



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant and **Respondent**

Ms K. Moth **Chief Constable for Devon and Cornwall**

Held at: Exeter

On: 6 December 2021

Before: Employment Judge Smail
Mr K. Sleeth
Ms E. Smillie

Appearances

Claimant: Mr C. Banham (Counsel)
Respondent: Mr M. Ley-Morgan (Counsel)

REMEDY JUDGMENT

A. Recommendations

Upon the Respondent confirming that the Claimant is performing her present duties well and is contributing to the needs of the Respondent, it is recommended as follows:

1. The Claimant does require stability in her duties to enable her to work effectively, reassured that she is valued. The Respondent should provide her with duties achievable by her to be undertaken over 3-year periods.

2. This does not prevent the Respondent from making operational changes. Any that impact on her duties will need to be justifiable as a proportionate means of achieving a legitimate aim.
3. Consideration must be given to providing the Claimant with significant periods of homeworking. The Claimant has excelled at her duties working from home.
4. It is noted that the existing shift pattern is working successfully. The Claimant has indicated a willingness to be flexible insofar as she is physically able. Night shifts are ruled out.
5. When a new manager is given the task of supervising the Claimant, the Respondent must ensure that the new manager is fully briefed on and trained in dealing with an officer with the Claimant's disability.
6. In general, the Respondent must ensure that its supervisors are trained in respect of managing people with disabilities to the standard of best practice.
7. We note the Bradford scoring system has been replaced by the Dorset Constabulary standard, namely 28 consecutive days or 4 separate occasions of absence in a rolling 12-month period before attendance management flags are raised. We agree with the Respondent's suggestion that management, OH, the Claimant and the Federation should meet and use best endeavours to agree workable adjustments to this standard, once the Claimant has been moved on from exclusively homeworking.
8. Disability absences, past and future, must be properly recorded. We do not say that all disability absences must be ignored. They should however be taken into account.
9. All existing physical workplace adjustments seem reasonable and should be reviewed periodically.

10. Provision should be made to facilitate parking close to the Police Station to which the Claimant is attached. This can either be the provision of a parking space or by reimbursing the cost of private parking.

11. Any change in duties or deployability, or any proposed attendance management action, must take into account Occupational Health advice.

B. Compensation

12. The Respondent must pay the Claimant £10,000 compensation for injury to feelings together with interest in the sum of £2,000. The sum of £12,000 must be paid to the Claimant within 14 days.

Employment Judge Smail
Date: 6 December 2021

Judgment sent to parties: 21 December 2021

FOR THE TRIBUNAL OFFICE