



# EMPLOYMENT TRIBUNALS

BETWEEN

**Claimant**

and

**Respondent**

**Mr D. Townsend**

**Torbay and South Devon  
NHS Foundation Trust**

**Held at: Exeter**

**On: 24-27 April 2023**

**Before: Employment Judge Smail  
Ms C. Lloyd-Jennings  
Ms E. Smillie**

## **Appearances**

**Claimant:** Ms C. Goodman (Counsel)

**Respondent:** Mr S. Way (Counsel)

# JUDGMENT

1. Contrary to section 20(3) of the Equality Act 2010, the Respondent failed to make reasonable adjustments during the Claimant's redeployment period, specifically 5 November 2021 to 29 December 2021, by Human Resources failing to support him fully when the weekly list of jobs approved for recruitment was sent by the Vacancy Panel to Human Resources on Wednesdays or Thursdays, by failing routinely to alert him of potentially suitable roles either within the 24 hour period set aside for preventing advertisement of the roles, or at all.
2. By 19 May 2023, the Respondent must pay the Claimant compensation for injury to feelings in the sum, inclusive of interest, of £11,069.56.
3. By 26 May 2023, the Claimant must send in an agreed draft Order for recommendations and for compensation of any pecuniary losses for approval by Employment Judge Smail. If agreement is not forthcoming, the Claimant must ask listing to arrange a 1-day remedy hearing before this Employment Tribunal panel by the same date.
4. If a 1-day remedy hearing is required, the parties must send in to listing dates of availability for September and October 2023 by 2 June 2023.

5. Full oral reasons were given at the hearing. If any party requires written reasons, these must be applied for by email within 14 days.

Employment Judge Smail  
Date: 27 April 2023

Judgment sent to the parties: 10 May 2023

For the Tribunal Office