



EMPLOYMENT TRIBUNALS

Claimant

Mr S Wadsworth

Respondent

v **Rotherham Metropolitan Borough Council**

Heard at: Sheffield

On: 9 June 2020

Before: Employment Judge Brain

Miss R Hodgkinson

Mr D Fields

Appearances:

For the Claimant: Ms Sleeman of Counsel

For the Respondent: Ms Gould of Counsel

INTERIM REMEDY JUDGMENT AND ORDERS

1. The remedy hearing is adjourned part-heard. It shall resume on **4 September 2020** with a time allocation of one day. It shall be heard in the Sheffield Employment Tribunal and shall commence at 10am.
2. The Tribunal recommends (in addition to those recommendations that already pertain):
 - 2.1. That by mutual agreement, the date upon which the notice of termination of the claimant's contract of employment expires shall be extended from 10 June 2020 to 30 September 2020.
 - 2.2. That each party shall use reasonable endeavours and the respondent shall comply with its duty to make reasonable adjustments pursuant to sections 20 and 21 of the Equality Act 2010 in order that the claimant may as soon as reasonably practicable take up the post of Assistant Education Health and Care Planning Coordinator (*the Education role*). For the avoidance of doubt, this shall include compliance by the respondent with the duty upon it to comply with section 20(11) of the 2010 Act (by way of the recruitment of and provision of a support worker to assist the claimant with the Education role as an auxiliary aid).
 - 2.3. The respondent shall provide the claimant with reasonable assistance to enable him to seek any re-deployment opportunities with the respondent during the currency of the extended notice period (which assistance may

include the recruitment and deployment of a support worker and/or the provision of other reasonable assistance).

3. On or before **17 July 2020** the respondent's solicitor shall serve upon the claimant's solicitor copies of documents and witness statement(s) relevant to the issue of the post held by the claimant in the Multi-Agency Safeguarding Hub ('MASH') at the date of his dismissal, the deletion of the post held by the claimant in MASH and the redundancy and re-deployment procedures followed by the respondent following that deletion.
4. The claimant's solicitor may serve upon the respondent's solicitor a witness statement from the claimant by way of reply to the respondent's additional disclosure and evidence given in accordance with the foregoing direction in Order no: 3. This step shall be taken on or before **9 August 2020**.

CONSEQUENCES OF NON-COMPLIANCE

1. Failure to comply with an order for disclosure may result on summary conviction in a fine of up to £1,000 being imposed upon a person in default under s.7(4) of the Employment Tribunals Act 1996.
2. The Tribunal may also make a further order (an "unless order") providing that unless it is complied with, the claim or, as the case may be, the response shall be struck out on the date of non-compliance without further consideration of the proceedings or the need to give notice or hold a preliminary hearing or a hearing.
3. An order may be varied or revoked upon application by a person affected by the order or by a judge on his/her own initiative.

Employment Judge Brain

Date: 11 June 2020.