



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms N Ellis

**Respondent:** Stockport Homes Limited

**HELD AT:** Manchester

**ON:** 20 & 22-28 September  
2021

**BEFORE:** Employment Judge Slater  
Mr P Dobson  
Mr J Ostrowski

## REPRESENTATION:

**Claimant:** In person

**Respondent:** Ms R Levene, counsel

# JUDGMENT

The unanimous judgment of the Tribunal is that:

1. The complaints of unauthorised deduction from wages and of discrimination arising from disability about unlawful deductions from wages are dismissed on withdrawal by the claimant.
2. The Tribunal does not have jurisdiction to consider the following complaints of discrimination arising from disability which were presented out of time:
  - 2.1. That the respondent continually harassed the claimant throughout her sickness absence between 28 November 2017 and 29 August 2018 by asking her to explain her sickness absence which further exacerbated her stress, depression and anxiety.
  - 2.2. That, on 29 January 2018, the claimant was issued with a first stage warning.
  - 2.3. That, on 9 April 2018, the claimant was issued with a second stage warning.
  - 2.4. That the respondent pre-determined the decision to dismiss her and talked about her impending dismissal openly in the office.

- 2.5. That, on 19 July 2018, the respondent informed the claimant that they were progressing to a stage 3 sickness interview.
3. The Tribunal does not have jurisdiction to consider the following complaints of failure to make reasonable adjustments in relation to the following provisions, criteria or practices (PCPs) which were presented out of time:
- 3.1. The requirement to work a set number of hours.
- 3.2. The practice of hot desking.
- 3.3. The requirement to use a phone without a headset.
- 3.4. The requirement to drive.
4. The complaint of discrimination arising from disability that the respondent breached the sickness/absence procedure by failing to offer the claimant a non-competitive interview for another role, and by failing to take steps to reach an agreement with the claimant as to how the best contact may be maintained is not well founded.
5. The complaint of discrimination arising from disability that, on 29 August 2018, the respondent dismissed the claimant for saying she was going to Malta to run a bar is not well founded.
6. The complaint of failure to make reasonable adjustments in relation to the PCP of the sickness absence procedure and the requirement to attend various sickness absence review meetings is well founded to the extent that it relates to claimant's mental impairment and the requirement in the period May to 29 August 2018 that the claimant would have to attend a stage 3 meeting. The remainder of the complaint is not well founded.
7. The complaint of failure to make reasonable adjustments in relation to the requirement to be in frequent contact with the respondent and update the respondent on sickness absence is not well founded.
8. The complaint of unfair dismissal is not well founded.
9. The complaint of wrongful dismissal is well founded.
10. Remedy for the successful complaints will be determined at a hearing on 17 March 2022.

Employment Judge Slater

Date: 28 September 2021

JUDGMENT SENT TO THE PARTIES ON

4 October 2021

FOR THE TRIBUNAL OFFICE

Note

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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