



EMPLOYMENT TRIBUNALS

Claimant: Ms C Bright

Respondent: Brighter Futures for Children

Heard at: Reading Employment Tribunal (by video)

On: 13 December 2024

Before: Employment Judge Annand

Appearances

For the claimant: Mr Deane (Counsel)

For the respondent: Mr Lawrence (Counsel)

RESERVED REMEDY JUDGMENT

1. The Respondent shall pay the Claimant the following sums:

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| a) | Compensation for injury to feelings | £13,000 |
| b) | Interest for injury to feelings calculated in accordance with the Employment Tribunals (Interest on Awards in Discrimination Cases) Regulations 1996) | £1,427.65 |

REASONS

1. A hearing was held under Rule 21 on 13 December 2024 by video.
2. On 15 February 2024, the Claimant had presented a claim for discrimination arising from disability under section 15 of the Equality Act 2010 and harassment related to disability under section 26 of the Equality Act 2010.
3. The Respondent did not present a Response in time. The Respondent later applied to extend time to present a Response, but that application was not successful. On 24 October 2024, Employment Judge Anstis held a preliminary hearing. He listed the case for a Rule 21 hearing on liability and

remedy on 13 December 2024. He ordered that the Respondent was permitted to make submissions on liability, cross examine the Claimant on matters of remedy and make submissions on remedy. The Respondent was not permitted to produce any witness evidence or documentary evidence.

4. For the hearing on 13 December 2024, the Claimant provided a witness statement, a bundle of documents, and a Schedule of Loss. I heard submissions from both parties on the issue of liability. I gave oral reasons for my decision on liability at the hearing. I found the Claimant had been subjected to five acts of unfavorable treatment, under her claim for discrimination arising from disability, and I found the Claimant had been subjected to nine acts of harassment related to disability.
5. The Claimant provided a separate witness statement regarding remedy. The only compensation claimed was for an award for injury to feelings and interest on that award. The Claimant was cross examined by Mr Lawrence on behalf of the Respondent. I heard submissions from both parties on remedy. There was not time for me to reach a decision on the appropriate amount of compensation to award and to give oral reasons to the parties, and therefore I reserved the decision on remedy.
6. Mr Deane, on behalf of the Claimant, submitted that the Respondent's actions had not been a one off incident, but a course of conduct lasting for 5-6 months. He submitted the Respondent's actions had shown little regard for the well being of the Claimant and fell very short of the standards that would be expected of a reasonable employer dealing with a disabled employee. The effect on the Claimant was that she felt she was not believed, felt humiliated, and felt the Respondent was trying to manage her out of her role. He pointed to the Claimant's grievance, which had been written nearly a month after she had received the letter on 14 September 2023 informing her that her reasonable adjustments would be ceasing in October 2023, and he pointed to an email in the bundle in which the Claimant noted that even writing the grievance was raising her anxiety. Mr Deane suggested an award of £20,000 for injury to feeling was appropriate.
7. In addition to these submissions, I also took into account the evidence in the Claimant's witness statement and her evidence during cross examination, and in particular, the following points:
 - 1) The Claimant started working for Reading Borough Council, who own the Respondent in 1992.
 - 2) She was very proud when she secured promotion in 2017 to Assistant Team Manager and was happy when she was reassured that she would not need to undertake home and community visits.
 - 3) As a result of the Respondent's actions, she felt she was not believed.
 - 4) She started suffering badly with anxiety, having nightmares, waking up feeling scared, having heart palpitations and being unable to fall back asleep.
 - 5) The Claimant's perception was that the reasonable adjustments which had been in place for some time had become an annoyance to the Respondent.
 - 6) The Claimant described the letter she received on 14 September 2023, which said the Respondent would be removing her reasonable

adjustments by 27 October 2023, as horrendous. She described feeling humiliated, betrayed, incredulous and shocked. She explained her anxiety considerably increased, and she dreaded losing her job, and asked herself obsessively, “How am I going to live if I lose my job? Who is going to employ me?”

- 7) The Claimant was worried about finding a new role as she is aged 57, has considerable disabilities, and has not had a job interview in 30 years.
8. Mr Lawrence, on behalf of the Respondent, submitted that the Claimant had been forewarned to some extent about the contents of the letter dated 14 September 2023 as she had been advised that her risk assessment would be discussed at a meeting and that would necessarily entail a discussion about her reasonable adjustments, and there was some email correspondence in August 2023 which set out the Respondent’s rationale for wanting to discuss the Claimant’s reasonable adjustments with her. Therefore, he submitted the letter of 14 September 2023 did not come wholly out of the blue. The Claimant managed to submit a grievance, had managed to bring proceedings in the Employment Tribunal, and had shown fortitude under cross examination. She also expressed some gratitude in her grievance about the fact she had been able to have a phased return to work. In the end, the Respondent did not remove the Claimant’s reasonable adjustments, and the Claimant still has some confidence in her employer, even if it has been undermined by the events. Mr Lawrence submitted an award between the middle and top end of the lower band would be suitable compensation.
9. I carefully considered the arguments put forward by both sides. I decided that an award of £13,000 was appropriate compensation for injury to feelings. I considered this to be a suitable amount because it was apparent that the Claimant has suffered considerably as a result of the Respondent’s actions. It was not a one off incident, but a series of events over several months. It was not just the letter of 14 September 2023 which caused the Claimant distress, but also the fact that two separate meetings were held in her absence, which I accepted gave the Claimant the impression that, after many years of service, she did not matter. I also accepted that the manner in which the Respondent drafted the Occupational Health referral form gave the Claimant the impression that she was not being believed about the impact of her disabilities on her abilities, and I accept that would have been particularly hurtful, given the extent of the limitations caused by the Claimant’s disabilities.
10. I also accepted the Claimant’s evidence that as a result of the Respondent’s actions she felt considerable distress, such that she had difficulties sleeping, felt extremely anxious, and worried a great deal about the prospect of being unemployed. I accepted her evidence that the events have considerably undermined her confidence in her employer. While the Claimant was informed fairly quickly that the reasonable adjustments would remain in place while her grievance was pending, that did not give her sufficient reassurance such that her anxiety was alleviated, as she was not aware at that time what the outcome of the grievance would be. It was possible the grievance would not be upheld, and the Claimant’s reasonable adjustments would be removed, she would be expected to find a new role, and if she did not, she faced the prospect of losing her employment.

11. For these reasons, I concluded the award should be in the middle band, but towards the lower end. Thankfully the Claimant did not lose her role, and the reasonable adjustments previously agreed were not removed.
12. For the purposes of calculating the interest on the award for injury to feeling, I was not provided with a date on which the Respondent sent the referral to Occupational Health (the first act of harassment) but it was alleged to have occurred in July 2023. I therefore calculated 8% interest from 31 July 2023 to the date of the remedy hearing, 13 December 2024, which came to £1,427.65.

Employment Judge Annand
16 December 2024

RESERVED JUDGMENT & REASONS SENT TO THE PARTIES ON

17/12/2024

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FOR EMPLOYMENT TRIBUNALS

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