EMPLOYMENT TRIBUNALS

Claimant: Mr A J Higgins

Respondent: Deafness Resource Centre Limited

HELD AT: Manchester **ON:** 21-23 June 2017

BEFORE: Employment Judge Slater
Mr G Skilling
Mt T A Henry

REPRESENTATION:

Claimant: In person
Respondent: Mr A Johnston, Counsel

JUDGMENT having been sent to the parties on 30 June 2017 and written reasons having been requested in accordance with Rule 62(3) of the Employment Tribunals Rules of Procedure 2013, the following reasons are provided:

REASONS

Claims and Issues

1. The claimant claimed disability discrimination. He made complaints of discrimination arising from disability and failure to make reasonable adjustments.

2. The complaint of discrimination arising from disability related to the claimant's dismissal only. The issues for the Tribunal to consider in relation to that complaint were:

    (1) Was the claimant treated unfavourably because of something arising in consequence of his disability?

(2) If so, could the respondent show that the treatment was a proportionate means of achieving a legitimate aim?

(3) Did the respondent know, or could they reasonably be expected to know, that the claimant had the disability?

3. In relation to the complaint of failure to make reasonable adjustments, the claimant relied on two provisions, criteria or practices (PCPs): the first being the requirement to attend the respondent's premises for meetings during the disciplinary process in the period 3-31 August 2016 and/or that such meetings could not be conducted by electronic means; the second PCP being that the appeal hearing should be held in the training room. The issues for the Tribunal to determine in relation to the complaints of failure to make reasonable adjustments were:

(1) Did a PCP of the respondent put the claimant at a substantial disadvantage in relation to a relevant matter in comparison with persons who were not disabled?

(2) Could the respondent reasonably be expected to know that the claimant had a disability and was likely to be placed at the disadvantage?

(3) If so, did the respondent fail to take such steps as it would have been reasonable to take to avoid that disadvantage?

Facts

4. The respondent is a charity providing services to the deaf community. It currently has 11 employees and a management committee of eight.

5. We find that the claimant is an individual who is committed to assisting members of the deaf community. His commitment and many good qualities were testified to by his witnesses, Mr Whittaker and the Reverend Nightingale. It is clear that the claimant has a strong work ethic, he often puts himself out to assist others and is reluctant to let others down.

6. The claimant's employment with the respondent began on 29 August 2015. Initially he worked for two days a week as an equipment officer but later he took on a second role as a communications team assistant and his hours were increased. He was on a fixed term contract but this was renewed.

7. The claimant also had a job doing deliveries for Argos and did self-employed work signing, including signing at musical theatre performances.

8. In the week commencing 20 June 2016, the claimant felt unwell after returning from a holiday in Sweden. He was allowed to leave early on Friday 24 June to visit his GP and get the result of blood tests. The claimant tells us that his colleagues were aware that he had pain in his bottom and needed to be near a toilet that week. Helen Fitzgerald was not aware of this at the time but was later told about this by staff.

9. The claimant began a period of sickness absence on 27 June 2016 and was off work until his dismissal. He phoned his line manager, Ruth Turner, on 27 June and told her that he had a continuation of the problem he had been suffering from the week before. The claimant did not, himself, complete a self certification sickness form for his initial absence, although a form was sent to him. The form was filled in by Ruth Turner, his line manager. The reason given for his absence on the self certification certificate was “acute medical problem”. This information could only have been obtained from the claimant in a telephone call or filled in later on the basis of the record on the claimant's first fit note. Given the technical language used, we think it more likely to be the latter.

10. On 3 July 2016, the claimant obtained his first fit note, this one being for two weeks’ absence beginning on 1 July. The doctor ticked the box to say that the claimant was not fit for work and gave the reason as “acute medical problem requiring investigation”.

11. On 14 July 2016, the claimant obtained a second fit note from his GP, this time for the period 14 July to 17 August 2016. Again the GP ticked the box saying “not fit for work” and gave the reason as “awaiting sigmoidoscopy”.

12. On both fit notes, the box “unfit for work” is ticked rather than the option which was available on the form of suggesting that the claimant could be capable of some work with certain adjustments.

13. In a letter dated 21 July 2016, which the claimant says he did not receive, the respondent wrote telling the claimant that his entitlement to six weeks’ full pay whilst on sick leave would end on 5 August and then he would receive half pay for a further six weeks.

