



EMPLOYMENT TRIBUNALS

Claimant: Ms V Apusi

Respondent: Birmingham and Solihull Mental Health NHS Foundation Trust

Heard at: Midlands West

On: 9, 10, 11, 12 and 13 May 2022

Before: Employment Judge Faulkner
Mrs J Whitehill
Mr P Tsouvallaris

Representation: **Claimant** - in person
Respondent - Ms T Vittorio (Principal Associate)

JUDGMENT

1. The Respondent did not contravene section 39 of the Equality Act 2010 by failing to comply with the duty to make reasonable adjustments in the application of its Management of Attendance Policy to the Claimant. The Claimant's complaint of failure to make reasonable adjustments is therefore dismissed.

2. The Respondent did not contravene section 39 of the Equality Act 2010 by discriminating against the Claimant because of something arising in consequence of her disabilities in terminating her employment. The Claimant's complaint in this respect is therefore dismissed.

3. The Claimant was not unfairly dismissed. Accordingly, her complaint of unfair dismissal is not well-founded.

4. The Respondent's application for costs was withdrawn.

Employment Judge Faulkner
16 May 2022

Notes

1. 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.
2. All judgments and written reasons for the judgments (if provided) are published, in full, online at www.gov.uk/employment-Tribunal-decisions shortly after a copy has been sent to the parties in a case.