



EMPLOYMENT TRIBUNALS

Claimant: Mrs T. Leyland

Respondent: Marks and Spencer plc

HELD AT: Liverpool

ON: 18-19 September
2018

BEFORE: Employment Judge T Vincent Ryan
Ms F. Crane.
Mr W. Partington

REPRESENTATION:

Claimant: Mrs Leyland represented herself (litigant in person)

Respondent: Mr. G. Anderson, counsel

JUDGMENT

The unanimous judgment of the Tribunal is that:

1. The claimant's claim of age discrimination is dismissed upon withdrawal by the claimant.
2. Disability discrimination claims:
 - 2.1 The claimant is a disabled person as defined by the Equality Act 2010.
 - 2.2 The claimant presented her discrimination claims out of time even allowing for the tribunal's just and equitable extension of time to the conclusion of the grievance procedure plus three months. The tribunal does not have jurisdiction and the claims are dismissed.
 - 2.3 Had the claims of direct discrimination and a failure to make reasonable adjustments been presented in time and the tribunal accepted jurisdiction they would have failed and the tribunal would have dismissed them.

3. Constructive unfair dismissal claim:

3.1 The claimant presented her claim out of time in circumstances when it would have been reasonably practicable for her to have presented them in time. The tribunal does not have jurisdiction. The claim is dismissed.

3.2 Had the claim of constructive unfair dismissal been presented in time it would have failed and the tribunal would have dismissed it.

Employment Judge T.V. Ryan

Date: 19.09.18

JUDGMENT SENT TO THE PARTIES ON

3 October 2018

FOR THE TRIBUNAL OFFICE

Note

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 (and no such request was made) or a written request is presented by either party within 14 days of the sending of this written record of the decision.