



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss V Hayles

**Respondent:** The Home Office

**Heard at:** Midlands West (by CVP on 3 October 2022 only)

**On:** 26, 27, 28, 29, 30 September and 3 October 2022

**Before:** Employment Judge Faulkner  
Mrs D Hill  
Ms L Clark

**Representation:** **Claimant** - in person  
**Respondent** - Mr J Feeny (Counsel)

## JUDGMENT

1. The Claimant was at the relevant times, and the Respondent knew that she was, a disabled person within the meaning of section 6 of the Equality Act 2010 (“the Act”).

2. The Respondent did not discriminate against the Claimant by treating her unfavourably because of the sickness absence that arose in consequence of her disability in any of the following respects, because in each case the unfavourable treatment was a proportionate means of achieving a legitimate aim:

2.1. On 11 February 2019, indicating that she could be dismissed in a letter inviting her to a meeting to discuss her continuous sickness absence.

2.2. On 22 July 2019, informing her that the Respondent would hold a meeting with her concerning her attendance record and that she may be given a warning.

2.3. On 10 October 2019, giving her a first written warning regarding her attendance record.

3. The Respondent did not fail to comply with the duty to make reasonable adjustments in relation to the application of its Attendance Management Procedure. Not issuing the letter of 11 February 2019 and not giving the Claimant the warning of 10 October 2019 were not reasonable adjustments and the Claimant has not shown that she was put at the substantial disadvantage in comparison with

persons who are not disabled of attending work when she may not have felt otherwise able to do so.

4. The Respondent did not fail to comply with the duty to make reasonable adjustments in relation to the requirement for the Claimant to attend work. The Claimant has not shown that she was put at the substantial disadvantage in comparison with persons who are not disabled of attendance at work being stressful and anxiety-inducing. In any event, from 1 March 2019 the Respondent took the steps of providing her with a buddy and with the managerial support recommended in occupational health reports.

5. The Respondent did not discriminate against the Claimant because of her race:

5.1. In January 2018, at a meeting held to discuss operational issues.

5.2. On 10 October 2019, by sending her an email regarding duty rotas.

6. The Claimant did protected acts in conversations with the Respondent on 11 October 2019, 5 November 2019 and 10 December 2019.

7. The Respondent did not victimise the Claimant, because it did not subject her to the detriment of declining her request for a change in line manager on 11 May 2021 because she did the protected acts or any of them.

8. On 10 December 2019, in informing the Respondent that she believed managers were failing to adhere to equality legislation in their recruitment practices, the Claimant made a protected disclosure.

9. The Respondent did not subject the Claimant to the detriment of declining her request for a change in line manager on 11 May 2021 on the ground that she had made a protected disclosure.

10. Accordingly, all of the above complaints fail and are dismissed.

11. The Claimant's remaining complaints of victimisation and protected disclosure detriment were struck out on the ground that they had no reasonable prospect of success.

*Note: This was in part a remote hearing. There was no objection to the case being heard remotely. The form of remote hearing was V - video.*

Employment Judge Faulkner  
Date: 4 October 2022