



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms R Fitzpatrick

**Respondent:** Totally Local Company Ltd

**Heard at:** Manchester **On:** 4-8 January 2021

**Before:** Employment Judge Phil Allen  
Mr I Taylor  
Mr A Murphy

## REPRESENTATION:

**Claimant:** In person  
**Respondent:** Mr A Gloag, counsel

# JUDGMENT

The unanimous judgment of the Employment Tribunal is that:

1. The claimant was not unfairly dismissed. Her claim for unfair dismissal does not succeed;
2. The claimant fundamentally breached her contract of employment with the respondent entitling the respondent to terminate it without notice, and therefore the claim for breach of contract does not succeed; and
3. The respondent did not unlawfully discriminate against the claimant in breach of section 15 of the Equality Act 2010. Whilst the respondent did treat the claimant unfavourably because of something arising in consequence of the claimant's disability (by dismissing her), that treatment was a proportionate means of achieving a legitimate aim.

Employment Judge Phil Allen  
8 January 2021

JUDGMENT SENT TO THE PARTIES ON

26 January 2021

FOR THE TRIBUNAL OFFICE

Notes

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 or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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