



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs C Prior

**Respondent:** Marks and Spencer plc

**Heard at:** Liverpool **On:** 21 October 2020

**Before:** Employment Judge Horne

## **Representatives**

For the claimant: Mr D Jones, counsel

For the respondent: Ms S Firth, counsel

## **JUDGMENT AT A PRELIMINARY HEARING**

1. The tribunal has no jurisdiction to consider the complaint of unfair dismissal. It was presented after the expiry of the statutory time limit. The time limit cannot be extended because it was reasonably practicable to present the claim before the time limit expired.
2. The tribunal has jurisdiction to consider the complaint of failure to make adjustments contrary to section 39 of the Equality Act 2010. Although the claim was presented after the expiry of the statutory time limit, it was presented within such other period as the tribunal considers just and equitable.
3. At all relevant times the claimant had a disability within the meaning of section 6 of the Equality Act 2010. Her disability was the effect of the physical impairments of a prolapsed bowel and a prolapsed bladder.

Employment Judge Horne  
21 October 2020

SENT TO THE PARTIES ON

27 November 2020

FOR THE TRIBUNAL OFFICE

Notes about this judgment:

- (1) The hearing code “V” in the heading indicates that the hearing took place on a remote video platform. The tribunal took into account the documents listed in a case management order sent separately to the parties.
- (2) Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party makes a request in writing within 14 days of the date when this judgment is sent to the parties. If written reasons are provided, they will be entered onto the tribunal’s online register, which is visible to internet searches.