



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mrs S Williams

v

**Herefordshire and Worcestershire
Health and Care NHS Trust**

Heard at: **Birmingham**

On: **5, 6, 7, 8 and 9 February 2024**

Before: **Employment Judge Kenward
Mr I Morrison
Mr J Reeves**

Appearances

For the Claimant: **Mr R Winspear, Counsel**

For the Respondent **Ms A Akers, Counsel**

JUDGMENT

1. The unanimous Judgment of the Tribunal is as set out below.
2. The complaints of indirect disability discrimination contrary to Equality Act 2010 section 19 (on the basis of the application of the requirement to cover for the lack of support staff, and the particular disadvantage of exacerbation of mental health and greater risk of health-related problems and being less likely to be able to meet working requirements) are well-founded and succeeds.
3. The other complaints of indirect disability discrimination contrary to Equality Act 2010 section 19 are not well-founded and are dismissed.
4. The complaints of breaches of the duty to make reasonable adjustments contrary to Equality Act 2010 sections 20 and 21 are not well-founded and are dismissed.
5. The Tribunal has listed a further hearing to deal with the issue of remedy.

Employment Judge Kenward

Dated 14 February 2024



Notes

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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Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here: <https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>