



EMPLOYMENT TRIBUNALS

Claimant: Mrs L Hall

Respondent: Lotus Care (Cressingham Court) Ltd

HELD AT: Liverpool **ON:** 27, 28 and 29 January 2020

BEFORE: Employment Judge Horne

MEMBERS: Mr M Gelling
Mr J Murdie

REPRESENTATION:

Claimant: Mrs S Hewitt, friend
Respondent: Mr R Cater, advocate

JUDGMENT

The unanimous judgment of the tribunal is as follows:

1. The respondent did not discriminate against the claimant because of disability.
2. The respondent did not discriminate against the claimant arising from her disability.
3. The claimant was unfairly dismissed.
4. Any compensatory award for unfair dismissal will be assessed on the basis that, had the respondent acted fairly,

- 4.1. the claimant would have remained employed for a further two weeks beyond the date when she was actually dismissed;
 - 4.2. there is a two-thirds chance that she would have continued to be employed by the respondent indefinitely; and
 - 4.3. there is a corresponding one-third chance that, two weeks after the date when she was actually dismissed, she would have been fairly dismissed.
5. It is just and equitable to reduce the claimant's basic award by 75% on the ground of her contributory conduct.
 6. It is just and equitable to reduce the claimant's compensatory award by a further 35% on the ground of her contributory conduct.

Employment Judge Horne

30 January 2020

SENT TO THE PARTIES ON

13 February 2020

FOR THE TRIBUNAL OFFICE

Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party makes a request in writing within 14 days of the date on which this judgment is sent to the parties. If written reasons are provided, they will be entered onto the tribunal's online register, which is visible to internet searches.