



EMPLOYMENT TRIBUNALS

Claimant: Mr John Glenn – Sharples

Respondent: Her Majesty's Prison and Probation Service

Heard at: Manchester

On: 9 December 2020

Before: Employment Judge Warren

REPRESENTATION:

Claimant: Mr J Jenkins, Counsel

Respondent: No attendance

JUDGMENT ON LIABILITY AND REMEDY

The judgment of the Tribunal is that:

1. The respondent having failed to enter a response, or respond to any of the listing notices sent to them, Rule 21 of the Employment Tribunal Rules of Procedure 2013 has been applied.
2. The claimant having withdrawn his claims of indirect discrimination, public interest disclosure whistleblowing, and detriment from trade union activity, these are marked as dismissed on withdrawal.
3. The claimant is a disabled person.
4. The respondent has subjected him to discrimination arising from his disability by re-grading the claimant to a Grade 3 Administrator.
5. In breach of Section 26 of the Equality Act 2010 the respondent engaged in unwanted conduct relating to the claimant's disability and the conduct had the purpose or effect of violating the claimant's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the claimant.
6. In breach of Section 20 of the Equality Act 2010, the respondent whilst under a duty to make reasonable adjustments for the claimant, a disabled person failed to take such steps as were reasonable to avoid the disadvantage created by a provision, criterion or practice of the respondents thus placing the claimant at a substantial disadvantage.

7. The respondent victimised the claimant, in breach of Section 27 of the Equality Act 2010 by subjecting him to a detriment because he had done a protected act.

REMEDY

1. The claimant was a Prison Officer earning a gross annual salary of £31,648.92. On 22 October 2019 he was re-graded as an Administration Band 3 with a gross annual salary of £21,712.57. There was an employer pension contribution of 20.9%.
2. The claimant was born on 28 November 1966 and had a retirement age of 67.
3. Between October 2017 and October 2019, he earned an average monthly amount of overtime of £798.16 gross.
4. The claimant is entitled to an award for injury to feelings in the sum of £25,000.00.
5. His claim for an award of aggravated damages is dismissed.
6. He is entitled to interest on the injury to feelings award from the medium date of 3 September 2019 at 8% totalling £2,266.49.
7. The claimant is entitled to loss of overtime from 22 October 2019 until the first date of the final hearing on 21 October 2020 in the sum of £7,155.75 (net of income tax and national insurance).
8. The claimant has suffered future loss of overtime in the sum of £75,000.00 (net of tax and national insurance).
9. The claimant will, when his pay protection expires in October 2021, suffer a reduction in his salary to the date when he retires at 67, and is awarded £89,305.04 in compensation (net of national insurance and income tax).
10. The claimant will suffer a similar reduction in the employer's contributions to his pension scheme and is entitled to the sum of £27,668.78.
11. The respondent is ordered to pay to the claimant the total sum of **£226,396.06**.

Employment Judge Warren

8 January 2021

JUDGMENT SENT TO THE PARTIES ON

19 January 2021

FOR THE TRIBUNAL OFFICE

Note

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.

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