



EMPLOYMENT TRIBUNALS

Claimant: Mrs L Sanderson-Crail

Respondent: The Chief Constable of Merseyside Police

CERTIFICATE OF CORRECTION

Employment Tribunals Rules of Procedure 2013

Under the provisions of Rule 69, the Judgment sent to the parties on 3 September 2018 is corrected as follows:

Paragraph 41 should read 'This, however, in the majority view, overlooked the facts that the reason why the claimant had gone off in the first place was the impact of her learning that her best friend, shortly after giving birth, had been diagnosed with terminal cancer and that nowhere in her notes to this point is it said that she should give up her job as a police call handler.'

Paragraph 48 should read as its final sentence 'It was accepted by the employer in cross-examination that the return to work plan, in relation to job location, could have been worded better.'

Paragraph 59 should read as its final sentence 'The minority view prefers the evidence of the claimant in relation to this meeting.'

Paragraph 74 should read as its third sentence 'In its view it was clear that she was not in a good place and that she was functioning but unable to do work or socialise and had no choice but to do the essentials such as looking after her children; she was getting through but was a different person as advised in evidence.'

Paragraph 80 should read 'The minority view was that the temporary secondment being offered without any reassurance that the claimant would not have to return to the Control Room did not take account of the claimant's mental ill-health. The employer, a large employer, failed to appropriately consult the claimant regarding suitable alternative job roles. Also none of the respondent's procedures stated that a suitable alternative post could not be provided until she returned back to work, prior to being medically redeployed. It was also the minority view that the job offer in criming could have been made available earlier in 2017 and that the arguments against by the employer failed to consider the duty to the claimant

under the Equality Act. As such it considered that the respondent was in breach of the duty to make reasonable adjustments in the manner in which it had gone about dealing with the claimant's requirement for redeployment and failed to consider or offer suitable alternative job roles. Case of Horler v Chief Constable of South Wales Police ET/1600591/2012.

Paragraph 83 should read 'The minority view was that the claimant looked elsewhere for work due to feeling let down by the employer. The claimant was saddened to leave her job and right up to resignation was seeking to resolve the concerns around the job offer and her return to work; the claimant was desperate for clarity of information relating to the terms on which she was to return and that her text to Ms McCreddie sent on 11 May 2017 was a clear sign that all was not well. The respondent's continued failure to address these concerns or provide reassurance adding to the claimant's fears. The call that followed the email and the meeting on 12 May 2017, attended by Mr McShane, whom the claimant had indicated she did not want to visit her, adding to the claimant's view of the employer not listening to her concerns and being unsupportive. The return to work offer of a temporary post and no guarantee of her not returning to the Control Room together with the lack of support from the respondent and failure to appropriately consult resulted in the claimant's resignation. In its view these acts or omissions on the part of the respondent were sufficient for the claimant to lose trust and confidence in her employer and that it caused her to resign, which she did promptly and that her complaint of constructive dismissal was well-founded.'

Employment Judge Wardle

Date 24 September 2018

SENT TO THE PARTIES ON

24 September 2018

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FOR THE TRIBUNAL OFFICE

Important note to parties:

Any dates for the filing of appeals or reviews are not changed by this certificate of correction and corrected judgment. These time limits still run from the date of the original judgment, or original judgment with reasons, when appealing.