



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs S Dave (Kacha)

**Respondent:** CU Recruitment and Admissions Limited

**Heard:** by Cloud Video Platform (Midlands West)

**On:** 31 October, 1, 2, 3, 4, 7 and 14 November 2022

**Before:** Employment Judge Faulkner  
Ms L Clark  
Mr R White

**Representation:** **Claimant** - in person  
**Respondent** - Ms M McGee (Counsel)

## JUDGMENT

1. The Respondent contravened section 39 of the Equality Act 2010 by discriminating against the Claimant because of illness suffered by her as a result of pregnancy, by treating her unfavourably as follows:

1.1. Failing to respond to her enquiries about a check-in meeting for her 2019/2020 performance review up to and including 23 October 2020.

1.2. Failing to hold a final check-in meeting for that performance review, by 24 November 2020.

The Claimant's complaints in these respects were brought within such further period after expiry of the statutory time limit as the Tribunal thinks just and equitable.

2. The Respondent also discriminated against the Claimant because of her pregnancy or because she was exercising or sought to exercise the right to ordinary or additional maternity leave, by treating her unfavourably as follows:

2.1. Failing to give her a check-in meeting for performance development review purposes and/or for maternity leave purposes prior to the Claimant commencing maternity leave on 1 February 2021.

2.2. Thereby putting the Claimant in the position where she had to send the Respondent an email on 28 January 2021 setting out information she would otherwise have discussed at such a meeting.

2.3. Failing to inform the Claimant that on 29 January 2021 it had completed her January 2021 performance review and rated her as “meeting requirements”.

The Claimant’s complaints in these respects were not however brought within such further period after expiry of the statutory time limit as the Tribunal thinks just and equitable. The complaints were dismissed on that basis.

3. The Respondent did not contravene section 39 of the Equality Act 2010 by discriminating against the Claimant because of illness suffered by her as a result of pregnancy, because of her pregnancy or because she was exercising or sought to exercise the right to ordinary or additional maternity leave, by treating her unfavourably in the other respects alleged by the Claimant. Those complaints are dismissed.

4. The Respondent did not contravene section 39 of the Equality Act 2010 by discriminating against the Claimant because of her race. The Claimant’s complaint in this respect is therefore dismissed.

5. The Respondent did not contravene section 39 of the Equality Act 2010 by applying a provision, criterion or practice (its no-detriment policy in relation to pay) which was discriminatory in relation to the Claimant’s race.

6. The question of remedy in relation to the complaints at paragraph 1 above will be considered at a separate Hearing, details of which have been agreed with the parties.

Note: This was a remote hearing. The parties did not object to the case being heard remotely. The form of remote hearing was V - video.

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Employment Judge Faulkner  
Date: 14 November 2022

JUDGMENT SENT TO THE PARTIES ON

....15<sup>th</sup> November 2022.....

....Eamonn Murphy.....  
FOR THE TRIBUNAL OFFICE

Notes

1. 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.
2. All judgments and written reasons for the judgments (if provided) are published, in full, online at [www.gov.uk/employment-Tribunal-decisions](http://www.gov.uk/employment-Tribunal-decisions) shortly after a copy has been sent to the parties in a case.