



EMPLOYMENT TRIBUNALS

Claimant: Mrs S Humphreys

Respondents: 1. Wigan Borough CCG
2. Kate Davenport

JUDGMENT

The complaint of breach of contract in relation to expenses is dismissed upon withdrawal by the claimant. The issues to be determined are now set out in the Annex to this judgment, which supersedes Annex B to the Case Management Orders made on 31 August 2018.

Employment Judge Franey

18 September 2018

JUDGMENT SENT TO THE PARTIES ON

19 September 2018

FOR THE TRIBUNAL OFFICE

ANNEX – LIST OF ISSUES

Harassment related to disability – section 26 Equality Act 2010

1. Are the facts such that the Tribunal could conclude that in relation to the matters set out in paragraph 67 of the amended particulars of claim of 1 June 2018 the second respondent subjected the claimant to unwanted conduct related to disability which had the purpose or effect of violating the claimant's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for her?
2. If so, can the respondents nevertheless show that there was no contravention of section 26?
3. Insofar as any of the matters for which the claimant seeks a remedy occurred more than three months prior to the presentation of her claim, allowing for the effect of early conciliation, can the claimant show that:
 - (a) It formed part of conduct extending over a period which ended within three months of presentation; or
 - (b) It would be just and equitable for the Tribunal to allow a longer period for bringing proceedings?

Victimisation – section 27 Equality Act 2010

4. Are the facts such that the Tribunal could conclude that in either of the following respects the first respondent subjected the claimant to a detriment because she had done a protected act?
 - (a) By dismissing the claimant;
 - (b) By withholding payment of her expenses.
5. If so, can the first respondent nevertheless show that there was no contravention of section 27?

Remedy

6. If any of the above complaints succeed, what is the appropriate remedy? Issues likely to arise include the following:
 - (a) The appropriate award for injury to feelings;
 - (b) The appropriate award for any financial losses;
 - (c) Whether any recommendation is appropriate;
 - (d) Whether there should be any increase in compensation because of an unreasonable failure to follow the ACAS Code of Practice on Disciplinary and Grievance Procedures.