



EMPLOYMENT TRIBUNALS

Claimant: Mr McCready
Respondent: Alten Limited
Heard at: London Central Employment Tribunal
On: 17 November 2025
Before: Employment Judge Hopton

Representation

Claimant: Represented himself

Respondent: Mr Williams (consultant)

RESERVED JUDGMENT ON REMEDY

1. The respondent is ordered to pay the claimant the sum of **£34,073.16** as compensation for discrimination arising from disability and failure to make reasonable adjustments.
2. The detailed calculation appears in the reasons. The award includes interest, past loss of income and pension contributions, and £20,000 for injury to feelings.
3. The tribunal makes a recommendation in these terms: **by 31 January 2026**, the respondent must write the claimant an apology which acknowledges the tribunal's findings. The apology should be signed by one of the respondent's directors.

REASONS

1. In the liability judgment promulgated on 30 September 2025, the claimant succeeded in his claims of discrimination arising from disability and failure to make reasonable adjustments. That judgment contains full reasons.

Documents and evidence

2. The claimant had prepared a bundle of documents and I also referred to material in the original hearing bundle. The claimant gave evidence about loss and mitigation issues. He had prepared a remedy statement and an addendum to that. The respondent had submitted written submissions and I heard oral submissions from both parties.
3. The claimant made detailed and lengthy submissions. I thank him for his clear and well-argued points, excellent preparation and careful approach to documents.
4. Mr Williams made short submissions in which he acknowledged that what happened to the claimant should not have happened and gave the respondent's sincere apologies. He outlined the steps the respondent has taken since the liability hearing to change its approach, including commissioning an independent review of how it can support candidates with disabilities.

Findings of fact

5. The liability judgment sets out the findings of fact on discrimination. Additional facts from the remedy hearing are set out here.
6. The claimant agreed in cross examination that his loss period for past loss ended with his employment with his new employer in March 2024. He made it clear that the claim he has characterised as 'future loss' related to the respondent's conduct of the tribunal proceedings from June to September 2025.
7. The claimant gave evidence on the impact on him of dealing with the tribunal proceedings, and the effect this had had on his health and mental wellbeing including the worsening of his existing conditions.
8. The claimant explained that one of the key things for him was feeling responsible for the experience of future disabled applicants to the respondent. He spoke frankly about a distressing incident he had experienced in childhood, and why it was so important to him to ensure that what had happened to him did not happen to others.
9. The claimant explained the impact the discrimination had had on his health, and provided evidence from his treating physicians. It was not straightforward to distinguish between the evidence relating to injury to feelings resulting from the original discrimination, and that arising from the tribunal process. I have therefore drawn conclusions based on the claimant's written and oral evidence, and the medical evidence provided. The respondent did not challenge the medical evidence. A letter from the claimant's Therapeutic Counsellor dated 6 November 2025 refers to the impact of "work-related discrimination". I have concluded that this letter therefore refers to the impact of the original discrimination. The letter explains that the claimant experienced a number of symptoms, including: re-experiencing the trauma, including intrusive, unwanted memories, constant fear and anxiety, sleep disturbance, and physical reactions. It referred to negative thoughts and emotions, loss of confidence, panic attacks when facing a job interview situation, and other issues.
10. The letter from the consultant dated 10/11/2025 focused more on the impact of the employment tribunal proceedings. I have therefore not relied on this as

evidence of injury to feelings resulting from the original discrimination.

11. The claimant obtained a new role in March 2024 earning at least the same salary as that which he would have earned with the respondent. The respondent did not dispute the claimant's evidence on earnings in his schedule of loss.

Mitigation

12. The claimant has a duty to mitigate his loss. The burden is on the respondent to show he did not. The claimant mitigated his loss by obtaining a new role in March 2024. The respondent did not challenge the claimant's evidence or suggest he had not sufficiently mitigated his loss.
13. The claimant received £3,294.82 in universal credit between 2 October 2023 and 12 March 2024. The recoupment rules do not apply to discrimination claims.

