



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr D Austin

V

Kingspan Limited

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

Heard at: Birmingham by CVP

On: 9 January and 27, 28 February
and 1 and 2 March 2023

Before: EMPLOYMENT JUDGE Dean

MEMBERS: Mrs D Hill OBE and Mr P Simpson

Representation:

For the Claimant: Mr Alexander Mac Millan counsel

For the Respondent: Ms Janey Whitely solicitor advocate

JUDGMENT

The judgment of the Tribunal is that:

1. The claimant was at all relevant times a disabled person as defined by section 6 of the Equality Act 2010.
2. The claimant having withdrawn his complaints of unlawful discrimination in breach of section 13 of the Equality Act 2010 because of the protected characteristic of his being a disabled person, the complaints are hereby dismissed.
3. The claimant having withdrawn his complaints of unlawful discrimination in breach of section 20 and section 21 of the Equality Act 2010 because of the protected characteristic of his being a disabled person, the complaints are

hereby dismissed.

4. The claimant was unfairly dismissed in breach of the provisions of section 94 of the Employment Rights Act 1078.
5. The claimant being a disabled person and at the relevant times was subject to unlawful discrimination by the respondent in breach of section 15 of the Equality Act 2010.
6. The respondent is ordered to pay to the claimant compensation for loss arising from his unfair dismissal in sum of £11,988 to include compensation in the sum of £500.00 for loss of statutory rights.
7. The respondent is ordered to pay to the claimant the sum of £20,000.00 compensation in respect of injury to his feelings together with interest thereon at the agreed rate of 2%p.a. in the additional sum of £1,020.27.
8. The respondent is ordered to pay to the claimant, subject to the provisions of the Employment Protection(Recoupment of Benefits) Regulations 1996, compensation in the total sum of £33,008.27.

9. Details of the award are:
 - 9.1. Monetary award - £33,008.27
 - 9.2. Amount of the prescribed element £11,488.00
 - 9.3. Dates of the period to which the prescribed element is attributable – 14 August 2020 to 2 March 2023
 - 9.4. Amount by which the monetary award exceeds the prescribed element £21,520.27.

Signed by Employment Judge Dean on 6 March 2023