



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Ms J Bernard

v

London Borough of Hammersmith &
Fulham

Heard at: London Central (in public; hybrid)

On: 26 November – 3 December 2024

Before: Employment Judge **P Klimov**
Tribunal Member **C Marsters**
Tribunal Member Dr **V Weerasinghe**

Appearances:

For the claimant: **Mr A Findley**, counsel

For the respondent: **Mr B Jones**, counsel

JUDGMENT

1. The unanimous judgment of the Tribunal is as follows:

1.1 The complaints of:

- a. indirect disability discrimination (s.19 Equality Act 2010 ("**EqA**")),
- b. failure to make reasonable adjustments (s.20, 21 EqA)
- c. harassment related to disability (s.26 EqA),

and

the following allegations of direct disability discrimination (s.13 EqA):

2.2.4 In or around June 2021, Ms Moore failed to carry out a risk assessment as recommended by Occupational Health.

2.2.8 In or around January 2022, failing to extend the sickness absence procedure in light of the Claimant's hospitalisation on 31 January 2022.

2.2.9 On or around 7 February 2022, referring and / or reporting the Claimant to Social Work England, stating that the Claimant was unfit to practice as a social worker;

2.2.10 On 7 February 2022 and 5 October 2022, holding sickness absence meetings regarding the Claimant on days when the Claimant was absent from work;

2.2.13 On 28 April 2022, forcing the Claimant to use a window sill during the Appeal Performance Management Hearing;

2.2.14 In or around July 2022, failing to extend the sickness absence procedure in light of the Claimant's injury sustained on 11 July 2022,;

the following allegations of discrimination arising from disability (s.15 EqA):

3.2 She claims that as a consequence of the matters arising, she received the following unfavourable treatment:

b. The Referral made to Social Work England as per paragraph 33 of the FBP;

c. Her absences between 2020 – dismissal which arose as a result of the failure to provide adjustments,;

and

the following allegations of victimisation

5.3.2 on 7 February 2022 and 5 October 2022, holding sickness absence meetings on days when the Claimant was absent from work,

are dismissed, having been withdrawn by the claimant.

1.2 The remaining complaints of direct disability discrimination (s. 13 EqA), discrimination arising from disability (s. 15 EqA), and victimisation (s. 27 EqA) are not well-founded and are dismissed.

1.3 The claimant's discrimination complaints under EqA had no reasonable prospect of success. The claimant is ordered to pay to the respondent **£3,000** in respect of the respondent's costs.

2. The majority judgment of the Tribunal is that the complaint of unfair dismissal (s. 94, 98 Employment Rights Act 1996) is not well-founded and is dismissed.

Employment Judge Klimov

3 December 2024

Sent to the parties on:

.....6 December 2024.....

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For the Tribunals Office