Interest

14. Interest is payable on tribunal awards at 8% per annum. For injury to feelings this runs from the date of injury and ends on the date of this judgment. In the liability judgment I found that the respondent did a number of discriminatory acts on 7 August 2023. This was the date of the first act of discrimination against the claimant, so interest on injury to feelings runs from 7 August 2023 (869 days). For loss of earnings this is calculated from the "mid-point" to the date of calculation. The mid-point is the day which falls half-way through the period beginning with 2 October 2023 and ending on the judgment date (22 December 2025) (813 days).

Tax

15. Neither party made submissions on the tax arrangements of the award. As the claimant's claim related to a failure to provide him with employment, and he was never employed by the respondent, his losses seem unlikely to be said to be related to the termination of employment. It is not therefore appropriate to gross up the award for tax.

Law

16. Section 124(3) Equality Act 2010 sets out the circumstances under which the tribunal can make a declaration, an award for compensation, and recommendations:

(1) This section applies if an employment tribunal finds that there has been a contravention of a provision referred to in section 120(1).

(2) The tribunal may—

(a) make a declaration as to the rights of the complainant and the respondent in relation to the matters to which the proceedings relate;

(b) order the respondent to pay compensation to the complainant;

(c) make an appropriate recommendation.

(3)An appropriate recommendation is a recommendation that within a specified period the respondent takes specified steps for the purpose of obviating or reducing the adverse effect on the complainant of any matter to which the proceedings relate.

17. In ***Essa v Laing Ltd [2004] EWCA Civ 2***, the Court of Appeal held that there is no test of reasonable foreseeability when calculating loss arising from discrimination. The loss must flow directly and naturally from the discriminatory act. It also held that psychiatric injury and injury to feelings are the same type of harm.
18. Compensation for discrimination can only be awarded if it is directly attributable to the act of discrimination. There must therefore be a direct causal link between the discrimination and the loss claimed (***Coleman v Skyrail Oceanic Ltd [1981] IRLR 398***).

What remedy should be awarded?

Claimant's request for recommendations

19. The claimant has asked the tribunal to make a number of recommendations. The requested recommendations that relate directly to the claimant are:
 - 19.1. A director-signed acknowledgement and apology.
 - 19.2. To provide the claimant with a named point-of-contact for 12 months in case he wishes to make any future approach to the respondent.
 - 19.3. To provide an early reasonable adjustments meeting if the claimant chooses to re-engage with the respondent.
20. The other recommendations do not relate directly to the claimant, but concern issues such as how the respondent handles applications from disabled candidates, a review of his recruitment and its approach to litigation.
21. I accept the claimant's explanation about how an apology from a director of the respondent would help him and would reduce some of the adverse effect of the discrimination. This is particularly the case given the respondent's apparent total lack of understanding of its duty to consider reasonable adjustments, for example, saying in its grounds of resistance, that the claimant tried *"to lure [the respondent] into the belief that the claimant could meet the requirements of the role"*. This caused the claimant considerable distress. I will therefore make an order that, by 31 January 2026, the respondent must send the claimant, an apology, signed by one of the respondent's directors, which acknowledges the tribunal's findings.
22. I am not going to make a recommendation regarding any future contact the claimant may have with the respondent. From the evidence I have heard, it

does not seem to me that that would reduce the adverse effect of the discrimination. I consider that the tribunal findings (which are published publicly on the internet), the apology, and the assurances that Mr Williams gave to the tribunal about the respondent's new approach to disabled applicants (which I have recorded in this judgment and which will therefore also be published publicly) should be sufficient to give the claimant assurance that he will be treated fairly if he chooses to apply to the respondent in the future. These should also go some way to alleviating the claimant's concerns about other disabled applicants, which I address further below.

