



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

Miss L Coltman

Respondents

~~R1— Active Assistance Limited~~
and ~~R2— Active Assistance (UK) Group Limited~~
R3 – Staff Management Limited t/a Active Assistance

Public Preliminary Hearing held at Reading on 23 September 2021

Representation Claimant: In person

Respondents: Mr T Sheppard, counsel

Employment Judge Vowles (sitting alone)

JUDGMENT

Evidence

- 1 The Tribunal heard evidence on oath, read documents and heard submissions by the parties and determined as follows.

Issues to be determined

- 2 The issues to determined were set out in the Case Management Order made at the preliminary hearing on 17 March 2021.

Clarification of Claims

- 3 The parties agreed that the claims were sufficiently well clarified in the agreed list of issues dated 15 April 2021 at pages 160-163.

Claims under Regulation 30 Working Time Regulations 1998 regarding a failure to provide daily rest breaks, weekly rest breaks or adequate rest breaks during her shifts

- 4 These claims were presented after the expiry of the 3 month time limit and there were no grounds to extend the time limit. The Tribunal has no jurisdiction to consider these claims and they are dismissed.

Claims for breach of contract and unauthorised deduction from wages regarding the National Minimum Wage

5 These claims were presented after the expiry of the 3 month time limit and there were no grounds to extend the time limit. The Tribunal has no jurisdiction to consider these claims and they are dismissed.

Claims for Unlawful Detriment contrary to section 47B Employment Rights Act 1996

6 These claims were presented after the expiry of the 3 month time limit and there were no grounds to extend the time limit. The Tribunal has no jurisdiction to consider these claims and they are dismissed.

Claims for Victimisation contrary to section 27 Equality Act 2010 / Failure to make reasonable adjustments contrary to section 20 Equality Act 2010 / Discrimination arising from a disability contrary to section 15 Equality Act 2010

7 These claims will be considered at the full merits hearing listed on 1-9 December 2021. In addition to the merits of these claims, the Tribunal will consider whether they were presented after the expiry of the 3 month time limit and whether there are grounds to extend the time limit and whether the Tribunal has jurisdiction to consider these claims.

Unfair Constructive Dismissal – section 95(1)(c) Employment Rights Act 1996

8 This claim will be considered at the full merits hearing listed on 1-9 December 2021.

Disability by reason of a back impairment – section 6 Equality Act 2010

9 The Claimant was not, at the material time, within the meaning of section 6 Equality Act 2010, a disabled person by reason of a back impairment.

Correct Respondent

10 The 3rd Respondent is the correct Respondent and the 1st and 2nd Respondents are removed and dismissed from the proceedings.

Further Case Management Orders

11 Further case management orders for the full merits hearing listed on 1-9 December 2021 were made separately.

Reasons – rule 62 of Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations

12 Reasons for this judgment were given orally at the hearing. Written reasons will not be provided unless a written request is presented within 14 days of the date this judgment is sent to the parties.

Public Access to Employment Tribunal Judgments

13 The parties are informed that all judgments and reasons for judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the Claimant and Respondent.

I confirm that this is my judgment in the case of Miss L Coltman v Staff Management Limited t/a Active Assistance case no. 3324356/2019 and that I have dated and signed by electronic signature.

Employment Judge Vowles

Date: 23 September 2021

Sent to the parties on:

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For the Tribunals Office