



EMPLOYMENT TRIBUNALS

Claimant: Ms T Dell-Noon

Respondent: Birmingham City Council

Heard at: Midlands West

On: 15, 17, 18, 19, 22, 23 and 24 January 2024
(for panel deliberations) 21 and 23 February 2024
and (for judgment only) 17 May 2024

Before: Employment Judge Faulkner
Mrs E Shenton
Mrs J Whitehill

Representation: **Claimant** - In person
Respondent - Mr P Starcevic (Counsel)

JUDGMENT

1. The Respondent did not contravene section 39 of the Equality Act 2010 by discriminating against the Claimant because of her disabilities (or any of them) in:

1.1 Moving the Claimant's place of work from the first-floor location in the Respondent's Registry Office to a room on the ground floor of that office (with the facilities that were thus available to her) on 30 May 2018.

1.2 Informing the Claimant on 30 May 2018 that she would work from the ground floor location until she was medically re-deployed.

1.3 Failing to progress the Claimant's grievance in a timely fashion from 11 June 2018 to 29 November 2022.

1.4 Denying the Claimant access to a grievance hearing and appeal from 15 June 2022 to 29 November 2022.

1.5 Writing to the Claimant on 15 June 2022 to explain that her grievance had been resolved and to facilitate her return to her substantive role.

1.6 Writing to the Claimant on 21 October 2022 to inform her of her right to appeal the grievance outcome in a Stage 4 appeal.

1.7 On 31 October 2022, refusing the Claimant's requests to change the chair of the grievance hearing.

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 (of endometriosis and leg nerve damage) in moving her to the ground floor of the Registry Office from 30 May to 12 July 2018.

3. The Respondent did not contravene section 39 of the Equality Act 2010 by failing to make reasonable adjustments in relation to the provision, criterion or practice of preparing personal emergency evacuation plans or in relation to the physical features of the ground floor of the Registry Office.

4. The Respondent did not contravene section 39 of the Equality Act 2010 by victimising the Claimant in failing to address her grievance in a timely manner or informing her on 15 June 2022 that her grievance had been resolved.

5. The Respondent did not contravene section 40 of the Equality Act 2010 by harassing the Claimant related to disability by informing her in an open plan office on 30 May 2018 that she was being moved to the ground floor of the Registry Office.

Employment Judge Faulkner
Date: 20 May 2024

Notes

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.

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<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>