



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss A Bano

**Respondent:** NewyIn Plc

**Heard at:** East London Hearing Centre (in public)

**On:** 28, 29 February 2024; 1, 5 and 22 March 2024  
6 March 2024 (in chambers)

**Before:** Employment Judge Gordon Walker

**Members:** Mr S Woodhouse  
Mr R Blanco

## Appearances

For the claimant: Mr D Brown, counsel  
For the respondent: Ms K Hosking, counsel

# JUDGMENT

1. The claim of discrimination arising from disability (section 15 Equality Act 2010) in respect of treatment A, B, C(i) and F is well founded and succeeds.
2. The claim of harassment related to disability (section 26 Equality Act 2010) in respect of treatment D up to 1 July 2022 is well founded and succeeds.
3. The claim of victimisation (section 27 Equality Act 2010) in respect of treatment C, E and F is well founded and succeeds. This claim in respect of treatment E was presented to the Tribunal within a period that was just and equitable (section 123(1)(b) Equality Act 2010).
4. The claims of failure to make reasonable adjustments (sections 20-21 Equality Act 2010) in respect of the failure to: (1) provide an automatic van; (2) provide speech to text software; and (3) discount disability related absence for the purposes of the first disciplinary process and sanction, are well founded and succeed. The complaint about the failure to provide an automatic van was presented to the Tribunal in accordance with section 123(1) Equality Act 2010. There was conduct extending over a period, the complaint is treated as done at the end of that period i.e. at the end of January 2022 (section 123(3)(a) Equality Act 2010); or

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alternatively the complaint was presented within a period that was just and equitable (section 123(1)(b) Equality Act 2010).

5. The claim of constructive unfair dismissal is well founded and succeeds (sections 94 and 95(1)(c) Employment Rights Act 1996).
6. The claim for notice pay is well founded and succeeds.
7. The claim for holiday pay is dismissed upon withdrawal by the claimant pursuant to rule 52 of the Employment Tribunal Rules of Procedure 2013.
8. The claims of failure to make reasonable adjustments in respect of working from an iPad, and providing a call answering system are dismissed upon withdrawal by the claimant pursuant to rule 52 of the Employment Tribunal Rules of Procedure 2013.
9. The claimant's application to amend the claim to add a further claim of failure to make reasonable adjustments about saturated working areas is refused.
10. All other claims are not well founded and are dismissed.

**Employment Judge Gordon Walker**  
**Dated: 22 March 2024**