14. On 27 July 2016, the claimant signed a performance of “Mary Poppins” in Norwich. He spoke to BSL users in the auditorium during the interval and after the performance. The combination of travel and the performance clearly made this a physically and mentally demanding task for anyone even in the best of health. The claimant says this was a non working day for the respondent and he was not paid for signing, having agreed with the theatre that they should do a charity collection rather than pay him a fee. The arrangements had been made a long time in advance and the claimant did not want to let them down, there being very little possibility of anyone being able to step in to sign the performance in his absence. The claimant's evidence on these points was not challenged. There is no evidence, however, to suggest that it was relevant to the respondent’s actions as to whether it was a non working day and whether or not the claimant was paid for this assignment.

15. On 28 July 2016, the claimant tweeted about the signing of the performance.

16. On 28 July 2016, one of the managers at the respondent, Katie Sheridan, learned of the claimant’s interpretation in Norwich, went onto the theatre website and then emailed Helen Fitzgerald about this. On 29 July 2016, she forwarded to Helen Fitzgerald by email the claimant's tweet. Helen Fitzgerald formed the view that there was a potential disciplinary offence. On the basis of the information available to her, she understandably questioned whether the claimant was ill if he was able to go to Norwich and interpret the performance.

17. On 2 August 2016, the claimant had a medical procedure. He underwent this without anaesthetic so that he was able to give consent if anything could be done to fix the problem during the procedure; this also meant that the treating medical practitioner could explain to the claimant their findings as the procedure was underway. Following the procedure, the claimant was told to follow a low residue diet and informed that things would calm down within 5-7 days.

18. On 3 August 2016, there was a telephone conversation between Helen Fitzgerald and the claimant. There is a dispute between the parties as to whether, during the course of this telephone conversation, the claimant advised Helen Fitzgerald of the medical diagnosis he had been given during the procedure. Ms Fitzgerald accepts that the claimant told her that he had had a procedure the day before and told her about his illness, but says that he did not tell her that he had received a diagnosis. Even if the claimant did tell Ms Fitzgerald that he had received a diagnosis, he did not say anything to her which would have led her to understand that the condition was long-term. The claimant accepted in evidence that he was unaware himself at that time that the condition was likely to be long term.

19. Helen Fitzgerald raised a concern with the claimant about the information she had received about him working in Norwich. The claimant confirmed that he had signed the performance of Mary Poppins. Helen Fitzgerald told the claimant that he would have to attend a meeting with a management committee member. The claimant said he would prefer the meeting to be at his house. We find, based on the content of later texts, that Ms Fitzgerald did not, at this stage, definitively say no to this suggestion; equally, she did not agree to it.

20. Sick pay was also discussed. The claimant says he was not aware until this conversation that he was being paid sick pay but it is not necessary for us to decide whether he was aware of this or not prior to this date.

21. Helen Fitzgerald spoke to Bernie Lightfoot, one of the management committee members, who agreed that disciplinary proceedings should be instigated. A disciplinary hearing was arranged for 8 August 2016.

22. The claimant was not referred to Occupational Health at that time. We accept the evidence of the respondent, which is consistent with their sickness absence policy, that they would not normally make a reference to Occupational Health until someone had been off work at least eight weeks.

23. On 4 August 2016, Helen Fitzgerald emailed the claimant and then texted him to alert him to the email. He replied to the text, writing that he had not seen the email. The email was subsequently re-sent to a different email address and also posted to the claimant's home address. In this letter, Ms Fitzgerald referred to the conversation when she had outlined her concerns regarding the claimant undertaking work outside of the DRC whilst medically certified to be unfit for work. She wrote that she regarded this as a serious disciplinary matter which she had referred to a member of the management committee. She informed the claimant of a disciplinary meeting on Monday 8 August to be held at the DRC but wrote:

> "However, we would consider a venue of your choice if that is more convenient. Alternatively we can accept a written statement."

24. Before the claimant received this re-sent letter, the claimant sent a text to Helen Fitzgerald giving his postal address and then writing, “Are you still happy to come here?”.

25. Also on 4 August 2016, the claimant sent a further text to Helen Fitzgerald saying he was very anxious about the meeting and asking whether Helen Fitzgerald thought the Board would deal with this seriously. Ms Fitzgerald replied:

> “If you are able to come into the office that would be preferable as a member of the management committee is involved and it’s a formal procedure.”

