered housing, gyms, council offices, day centres and health centres; (b) ERC would be flexible with appointment times to enable the Claimant to use facilities; and (c) alternate shifts were available with Renfrewshire Council, which would be closer to home for the Claimant.

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15 8.40 The Claimant was distressed and upset by the grievance outcome letter of 26 July 2019. The suggested arrangements were not appropriate. The suggestion that she could use health centres, gyms and council offices was humiliating to her. She needed adequate facilities to toilet and to wash herself if she suffered bleeding at work. The grievance outcome letter did nothing to address her concerns. She did not consider the letter to constitute an offer of alternate employment.

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8.41 The Claimant was left in financial hardship, unable to afford her rent and bills due to being unable to return to work and being on SSP during her absence.

25 8.42 The Claimant felt she had no option other than to resign from her employment on 19 August 2019 with one week’s notice (Production 12). She resigned because of the Respondent’s conduct and failure to undertake reasonable adjustments. This was humiliating and debilitating to her.



8.43 The Claimant's employment with the Respondent ended on 26 August 2019.

### The Relevant Law

9. The Claimant asserts indirect disability discrimination under Section 19  
5 of the **Equality Act 2010 (EA 2010)** and a failure to make reasonable  
adjustments under section 20 of **EA 2010**. She seeks Compensation for  
Injury to Feelings.

#### *Knowledge of Disability*

10. The duty to make reasonable adjustments is dependent upon the  
10 Employer having actual or constructive knowledge of the Employee's  
disability.

#### *Provision, Criterion or Practice(PCP)*

11. Section 19 of the EA 2010 provides:

#### 19 Indirect discrimination

15 (1) A person (A) discriminates against another (B) if A applies to B a  
provision, criterion or practice which is discriminatory in relation to a  
relevant protected characteristic of B's.

(2) For the purposes of subsection (1), a provision, criterion or practice is  
20 discriminatory in relation to a relevant protected characteristic of B's  
if—

(a) A applies, or would apply, it to persons with whom B does not  
share the characteristic,

(b) it puts, or would put, persons with whom B shares the  
25 characteristic at a particular disadvantage when compared with  
persons with whom B does not share it,

(c) it puts, or would put, B at that disadvantage, and

(d) A cannot show it to be a proportionate means of achieving a  
legitimate aim.

12. All four of these conditions must be met in order for the Claimant to succeed. The Claimant must show the first three, before the burden passes to the Respondent to address the fourth.

5 13. It is for the Claimant to identify the PCP which must be of neutral application. It can be a provision which is applied on only one occasion; ***British Airways plc v Starmar 2005 IRLR 862, EAT***. They must then persuade the tribunal that people with the same characteristic will be placed at a disadvantage and that she in fact did suffer a disadvantage. ***Essop v Home Office (UK Border Agency) [2017] IRLR 558, SC***, set  
10 out that all four elements of the definition must be met.

Section 212 of the EA 2010:

**212. General interpretation**

(1) In this Act – “*substantial*” means more than minor or trivial.

15 14. The EHRC Employment Code at 4.9 states that: *‘Disadvantage is not defined by the Act. It could include denial of an opportunity or choice, deterrence, rejection or exclusion. The courts have found that ‘detriment’, a similar concept, is something that a reasonable person would complain about – so an unjustified sense of grievance would not qualify. A  
20 disadvantage does not have to be quantifiable and the worker does not have to experience actual loss (economic or otherwise). It is enough that the worker can reasonably say that they would have preferred to be treated differently.’*

*Reasonable Adjustments*

25 15. Section 20 of EA 2010 provides:

**Duty to make adjustments**

(1) Where this Act imposes a duty to make reasonable adjustments on a person, this section, sections 21 and 22 and the applicable Schedule apply; and for those purposes, a person on whom the duty is imposed is  
30 referred to as A.

