



EMPLOYMENT TRIBUNALS

Claimant: Ms K Payne

Respondent: Rotherham, Doncaster and South Humber NHS Foundation Trust

HELD AT: Manchester

ON: 24-28 April 2017

BEFORE: Employment Judge Horne

Members: Mr S Stott
Ms J K Williamson

REPRESENTATION:

Claimant: Mr J Jenkins, counsel

Respondent: Ms H Patterson, counsel

JUDGMENT

1. The tribunal has no jurisdiction to consider whether the respondent breached the duty to make adjustments by:
 - 1.1. failing on 20 March 2017 to ensure that claimant was not directly line managed by Ms Lynas;
 - 1.2. failing on 19 March 2017 to permit the claimant to work from home; and
 - 1.3. failing prior to 12 August 2017 to redeploy the claimant into a different role.
2. In any event, the respondent did not breach the duty to make adjustments in those respects or in any of the other alleged respects.
3. The respondent did not discriminate against the claimant arising from disability.
4. The claimant was unfairly dismissed.
5. Had the respondent acted fairly, the claimant would inevitably have been dismissed by notice given in the middle of January 2016.

CASE MANAGEMENT ORDER

By consent:

1. Rotherham, Doncaster and South Humber NHS Foundation Trust is added as a respondent in substitution for The NHS Leadership Academy
2. The claimant's remedy will be determined at a separate hearing to take place on **18 September 2017 at 10.00am** with a time allocation of **one day**.

Employment Judge Horne

28 April 2017

SENT TO THE PARTIES ON

9 May 2017

FOR THE TRIBUNAL OFFICE