26. In a further text on 4 August 2016 the claimant again stated his preference to meet at this home, “As it would be embarrassing should I have a mishap on the way to/from”, which he wrote had been happening a lot that week. Helen Fitzgerald replied that they could meet at a mutual venue but not his home. Alternatively, he could send a written statement.

27. In a further text on the same day, the claimant again suggested meeting at his home as he would be close to a toilet. He gave no response to the suggestion about an alternative venue. Helen Fitzgerald wrote that she would get further advice if the claimant was not able to make the meeting.

28. On 5 August 2016, the claimant sent a text to Helen Fitzgerald asking whether the meeting on Monday was going ahead. Ms Fitzgerald, who was on leave that day, replied, “Not if you can’t make it. We’ll sort it out on Monday”.

29. On Monday 8 August, the claimant sent a text to Helen Fitzgerald saying, “Are you coming for 3 today?”. Given that Helen Fitzgerald’s texts had made it clear that they would not have a meeting at the claimant's home, it is difficult to see how the claimant could have thought that this might still be the case.

30. On 8 August 2016, there was then a telephone conversation between Helen Fitzgerald and the claimant. There is some dispute as to what was said. It is common ground that the discussion included the claimant making a suggestion that they could hold the meeting by Facetime. Helen Fitzgerald refused this. It is not clear if she gave reasons to the claimant at the time but she has explained her reasons in her witness statement as follows:

> “Given the fact that neither myself nor the management committee member conducting the disciplinary hearing had used Facetime, and the failure and unwillingness of the claimant to agree alternative arrangements prior to this conversation, I informed him that that was not an option.”

31. There is also a dispute as to whether the claimant suggested the possibility of meeting somewhere other than the respondent’s offices. However, even on the claimant’s version of events the claimant did not suggest any particular venue. He said in evidence that he suggested that there might be somewhere near or around the Trafford Centre. On a balance of probabilities, we find that the claimant did not, in this conversation, suggest that they could meet at a venue near the Trafford Centre. We note that the claimant did not refer to this in his witness statement or his

letter of 10 August 2016 and we think that, if he had raised it in the conversation on 8 August, it would have been mentioned in both these documents.

32. There was some discussion about sick pay. The claimant alleges that Helen Fitzgerald said to him, you "cannot be paying for someone to be off for 6-8 weeks. It's not happening". Helen Fitzgerald accepted that she made some comment along these lines but denied that it was said in this way and said that this misrepresented the context. We are unable to determine exactly what was said but find that Helen Fitzgerald made some negative comment about paying the claimant and not being able to afford cover. We are not satisfied, however, that she said anything to suggest that the respondent would not pay the claimant in accordance with his contractual entitlement. On the basis of her own evidence, Helen Fitzgerald was "pissed off" at this point.

33. The claimant gave some information on his diagnosis in this conversation. He had been informed, and he told Ms Fitzgerald, that he had been diagnosed with an inflammatory bowel disease, ulcerative colitis and moderate proctitis.

34. Helen Fitzgerald wrote to the claimant on the same date. She wrote:

> "A disciplinary meeting was arranged for today, 8 August 2016, at 3.00pm which you stated you couldn't attend as you couldn't travel to St Helens due to your health problem. As the reason for your disciplinary is based on you travelling to Norwich and then undertaking work for several hours we deem this to be an unacceptable reason."

She then gave him an opportunity to put his case in writing, stating this would be considered by the disciplinary panel and that the written statement should be forwarded by close of business on Wednesday 10 August.

35. Ms Fitzgerald then prepared an investigation report.

36. The claimant prepared written representations which he sent to the respondent dated 10 August 2016. He included in his written representations a statement that he was still willing to attend a hearing in person, subject to agreement of a suitable venue, but he did not suggest a possible venue. He went into some detail about the arrangements which had been made to enable his work in Norwich although he was suffering considerable health problems at the time. The claimant also referred to work he had done for the respondent during his absence. The claimant referred to the diagnosis he had been given and said he hoped that by his next hospital appointment, when he was due to get the biopsy results, the medication that he had now been prescribed would mean that things would improve drastically.