- (2) The duty comprises the following three requirements.
- (3) The first requirement is a requirement, where a provision, criterion or practice of A's puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage.
- (4) The second requirement is a requirement, where a physical feature puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage.
- (5) The third requirement is a requirement, where a disabled person would, but for the provision of an auxiliary aid, be put at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to provide the auxiliary aid.
- (6) Where the first or third requirement relates to the provision of information, the steps which it is reasonable for A to have to take include steps for ensuring that in the circumstances concerned the information is provided in an accessible format.
- (7) A person (A) who is subject to a duty to make reasonable adjustments is not (subject to express provision to the contrary) entitled to require a disabled person, in relation to whom A is required to comply with the duty, to pay to any extent A's costs of complying with the duty.
- (8) A reference in section 21 or 22 or an applicable Schedule to the first, second or third requirement is to be construed in accordance with this section.
- (9) In relation to the second requirement, a reference in this section or an applicable Schedule to avoiding a substantial disadvantage includes a reference to—
- (a) removing the physical feature in question,
  - (b) altering it, or
  - (c) providing a reasonable means of avoiding it.

- (10) A reference in this section, section 21 or 22 or an applicable Schedule (apart from paragraphs 2 to 4 of Schedule 4) to a physical feature is a reference to—
- (a) a feature arising from the design or construction of a building,
  - (b) a feature of an approach to, exit from or access to a building,
  - (c) a fixture or fitting, or furniture, furnishings, materials, equipment or other chattels, in or on premises, or
  - (d) any other physical element or quality.
- (11) A reference in this section, section 21 or 22 or an applicable Schedule to an auxiliary aid includes a reference to an auxiliary service.
- (12) A reference in this section or an applicable Schedule to chattels is to be read, in relation to Scotland, as a reference to moveable property.
- (13) The applicable Schedule is, in relation to the Part of this Act specified in the first column of the Table, the Schedule specified in the second column.
16. The duty arises only in respect of those steps that it is reasonable for the employer to take to avoid the disadvantage experienced by the disabled person. What is reasonable in any given case will depend on the individual circumstances of the disabled person. The test of reasonableness in this context is an objective one (***Smith v Churchill Stairlifts plc 2006 ICR 524 CA***) and the focus is on whether the adjustment itself can be considered reasonable, not whether an employer's process for determining that question was reasonable (***Royal Bank of Scotland v Ashton 2011 ICR 632 EAT***). An adjustment from which the disabled person does not benefit is unlikely to be a reasonable one (***Romec Ltd v Rudham EAT/0069/07***). However, there does not have to be a good prospect of an adjustment removing a disadvantage for that adjustment to be reasonable (***Noor v Foreign and Commonwealth Office 2011 ICR 695 EAT***). The question is whether the adjustment would be effective in removing or reducing the disadvantage the claimant is experiencing as a result of their disability, not whether it would advantage the claimant generally. To assess the effectiveness of

5 a proposed adjustment, it is best practice to consult the disabled employee, who is most likely to know whether the adjustment would make a difference. Alternatively, or additionally, expert opinion, such as medical or occupational health advice, could be obtained on the probable effect of any proposed adjustment. If there is a real prospect of the adjustments removing the disadvantage, it may be reasonable to expect the employer to take that course.

*Injury to Feelings*

10 17. A Tribunal may make an award of compensation for injury to feelings in a discrimination case. The guidelines for awarding compensation for injury to feelings are set out in the case of ***Vento v Chief Constable of West Yorkshire Police [2003] IRLR 102 CA*** (updated by ***Simmons v Castle [2012] EWCA Civ 1039***).

15 18. Factors a Tribunal will take into account when assessing the level of an award for injury to feelings is the impact of the discriminatory behaviour on the individual affected rather than the seriousness of the conduct of the employer or the individual responsible for the discrimination.