23. Regarding the other recommendations requested, the Employment Tribunal used to have the power under section 124(3) to make wider recommendations for the purpose of "obviating or reducing the adverse effect of any matter to which the proceedings relate (a) on the complainant or (b) on any other person." If that provision were still in force, I could consider making some of the wider recommendations the claimant requests. However, the reference to "any other person" was repealed in 2015. Section 124(3) now specifies that any recommendation must obviate or reduce the adverse effect on the complainant. I understand the claimant's arguments about how the recommendations would reduce the adverse effect on him, and I am grateful to him for his frankness explaining some of the background to his feelings around this. However, the legislation was changed specifically to benefit only the *complainant*. If I were to make the recommendations the claimant requests, they would only directly benefit future disabled applicants to the respondent which would go against the purpose of the legislation. It would, in effect, be a recommendation to obviate or reduce the adverse effect on another person, through the back door. I do not therefore make any other recommendation. As the claimant's employment has terminated, the recommendations requested would not obviate or reduce the adverse effect on him directly, and the legislation does not permit me to make recommendations for any other reason. Through his actions in bringing this claim, the claimant has ensured that there is a public record of the discrimination and the outcome, as I have outlined above, which seems highly likely to help future disabled applicants. I hope this will bring some comfort to him in terms of his feelings of responsibility towards others.

Past loss

24. The tribunal should consider what would have happened but for the discrimination. The claimant's contract with the respondent was originally due to start on 2 October 2023. His loss therefore starts from that date. The respondent said that the claimant would probably have been made redundant in around 7 December 2023 in any event as there was little work for him. For the reasons set out in the liability judgment, I found that there were in fact suitable roles available for the claimant at that time. The claimant was offered a direct hire contract. But for the discrimination, it is likely that the claimant would have worked for the respondent for at least the term of the Cummins

contract. That role, undertaken by another engineer, lasted until 17 March 2025. In fact, the claimant has mitigated his loss and acquired a new role at at least the same salary before that date. That new role broke the chain of causation. The claimant's past loss therefore runs until 10 March 2024.

Injury to feelings

25. An injury to feelings award should compensate the claimant, not punish the respondent and I must have regard to the current Vento bands. The claimant has suffered injury to feelings as a direct result of the discrimination. It is therefore appropriate to make an award for injury to feelings. I consider that this should be in the middle Vento band. As soon as the respondent found out that the claimant was disabled, it removed him from discussions with a client about a specific project and transferred him to a less advantageous recruitment stream. The respondent failed to engage with the reasonable adjustments the claimant requested and did not make any attempt to discuss reasonable adjustments with clients. This meant the claimant was not placed into the role he had been anticipating or considered for alternative suitable roles. Even at the stage of producing its amended grounds of resistance as part of tribunal proceedings, the respondent insisted, in effect, that it was the claimant's fault that the discrimination had occurred (para 12.8 amended GOR). I accept the claimant's oral and documentary evidence, referred to above, of the impact of the discrimination on him. This impact has been severe. Although the discrimination took place over a relatively short period, it had a significant impact on the claimant in that it was the direct cause of him failing to obtain a role that he wanted, and that he had legitimately expected to be appointed to. The respondent must take the claimant as it finds him, and in this case, the claimant was considerably affected by the respondent's failures. The discrimination has caused him to lose sleep, re-experience the trauma, experience intrusive, unwanted memories, fear and anxiety and negative thoughts and emotions. It has damaged his confidence in applying for other jobs, facing panic attacks at a job interview situation, for example. For these reasons, I make an award of £20,000. This reflects the severity of the impact on the claimant, and takes into account the relatively short timescale over which the discrimination occurred.

Loss arising from the tribunal process: generally

26. The claimant has argued that he should also be awarded a sum for the period June – September 2025 because he was experiencing so much stress from the tribunal process at that point that he was unable to work or look for another job. He has also argued that he should be awarded a sum in compensation for personal injury arising from the tribunal process. As these two claims rely on the same legal principles, I have addressed them together.
27. I am not able to award the claimant any compensation for any injury or loss he has suffered as a result of the tribunal proceedings. The loss must flow directly from the discrimination. I understand the claimant's position that his

state of mind in that period was directly related to the discrimination he suffered in that, if he had not experienced the discrimination, there would have been no need for tribunal proceedings. However, this connection is too remote. The tribunal proceedings are separate from the discrimination.

