



EMPLOYMENT TRIBUNALS

Claimant: Miss I Sherratt

Respondent: Performance in People Ltd

Before: Employment Judge Craft

Members: Mrs S Collins
Mr G Crowe

By: CVP On: 23, 24, 25 and 26 August 2021

Representation:
Claimant: Mrs D Sherratt, Mother
Respondent: Mr Handley, Croners

UNANIMOUS JUDGMENT

1. The Respondent discriminated against the Claimant by reason of her disability by dismissing her contrary to s.15 Equality Act 2010 when the Respondent could reasonably have been expected to know that the Claimant was suffering from disabilities within the terms of the Act by the date of her dismissal and such unfavourable treatment was not a proportionate means of achieving a legitimate aim.
2. The Respondent failed to make reasonable adjustments to a provision, criterion and practice which had put the Claimant at a substantial disadvantage compared to someone without her disabilities, when the Respondent could reasonably have been expected to know that the Claimant was likely to be placed at such a disadvantage contrary to s.20 and 21 Equality Act 2010.
3. The Respondent indirectly discriminated against the Claimant by reason of her disability by its application of the Bradford Factor as a method of managing absence to all its employees which placed the Claimant at a particular disadvantage compared to persons without a disability and resulted in her dismissal in circumstances where the disadvantage was not a proportionate means of achieving a legitimate aim, contrary to s.19 Equality Act 2010.

4. The Respondent shall pay the Claimant the sum of £10,000 for injury to her feelings caused by its acts of discrimination and interest on that sum of £1,487.01. This is a total award for injury to feelings of £11,487.01.
5. The Respondent shall pay compensation to the Claimant for lost earnings in the sum of £2,706 and interest on that sum of £201.03. This is a total compensatory award of £2,907.03.
6. The Tribunal makes no compensatory award for future loss of earnings and has found no grounds to make an uplift to the above awards. These claims for future loss and uplift are dismissed.

Employment Judge Craft
Date: 03 September 2021

Judgment sent to the parties: 05 October 2021

FOR THE TRIBUNAL OFFICE

Note

Reasons for the judgment having been given orally at the hearing written reasons will not be provided unless a written request is presented by either party within 14 days of the sending of this written record of the decision.