



EMPLOYMENT TRIBUNALS

Claimant: Ms M Couperthwaite
Respondent: Hilton Nursing Partners Limited
Heard at: Watford Employment Tribunal (In Public; In Person)
On: 12, 13, 14 15 March 2024
Before: Employment Judge Quill; Mr I Murphy; Mr A Scott

Appearances

For the Claimant: In Person
For the respondent: Mr A Pickett, counsel

JUDGMENT

1. The Claimant's cancer is a disability. It did not cause the Claimant's coughing episodes.
2. The Claimant's coughing episodes were not a disability within the definition in the Equality Act 2010 ("EQA") at any relevant time, and, therefore, did not amount to a protected characteristic.
3. The Claimant was dismissed by the Respondent, without notice, on 1 November 2021, and the complaints which were presented based on that dismissal are in time.
4. The dismissal was not a breach of contract.
5. The dismissal was not disability discrimination within the definition in section 15 EQA ("Discrimination arising from disability").
6. The dismissal was not disability discrimination within the definition in section 21 EQA ("Failure to comply with duty to make reasonable adjustments").
7. The dismissal was not harassment related to disability within the definition in section 26 EQA.

8. Allegations of harassment related to the Claimant not being placed on the Team Leader training in March 2021 are out of time, and time is not extended.
9. Allegations of harassment related to comments allegedly made by Joanna Stevens to the Claimant about why she had not been placed on the Team Leader training are out of time, and time is not extended
10. The allegations of direct discrimination (because of age or because of disability) about the Claimant not being placed on the Team Leader training prior to termination of employment fail and are dismissed.
11. All the other allegations of harassment related to age fail and are dismissed.
12. All the other allegations of harassment related to disability fail and are dismissed.
13. All the other allegations of failure to make reasonable adjustment fail and are dismissed.
14. In summary, none of the complaints have succeeded, and the Claimant is not entitled to remedy.

Employment Judge Quill

Date: 15 March 2024

JUDGMENT SENT TO THE PARTIES ON 09/4/2024

FOR THE TRIBUNAL OFFICE - N Gotecha

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