Loss arising from the tribunal process: personal injury

28. Tribunal proceedings can be stressful, particularly for an unrepresented party. I do not doubt the claimant's evidence that the tribunal process did have an impact on his health, and that to some extent the respondent's failure to comply with some directions, and some of their correspondence with the claimant, exacerbated this impact. I address the conduct of the litigation in my conclusions on aggravated damages. However, I am not able to make an award for personal injury which has occurred as a result of the litigation process, as this did not flow directly from the discrimination.

Loss arising from the tribunal process: loss of earnings

29. Regarding the loss of earnings for the period June to September 2025, for the same reasons, I cannot award damages for losses sustained due to the tribunal process (which the claimant categorises as "future loss").

Aggravated damages

30. The claimant has asked the tribunal to make an award of aggravated damages. He explained how much the tribunal process had affected him, and his feeling that this was down to the respondent's conduct of the proceedings.
31. For reasons of brevity, I have not set out in detail all of the allegations the claimant makes about the respondent's conduct. However, I address the points the claimant makes in his written remedy statement. The claimant refers to:
- 31.1. shifts in the respondent's amended grounds of resistance,
 - 31.2. an unsuccessful strike out application on 7 May 2024
 - 31.3. unreasonable communications by the respondent's representative including venting and copying witnesses and cost warnings.
32. It is relatively common for parties' views to change slightly as amended particulars of claim or grounds of resistance are produced. I have commented on some of the wording used in the respondent's amended grounds of resistance above, and taken it into account in the injury to feelings award. I can see from EJ Stewart's letter of 21 May 2024 that the respondent's strike out application was "premature and disproportionate". I also note from EJ Brown's CMO dated 24 June 2025 that due to the respondent's delay with documents the final hearing had been delayed, and that the respondent had breached the tribunal's order by providing its legitimate aim 19 days late. EJ Brown did not consider on 24 June 2025 that the respondent had conducted the proceedings

unreasonably. She noted that the respondent had corresponded very regularly with the Claimant in an effort to resolve disclosure issues and agree the bundle. She refused the claimant's strike out application accordingly.

33. I understand the claimant's perspective about the conduct of litigation, and, as mentioned above, I accept his evidence about the impact it had on his health. I also acknowledge the respondent's perspective, as explained by Mr Williams, that they were receiving multiple communications per day from the claimant and that it was not proportionate to deal with them all.
34. It is common for parties to have very different perspectives about how the other is handling the litigation. I note this without in any way intending to diminish the claimant's experience.
35. The bar for awarding aggravated damages is high, and in essence, the overriding objective requires a relatively pragmatic view. In general, aggravated damages can be awarded where the actions of a party are "high-handed, malicious, insulting or oppressive". In this case, although some of the respondent's actions/inactions breached tribunal orders, and although some of its actions caused the claimant considerable stress, looked at objectively, the respondent's actions were not outside what is relatively common in proceedings before the employment tribunal. Despite the impact they had on the claimant, I therefore do not award aggravated damages in this case.

Calculation

Net weekly basic pay:	£515.62
Gross weekly basic pay:	£623.08
Weekly pension contribution (6%):	£37.38

For past loss:

Earnings: 2 October 2023 to 11 March 2024: 23 weeks at £515.62	£11,859.26
2 October 2023 to 11 March 2024: 23 weeks at £37.38	£859.74
Less universal credit	(£3,294.82)
Total past financial loss	£9424.18
Interest at 8%: $813/2 \times 0.08 \times 1/365 \times 9424.18$	£839.66
Total compensatory award	£10,263.84

For injury to feelings

Injury to feelings award	£20,000
Interest at 8%: $869 \times 0.08 \times 1/365 \times 20,000$	3,809.32
	23,809.32

Total award (Injury to feelings and compensatory)

34,073.16

Approved by:

Employment Judge Hopton

22 December 2025

JUDGMENT SENT TO THE PARTIES ON

22 December 2025

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FOR THE TRIBUNAL OFFICE