37. Ms Fitzgerald tells us that the respondent did not offer the claimant the possibility of a telephone meeting for the disciplinary hearing because they had moved on from there and the claimant had provided written representations. She said she was sure that Ms Lightfoot could have called the claimant if she had questions for the claimant.

38. Bernie Lightfoot, one of the trustees, dealt with the disciplinary hearing on 11 August 2016. She read the papers at home. She was unable to attend the office that day due to having her grandchildren with her. After reading the papers, she telephoned Helen Fitzgerald. Her deliberations and conclusions are recorded in a document. The conclusions were:

> "The panel considered the work and travel undertaken to be demanding and would therefore question his inability to fulfil his role at the DRC. The decision of the panel is that AH acted dishonestly in undertaking work outside of DRC whilst medically certified to be unfit for work."

39. We find that Ms Lightfoot decided to dismiss the claimant because he had gone to Norwich and signed the performance whilst signed off sick from the respondent, and Ms Lightfoot concluded that this was dishonest behaviour.

40. Having read the documents setting out her deliberations and conclusion and having heard the evidence of Ms Lightfoot, the Tribunal remains unclear as to the basis on which Ms Lightfoot reached a conclusion that the claimant was dishonest. It did not appear from the oral evidence of Ms Lightfoot that she concluded the claimant was not really ill when he went to Norwich.

41. The claimant was advised of the outcome of the disciplinary hearing in a letter from Ms Fitzgerald dated 12 August 2016. Ms Fitzgerald wrote in this letter:

> "The panel concluded that you had acted dishonestly and in breach of the Deafness Resource Centre's sickness policy when you undertook self-employed work whilst medically certified unfit to do so amounting to gross misconduct. As a result your contract of employment with the Deafness Resource Centre is terminated with immediate effect (12 August 2016 being your last working day)."

42. The relevant part of the sickness policy has not been identified.

43. By a letter dated 16 August 2016, the claimant appealed against his dismissal. The appeal letter did not challenge that the reason for the dismissal was not as given to him in the outcome letter. He challenged the reasonableness of the decision, the procedure followed and made allegations of bias by the Chief Officer, Helen Fitzgerald, in the investigation. He did not allege that the real reason for his dismissal was because he was likely to be off work for some time and the respondent did not want to pay him.

44. On 17 August 2016, the claimant obtained a further fit note, this time for the period 17 August to 17 September 2016. Again the box "not fit for work" was ticked, and the reason for absence was given as "history of colitis".

45. On 23 August 2016, Ernie Clark, Chair of the Management Committee, wrote to the claimant inviting him to an appeal hearing on 31 August at the DRC offices.

46. The claimant wrote back to Mr Clark on 24 August 2016. The claimant objected to the attendance of Helen Fitzgerald at the appeal hearing. He wrote at the end of this letter:

> "I would also reasonably request that the hearing be convened in the lounge as this is close to a toilet. During the meeting, I ask that a concession be made in that, should I need to leave the meeting, an adjournment will be called to facilitate this."

47. The claimant accepted in evidence that he was able to attend DRC's offices for the meeting if the adjustment concerning toilet access and breaks was made. The respondent received this letter. However, Mr Clark decided not to reply to this prior to the appeal but to deal with the matters raised at the appeal hearing.

48. The appeal hearing took place on 31 August 2016. The claimant attended the DRC's offices for this hearing. There was a panel of three, including Ernie Clark, chaired by an independent Chair, Karl Pearce from the Citizens Advice Bureau. An audio recording was made of the hearing and subsequently transcribed. It appears that the digital recording is no longer available and this was not provided to the claimant. The claimant took some issue with the transcription but it does not appear to us that anything of particular significance to the issues we have to decide was allegedly omitted.

49. The claimant did not raise any objection on the day of the appeal hearing to the appeal hearing being in the training room. The claimant did not require any adjournment to be taken for toilet breaks, but accepted that the respondent would have allowed him to break had he requested. There was a toilet closer to the training room than there was a toilet close to the lounge.

50. The claimant raised, at this Tribunal hearing, the issue of privacy in relation to the use of the toilet near the training room; he told us that sounds from the toilet could be heard in the training room. However, this issue of privacy had not been raised in his letter and was not raised by him at the meeting as a reason to use the lounge rather than the training room. We find, on the balance of probabilities, that this was not a particular concern to the claimant at the time.

