



# EMPLOYMENT TRIBUNALS

**Claimants:** Mrs A Middleton

**Respondent:** Highways England

**HELD AT:** Liverpool

**ON:** 15-17 May 2017

**BEFORE:** Employment Judge Horne

**Members:** Ms F Crane

Mr P C Northam

## REPRESENTATION:

**Claimant:** Mr J Davies, counsel

**Respondents:** Mr D Tinkler, counsel

## JUDGMENT

The unanimous judgment of the tribunal is as follows:

1. The tribunal has no jurisdiction to consider whether the respondent harassed the claimant. The claim was presented outside the statutory time limit and it is not just and equitable to grant an extension of time.
2. The respondent failed in its duty to make adjustments by failing to offer to the claimant the role of Executive Officer in Customer Operations.
3. The respondent discriminated against the claimant arising from disability by dismissing her.
4. The claimant was unfairly dismissed.

## CASE MANAGEMENT ORDER

**By consent:**

1. Highways England is added as a respondent in substitution for Highways England North West RCC.
2. There will be a further hearing on **9 and 10 October 2017** to determine the claimant's remedy. **Two days** have been allocated to the hearing.
3. Issues relevant to remedy will include:
  - 3.1 What would, or might, have happened had the claimant been offered the role of Executive Officer; and
  - 3.2 The claimant's claim for pension loss.
4. There will also be a case management hearing by telephone before Employment Judge Horne with a time allocation of one hour at 10.00am on **14 June 2017**.

18 May 2017

Employment Judge Horne

SENT TO THE PARTIES ON

7 June 2017

FOR THE TRIBUNAL OFFICE

Note – written reasons for the judgment were requested orally at the hearing and will follow.