



EMPLOYMENT TRIBUNALS

Claimant: Ms Tina Littler

Respondent: Department for Work and Pensions

HELD AT: Liverpool (by CVP)

ON: 20, 23,24,25, 26 & 27
November 2020

BEFORE: Employment Judge Shotter

Members: Mr W Partington
Mrs Eyre

REPRESENTATION:

Claimant: Mr J Heath, solicitor
Respondent: Mr Williams, counsel

JUDGMENT

The unanimous judgment of the Tribunal is that:

1. The claimant was unfairly dismissed her claim for unfair dismissal is well-founded and remedy is adjourned. The parties, who have agreed to provide written submissions on the principles of set off are not expected to attend the remedy hearing, and will be advised of the date in due course.
2. In accordance with the principle in Polkey v AE Dayton Services Ltd [1987] ICR 42 had the respondent carried out a fair procedure the claimant would have been fairly dismissed on the 11 March 2019, the effective date of termination.
3. The claimant was not disabled in accordance with section 6 of the Equality Act 2010.

4. The claimant's claim of indirect sex discrimination brought under section 19 of the Equality Act 2010 were not presented to the Tribunal before the end of the period of 3 months beginning when the act complained of was done (or is treated as done), such complaint is out of time, and in all the circumstances of the case, it is just and equitable to extend the time limit to 26 July 2019.
5. The claimant was not indirectly discriminated against on the grounds of her sex or disability, and her claim brought under section 19 of the Equality Act 2010 is dismissed.
6. The respondent was not in breach of its duty to make reasonable adjustments and the claimant's claim of failure to make reasonable adjustments brought under sections 20-21 of the Equality Act 2010 is dismissed.
7. This has been a remote hearing by video which has been consented to by the parties. The form of remote hearing was Code V: Kinley CVP video whether partly (someone physically in a hearing centre) or fully (all remote). A face to face hearing was not held because it was not practicable and all issues could be determined in a remote hearing.

Employment Judge Shotter
29.11.20

JUDGMENT SENT TO THE PARTIES ON
31 December 2020

FOR THE SECRETARY OF THE TRIBUNALS