



EMPLOYMENT TRIBUNALS

Claimant: Ms C Downing

Respondent: Marks and Spencer Plc

Heard at: Watford (in person for the liability hearing and hybrid for the oral judgment)

On: 21-25 July 2025 (in-person hearing)
and 15 October 2025 for deliberation and oral judgment (hybrid)

Before: Employment Judge Margo, Mrs A Buck and Ms B Robinson

Representation

Claimant: Ms Downing (in person)

Respondent: Mr A Leonhardt (counsel)

JUDGMENT

1. The following of the claimant's claims succeed:
 - a. Discrimination contrary to s.18 of the Equality Act 2010 as a result of the claimant's role being filled with a permanent replacement employee when the claimant went on maternity leave;
 - b. The claim under s.15 of the Equality Act 2010 in respect of the unfavourable treatment of being dismissed;
 - c. The claim that there had been a failure to make reasonable adjustments in respect of the performance management policy and in respect of the practise of advertising new roles to all employees and selected roles externally and to the practise of requiring an internal candidate to apply for a new role; and,
 - d. The unfair dismissal claim.
2. A reduction of 25% should be made to any compensatory award to take into account the prospect that the claimant would have been fairly

dismissed from the alternative role of Propositions Manager in Clothing & Home after 6 months of being in that role.

3. The remaining issues relating to remedy are reserved to a remedy hearing.
4. All of the other of the claimant's claims are dismissed.

Approved by:

Employment Judge Margo

15 October 2025

JUDGMENT SENT TO THE PARTIES ON
29 October 2025

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FOR THE TRIBUNAL OFFICE