**Submissions**

19. The Parties provided written submissions which they spoke to.

20 **Discussion and Decision**

*The Witnesses*

*The Claimant*

25 20. The Tribunal found the Claimant to be a credible and reliable witness. She gave her evidence in a straightforward manner in circumstances which must have been personally difficult for her in light of deeply sensitive nature of her condition. Her evidence was consistent and corroborated by the documentary evidence provided such as her email of

4 July 2019 to GB, her Grievance Letter of 9 July 2019, GS response of 26 July 2019 and the email of resignation dated 19 August 2019.

*GB*

- 5 21. The Respondent's position was that GB spoke with the Claimant by telephone on 5 July 2019. In that conversation he discussed her email of 4 July, her concerns and offered her a position with Renfrewshire Council. GB stated that the Claimant refused the Renfrewshire Council post on the basis that it was less money. The Claimant denied that this conversation took place.
- 10 22. The Tribunal considered it highly unlikely that the Claimant would have issued the Grievance Letter in such terms if the conversation with GB had taken place as suggested by him and the offer of alternate employment closer to home made. Furthermore, if such a conversation had taken place it was highly unlikely that there would be no mention of that or the offer of alternate employment in GS's response to the  
15 Grievance Letter.
23. GB made no mention of the claimed conversation on 5 July 2019 in his Witness Statement and the Respondent's Response contained no reference to it either.
- 20 24. The Tribunal preferred and accepted the evidence of the Claimant where it conflicted with the evidence of GB. The Tribunal did not find GB to be a credible or reliable witness in light of the inconsistencies in his evidence not only with regard to the alleged conversation on 5 July 2019 but also with regard to the evidence of his "approach". GB stated that his approach  
25 was to get issues resolved immediately. That's why he had called the Claimant rather than respond to her email. It was put to GB in cross that if that was his approach why had the Grievance letter and the resignation email not been dealt with in a similar fashion? He was aware of what was going on but had left matters to GS. The Tribunal considered that this  
30 evidence was inherently contradictory and not credible.

25. The Tribunal accepted the Claimant's evidence that no such conversation took place.

GS

5 26. GS's evidence confirmed that the whole approach of the Respondent was to say that the provision of facilities was not their responsibility. It was ERC who had removed the base facilities at Lowndes Street. It was ERC's decision what facilities were made available. This was a matter over which the Respondent had no control. In any event the Respondent had suggested over 13 other facilities for the Claimant to use. GS gave this  
10 evidence in the context of Production 13. Production 13 was created for the Tribunal proceedings. GS had never sent Production 13 to the Claimant and the Claimant had not seen it until the Tribunal proceedings. GS was unable to confirm precisely what facilities had been communicated as made available to the Claimant or what conversations  
15 LA had with her.

27. According to GS the Respondent was unaware of the Claimant's disability despite the Claimant's evidence of her conversations with LA.

28. The Tribunal noted that LA had not been called by the Respondent to give evidence.

20 29. GS gave evidence that none of the other agency workers had any issue with the facilities provided. When asked, she was unable to confirm what exact facilities were communicated as available but did confirm none of the agency workers had been asked whether they had any issue with the facilities provided to them. The Tribunal found this quite incredible in a  
25 situation where the Respondent was facing complaints by the Claimant about the adequacy of the facilities. Why would the Respondent not ask the other agency workers and be in a position to confirm exactly what facilities were available at the time?

30 30. This caused the Tribunal to question the credibility and reliability of GS's evidence. Her credibility and reliability was further undermined by her

evidence that she took no steps to contact the Claimant following receipt of her resignation. GS is an HR professional of considerable experience. She simply accepted the resignation.

- 5 31. The Tribunal did not find GS to be a credible or reliable witness and where her evidence conflicted with the Claimant's the Tribunal preferred and accepted the Claimant's evidence.

*Knowledge of Disability*

- 10 32. The Tribunal considered whether or not the Respondent was aware of the Claimant's disability. The Claimant had raised the issue of her condition with LA in conversations following the incident on 3 June 2019 and specifically in the context of her concerns over the withdrawal of the Lowndes Street facilities on 17 June 2019. The Tribunal find that the Respondent had knowledge of the Claimant's disability by 17 June 2019.

