



# EMPLOYMENT TRIBUNALS

**Heard at:** Croydon (by video) **On:** 26 November 2024

**Claimant:** Ms Jennifer Caswell

**Respondent:** Maximus UK Services Limited

**Before:** Employment Judge E Fowell  
Ms H Carter  
Ms G Mitchell

**Representation:**

**Claimant** James Boyd of counsel, instructed by JMW Solicitors LLP

**Respondent** Nicholas Bidnell-Edwards of counsel, instructed by BDB Pitmans LLP

## JUDGMENT

The unanimous decision of the Tribunal is as follows:

1. The claimant was dismissed on grounds of her long-term sickness absence but was assured at her final capability hearing that the respondent would obtain a further Occupational Health report before a final decision was made. This did not happen and so the dismissal was unfair. However, a further report could not have affected the ultimate outcome.
2. As the claimant had exhausted her entitlement to sick pay the award for compensation is confined to a basic award of £2,284 and a compensatory award for loss of statutory rights.
3. The complaint that her dismissal was an act of discrimination arising from her disability is upheld to the same extent. Other complaints of disability discrimination relating to the procedure followed are dismissed.

4. The claim of victimisation, which arose at the appeal stage, and also concerned procedural matters, is also dismissed.
5. The claimant did not suffer an unlawful deduction from wages.
6. The extent of compensation due will be assessed at a further hearing at 10 am on 17 February 2025.

Employment Judge Fowell

Date 26 November 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.

### **Public access to employment tribunal decisions**

Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

### **Recording and Transcription**

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

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