



EMPLOYMENT TRIBUNALS

Claimant

Ms M Garwood

Respondent

Capital City College Group

Heard at: London Central

On: 2,3, 4, 7, 9, 10 April 2025
In chambers: part 7 and 8 April 2025

Before: Employment Judge Lewis
Ms S Campbell
Dr V Weerasinghe

Representation

For the Claimant: Mr F Clarke, Counsel

For the Respondent: Mr I Ahmed, Counsel

JUDGMENT

The unanimous decision of the tribunal is that:

- (i) The respondent failed to make the reasonable adjustment of allowing the claimant to work from home from 14 March 2022, subject to a review after 3 months.
- (ii) Subjecting the claimant to the sickness absence procedure without having first tried the reasonable adjustment was discrimination arising from disability contrary to section 15 of the Equality Act 2010.
- (iii) Dismissing the claimant was discrimination arising from disability contrary to section 15 of the Equality Act 2010.
- (iv) The claimant was unfairly dismissed.
- (v) The claim for unauthorised deductions from wages is not upheld.

The tribunal awards **£62,281.52** calculated as follows:

Basic award - £4,282.50

Loss statutory rights - £500

Financial loss pre dismissal (failure to make reasonable adjustments) - £6,682.41

Interest on financial loss pre dismissal - £823.13

Financial loss from dismissal £15,121.84 and £1979.54 pension loss

Interest on financial loss since dismissal £1,694.21

Injury to feelings on dismissal - £12,000

Interest on injury to feelings on dismissal - £2,377.64

Sub-total (taxable after £30,000) = £45,461.27

Injury to feelings pre dismissal - £8,000

Interest on injury to feelings pre dismissal - £1,958.57

Sub-total not taxable - £9,958.57

Grossing up:

Total taxable award = £45,461.27 less £30,000 tax free = £15,461.27.

Within the £15,461.27: £8,270 grossed up for 20% = £10,337.50; £7,191.27 grossed up for 40% = £11,985.45. Total grossed up elements = £22,322.95

Add back £30,000 = £52,322.95

Add award for non-taxable element (pre-dismissal injury to feelings) of £9,958.57
= £62,281.52

Employment Judge Lewis

Dated: 10 April 2025

Judgment and Reasons sent to the parties on:

16 April 2025

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For the Tribunal Office