*Provision, Criterion or Practice(PCP)*

- 15 33. The Claimant asserts that the Respondent applied the following PCP "*as a peripatetic worker] don't have easy and guaranteed access to toilet and changing facilities*". The Tribunal considered and found that the Respondent did not provide their agency workers with access to appropriate toilet and changing facilities. The Claimant's evidence on this was accepted. There was no credible contrary evidence. The other agency workers had not been consulted. Facilities which were claimed to be available had denied access to the Claimant and/or were not available at times when the Claimant was working, preparing for work or finishing work.

- 20 34. The PCP was neutral in that it applied to all agency workers of the Respondent working for ERC.

*Substantial Disadvantage*

- 25 35. The Tribunal considered and followed the approach in **Essop v Home Office (UK Border Agency) [2017] IRLR 558,SC**, which set out that all four elements



of the definition in section 19 must be met. Clearly the PCP applied to all agency workers, it put the Claimant to a particular disadvantage to which those who did not have her disability were not put and there was no evidence or submissions about this being a proportionate means of achieving a legitimate aim.

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36. The particular disadvantage to which the Claimant was put was substantial. She had no access to adequate toilet or changing facilities which put her at significant risk of a bleeding incident and no means of cleaning and changing herself.

10 37. The Tribunal accepted the Claimant's submissions that she suffered substantial disadvantage in that her ability to perform her duties had been impaired; her medical condition exacerbated in that she suffered stress as a result of having work in circumstances whereby there was no access to adequate facilities and had been financially compromised due to being absent from work after 4 July 2019 (on SSP).

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#### *Reasonable Adjustments*

38. The Tribunal find that the Respondent was under a duty to make reasonable adjustments. What is reasonable in any given case will depend on the individual circumstances of the disabled person. The test of reasonableness in this context is an objective one (***Smith v Churchill Stairlifts plc 2006 ICR 524 CA***) and the focus is on whether the adjustment itself can be considered reasonable, not whether an employer's process for determining that question was reasonable (***Royal Bank of Scotland v Ashton 2011 ICR 632 EAT***).

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39. The question is whether the adjustment would be effective in removing or reducing the disadvantage the Claimant experienced as a result of her disability, not whether it would advantage the Claimant generally.

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40. ERC are a large employer with numerous facilities in the area. The Respondent could have and should have taken steps, in conjunction with ERC or by itself, to provide suitable, available and appropriate facilities. The Respondent could

have and should have consulted with the Claimant about the appropriateness of facilities.

5 41. The Respondent could have and should have offered the Claimant alternative roles which provided her with access to appropriate facilities or allowed her to work where such facilities were readily accessible. The Respondent did not do so and the Tribunal find that the email of 26 July 2019 from GS did not constitute a specific offer of alternate employment.

10 42. Such adjustments would have been reasonable and would have allowed the Claimant to get back to work, removing the disadvantage to which she had been subject.

*Injury to Feelings*

15 43. The Tribunal accepted the Claimant's evidence that the treatment of her by the Respondent had led to considerable distress, anxiety and had exacerbated her condition. She had felt humiliated and embarrassed as a consequence of the way she had been treated by the Respondent. She had been left with no option other than to resign and seek employment elsewhere.

44. The impact of the discriminatory behaviour on the Claimant had been considerable and over a period of time (17 June 2019 to 19 August 2019).

20 45. The Tribunal considered that an award at the lower end of the middle band in **Vento** was appropriate (taking into account **Simmons v Castle [2012] EWCA Civ 1039**)

46. The Tribunal make an award of £10,000 in respect of injury to feelings.

Employment Judge: A Strain

5 Date of Judgement: 31 March 2021

Entered in register: 14 April 2021

and copied to parties