



# EMPLOYMENT TRIBUNALS

BETWEEN

CLAIMANT

RESPONDENTS

MRS A GRANT-RYDER

V THE GOVERNING BODY OF THE  
MAELOR SCHOOL (1)  
WREXHAM COUNTY BOROUGH  
COUNCIL (2)

HELD REMOTELY ON: 8 – 12 FEBRUARY 2021

BEFORE: EMPLOYMENT JUDGE S POVEY  
MRS M WALTERS  
MR S HEAD

REPRESENTATION:

FOR THE CLAIMANT: MR THAKERAR (COUNSEL)  
FOR THE RESPONDENTS: MR ALI (COUNSEL)

## JUDGMENT ON LIABILITY

The unanimous judgment of the Tribunal is:

Unfair Dismissal

1. The claim for unfair dismissal against the First Respondent is upheld.

Discrimination Arising From Disability

2. The First Respondent contravened section 39(2)(c) of the Equality Act 2010 by dismissing the Claimant for something arising out of her disability.
3. The First Respondent did not contravene section 39(2)(d) of the Equality Act 2010 by putting the Claimant through the absence management procedure.
4. The First Respondent did not treat the Claimant unfavourably because of things arising from her disability (per section 15 of the Equality Act

RESERVED JUDGMENT

2010) by failing to provide a safe working environment, by moving her around classrooms or by removing her subject from the curriculum.

Indirect Discrimination

- 5. The First Respondent did not contravene section 39(2)(d) of the Equality Act 2010 by putting the Claimant through the absence management procedure.

Reasonable Adjustments

- 6. The First Respondent contravened section 39(2)(d) of the Equality Act 2010 by failing to comply with its duty to take reasonable steps to avoid the disadvantage to the Claimant arising from a physical feature, namely the use of aerosols within classrooms.
- 7. The claim that the First Respondent contravened section 39(2)(d) of the Equality 2010 by failing to comply with its duty to take reasonable steps to avoid the disadvantage to the Claimant arising from a physical feature, namely the use of aerosols within classrooms, constituted conduct extending over a period and was brought in time (per section 123 of the Equality Act 2010).
- 8. The First Respondent did not contravene section 39(2)(d) of the Equality Act 2010 by applying the Repetitive Absence Formula to the Claimant or in how and when it removed her from the relevant classrooms and renovated them.

The Second Respondent

- 9. None of the claims against the Second Respondent were upheld nor did the Second Respondent contravene the provisions of the Equality Act 2010.

Next Steps

- 10. Written reasons for the judgment will follow.
- 11. The parties will be sent a separate case management order setting out required steps for preparing for the remedy hearing.

Order posted to the parties on  
 1 April 2021  
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**EMPLOYMENT JUDGE S POVEY**  
**Dated: 1 April 2021**

For Secretary of the Tribunals  
 Mr N Roche