51. The crux of the claimant's objections in the appeal hearing was the respondent's conclusion that he had acted dishonestly.

52. Following the hearing, the claimant was asked if he wished to collect his belongings. He was then taken to collect his belongings which had been packed up after his dismissal.

53. The panel discussed the matter and agreed to uphold the dismissal and the finding of dishonesty. The Tribunal is, again, unclear, on the basis of what it has read and the evidence of Mr Clark, as to the grounds on which the conclusion of dishonesty was reached. Mr Clark's recollection was that his conclusion was based in part on the GP saying that the claimant could not travel far; however, that did not appear in any of the fit notes.

54. The claimant was advised that his appeal was unsuccessful by a letter dated 31 August 2016.

The Law

55. The law in relation to discrimination arising from disability is found in section 16 of the Equality Act 2010. This provides:

> "(1) A person (A) discriminates against a disabled person (B) if –
>
> (a) A treats B unfavourably because of something arising in consequence of B's disability; and
>
> (b) A cannot show that the treatment is a proportionate means of achieving a legitimate aim.
>
> (2) Subsection (1) does not apply if A shows that A did not know and could not reasonably have been expected to know that B had the disability."

56. When considering a complaint under section 15 we have to consider what was in the mind of the person making the relevant decision.

57. The provisions relating to the duty to make adjustments are included in section 20 of the Equality Act 2010 and Schedule 8 to that Act. Schedule 8 imposes the duty on employers in relation to employees. Section 20(3) imposes a duty comprising:

> "A requirement where a provision, criterion or practice of A's puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled to take such steps as it is reasonable to have to take to avoid the disadvantage."

58. Paragraph 20 of Schedule 8 provides that an employer is not subject to a duty to make reasonable adjustments if the employer does not know and could not reasonably be expected to know that the employee had a disability and was likely to be placed at the relevant disadvantage.

Conclusions

59. Common to both of the complaints is an issue as to the respondent's knowledge, or what they could reasonably have been expected to know, at relevant times.

60. There is a dispute as to whether, on 3 August, the claimant had told the respondent of the diagnosis. However, whether or not that was the case, at the latest, by 10 August, the respondent had the information in the claimant's letter of 10 August with the medical labels of inflammatory bowel disease, ulcerative colitis and moderate proctitis. The respondent knew that the claimant had been off work since 27 June and, at the time of the dismissal, the claimant was covered by a fit note dated 14 July covering a period into August, the latest fit note having given the reason for absence as "awaiting sigmoidoscopy". The previous fit note had referred to "an acute medical problem requiring investigation". This was all the information available to the respondent other than, in the letter of 10 August, the claimant wrote

that he was hoping that there would be a drastic improvement with the medication he was taking by the time of his next hospital appointment.

61. We conclude, on the basis of this information, that the respondent did not know that the claimant had a disability at the time of the dismissal. We also conclude that, on the basis of the information available to them at the time, the respondent could not reasonably have been expected to know that he was disabled. There was not enough information to put the respondent on enquiry that the claimant's condition could be long-term, in the sense of likely to last at least 12 months, and to have an adverse effect on his ability to carry out normal day-to-day activities for such a period. The claimant had not, at the time of dismissal, been off for a very lengthy period. The claimant was saying he was hoping for a drastic improvement, and the medical labels themselves were not enough to suggest that there might be a disability.

62. The only further information provided to the respondent prior to the appeal hearing was a further fit note which covered the claimant's absence until 17 September. This gave the reason for absence as “history of colitis”. For the same reasons, we conclude that, at the appeal stage, the respondent did not know, and could not reasonably have been expected to know, that the claimant had a disability.

63. On that basis alone, the complaints of both discrimination arising from disability and failure to make reasonable adjustments must fail. However, we have gone on to consider what would have been our decision on the other elements of the complaints had we found that the respondent had the requisite knowledge or constructive knowledge of the claimant’s disability at relevant times.

64. Looking first at the complaint of discrimination arising from disability, we remind ourselves that this is not a complaint of unfair dismissal. We are not, therefore, considering the reasonableness of the decision to dismiss the claimant as we would if we were considering a complaint of unfair dismissal.

