



EMPLOYMENT TRIBUNALS

Claimant: Mrs A U Wijatyk Babula
Respondent: David Austin Roses Limited

FINAL HEARING

Heard at: Birmingham
On: 26 to 30 January 2026
Before: Employment Judge Camp
Mr SG Woodall
Mr J Sharma

Appearances

For the Claimant: in person
For the Respondent: Mr R Ennis, solicitor

JUDGMENT

1. The following Judgment was given on 30 January 2026.
2. Two of the Claimant's complaints succeed; but all of her other complaints fail.
3. The two complaints that succeed are:
 - a. a complaint under section 15 of the Equality Act 2010 about the Respondent, "*On 13 December 2023, issuing a written warning when no verbal warning had previously been issued*";
 - b. a complaint of breach of the duty to make reasonable adjustments about the application of a policy or practice of not automatically disregarding disability-related sickness absence when calculating an employee's Bradford Factor for the purposes of absence management.

4. There was no significant chance that, had she not resigned on 9 February 2024, the Claimant would have been fairly dismissed by the Respondent for misconduct because of what she wrote to the Respondent in an email exchange of 8 February 2024.
5. The Claimant's compensation for discrimination is assessed at **£6,000**, consisting of damages for injury to feelings only. The Respondent must pay that sum to her.
6. The Claimant is also awarded, and the Respondent must pay her, interest on her compensation for discrimination at 8 percent per annum from 12 December 2023, totalling **£1,026.37** [$£6,000 \times 8\% \div 365.25 \text{ days in a year} \times 781 \text{ days elapsed}$] as at 30 January 2026.
7. Reasons were given orally at the hearing. Written reasons will not be provided unless asked for by a written request presented by any party within 14 days of the sending of this written record of the decision.

Employment Judge Camp
Approved on 30 January 2026