65. The complaint is about dismissal only. We have to consider whether the claimant was treated unfavourably because of something arising in consequence of his disability. The claimant was clearly treated unfavourably in that he was dismissed. The next question is, therefore, whether this was because of something arising in consequence of his disability. The claimant says that the “something arising” in consequence of his disability is his sickness absence. It is true that the claimant was absent because of a condition which has been found to amount to a disability at the relevant time. However, we conclude that the claimant was not dismissed because he was off sick. The sickness absence was the context but not the cause of his dismissal. The claimant, we have found, was dismissed because he went to Norwich and signed a performance of Mary Poppins whilst signed off sick from his employment with the respondent, and, rightly or wrongly, Ms Lightfoot and then the appeal panel concluded that this was dishonest behaviour. The complaint also fails, therefore, on the grounds that the claimant was not dismissed because of something arising in consequence of his disability.

66. The respondent did not advance any argument on the dismissal being a proportionate means of achieving a legitimate aim.

67. We turn next to the complaint of failure to make reasonable adjustments. For the reasons we have given previously, these complaints fail because of lack of the requisite knowledge of disability or constructive knowledge of disability. We also conclude that the respondent could not reasonably have been expected to know that the claimant would have been placed at a disadvantage by application of the PCPs in comparison with people who were not disabled, given that the respondent did not know that the claimant was disabled.

68. The claimant relies on two provisions, criteria or practices. The first is the requirement to attend the respondent's premises for meetings during the disciplinary process in the period 3-31 August 2016 and/or that such meetings could not be conducted by electronic means. We agree with Mr Johnston that the latter part of this is really talking about an adjustment if the first is found to be a provision, criterion or practice.

69. We deal first with the allegation in relation to the disciplinary hearing. The respondent arranged a meeting at their premises but they offered the claimant the opportunity to have a meeting at an alternative mutually agreed venue, not being the claimant's home, or to make written representations. We conclude that the respondent did not apply a provision, criterion or practice of requiring the claimant to have the meeting at the office, given their offer of an alternative mutually agreed venue which the claimant did not follow up. However, if we are wrong on that and a PCP was applied, we consider that the respondent made a reasonable adjustment of offering an alternative venue but the claimant did not take up the offer.

70. If we had found that a provision, criterion or practice of requiring the claimant to attend the office was applied we would have concluded that this was to the claimant's substantial disadvantage compared to non disabled people. "Substantial" in this context is defined as meaning "more than minor or trivial". The claimant's need for proximity to the toilet around the time of the disciplinary hearing made it more difficult for him to travel to the office at that time than it would be for a non disabled person. Having an opportunity to participate in person at a disciplinary hearing is preferable to being able to make written representations only because it gives the ability to respond to concerns and questions raised by the officer holding the disciplinary hearing.

71. We conclude that it would not have been a reasonable adjustment to hold the disciplinary hearing at the claimant's home. This was a formal meeting and it was reasonable for the respondent to take the view that it would not be appropriate to have such a meeting at a person's home. Holding the meeting by electronic means could have been a reasonable adjustment. However, a respondent is not required to make all possible adjustments. Given that the respondent gave the claimant the opportunity for an alternative venue near his home, or to make written representations, we would not have concluded that the respondent had failed in its duty to make reasonable adjustments had we found that the duty had arisen.

72. In relation to the appeal hearing, the claimant was required to attend the respondent's offices. However, we conclude that the claimant was not put at a substantial disadvantage because of this PCP since he was able to do so by this time and, in fact, did so.

73. We consider next the second provision, criterion or practice, which is that the appeal hearing should be held in the training room. The respondent did require the hearing to be held in the training room. However, we are not satisfied that the claimant was placed at a substantial disadvantage in comparison to non disabled people by having the meeting in the training room rather than the lounge. The reason the claimant had given in his letter for wanting the meeting to be in the lounge was because there was a toilet nearby. There was a toilet even closer to the training room than there was to the lounge. We were not satisfied, on the balance of probabilities, that the privacy issue in relation to noise from the toilet was a matter of concern to the claimant at the time. In any event, the respondent did not know, and could not reasonably be expected to know, that the claimant would be at a disadvantage by having the meeting in the training room rather than the lounge since he had not raised with them this privacy issue in relation to noise.

74. For these reasons we conclude that the complaints of disability discrimination are not well-founded.

Employment Judge Slater

Date: 17 July 2017

REASONS SENT TO THE PARTIES ON

19 July 2017

FOR THE TRIBUNAL OFFICE