EMPLOYMENT TRIBUNALS

Claimant: Mr J Conway

Respondent: Chief Constable of Lincolnshire Police

Heard: Via Cloud Video Platform in the Midlands (East) Region

On: 6,7 and 8 December 2021 and, in chambers, on 21 January 2022

Before: Employment Judge Ayre, sitting with members
Ms J Dean
Mr A Blomefield

Representatives:
Claimant: In person
Respondent: Ms V von Wachter, counsel

RESERVED JUDGMENT

The unanimous judgment of the Tribunal is as follows:

1. The claim for harassment is out of time and the Tribunal does not have jurisdiction to hear it.

2. The respondent had knowledge of the claimant's disability from 2017 but only had knowledge that a provision, criterion or practice placed him at a substantial disadvantage such that a reasonable adjustment may be required from on or around 14th March 2020.

3. The claim that the respondent failed to make a reasonable adjustment for the claimant by not providing him with a laptop sooner fails and is dismissed.

REASONS

Background

1. The claimant works for the respondent as a Police Constable based at Sleaford police station in Lincolnshire. On 6 July 2020, following a

period of Early Conciliation lasting from 3 June 2020 to 3 July 2020, the claimant issued a claim for disability discrimination. The disability relied upon is dyslexia.

2. The case was originally listed for final hearing in August 2021. It was not possible to hear evidence on the merits of the claim at that hearing, and the case was relisted for a final hearing on 6-8th December. The hearing in August was before Employment Judge Blackwell, sitting with members Ms. J Dean and Mr. A Blomefield. The hearing in December was due to take place before the same panel. Employment Judge Blackwell was however not able to attend the resumed hearing, and with the consent of the parties, a new Judge was appointed to sit with Mr. Blomefield and Ms. Dean.

3. At the hearing in August 2021 the Tribunal found that the claimant is disabled by reason of dyslexia and identified the issues to be determined at the final hearing.

The Proceedings

4. The Tribunal heard evidence from the claimant and, on behalf of the respondent, from former Sergeant Richard Liddle, Mr. Guy Taylor, Inspector Rachel Blackwell, Superintendent Lee Pache, Chief Inspector Phil Vickers and Ms. Kate Gamble. We were also provided with a witness statement for former Sergeant David Milling. We have read his witness statement but, as Mr. Milling did not attend the hearing and his evidence could not be tested in cross-examination, we have placed very little weight on it.

5. There was an agreed bundle of documents running to 464F pages.

6. At 13.55 on day 2 of the hearing, just before the respondent called its last witness, Ms. von Wachter submitted written submissions and 20 authorities on behalf of the respondent. We make no criticism of her for doing so. In light of the number of written documents submitted by Ms. von Wachter, the fact that the claimant is not legally represented and the fact that the claimant's disability is dyslexia, it was in our view appropriate to give the claimant sufficient time to review the submissions and authorities before responding to them.

7. The case was listed for a 3-day hearing, but the parties had been directed not to attend on the third day. In the event, we concluded the evidence on day 2 and asked the parties to attend on the afternoon of the third day to make oral submissions. This gave the claimant time to consider the written submissions and authorities submitted by Ms. von Wachter, and enabled Ms. von Wachter to appear in another hearing that she was committed to on the morning of the third day.

8. The Tribunal reserved its judgment and met again in chambers on 21st January 2022 to make its decision.

The Issues

9. The parties confirmed at the beginning of the hearing that the issues to be determined were those identified at the hearing in August and set out in the Order of Employment Judge Blackwell of 2 September 2021 as follows:

a. A claim of harassment pursuant to section 26 of the Equality Act 2010 ("**the EQA**"). The unwanted conduct complained of was that of Mr. G Taylor on or about 26 July 2019.

b. In relation to the claim of harassment, whether the Tribunal has jurisdiction to hear that claim, applying section 123 of the EQA and, if it determines that the claim was brought out of time, whether it would be just and equitable to extend time and allow the claim in.

c. Failure to make reasonable adjustments pursuant to sections 20 and 21 of the EQA.

i. The provision, criterion or practice is requiring officers to prepare, revise, amend and produce documents using a Mobile Data Terminal.

ii. The substantial disadvantage that the claimant suffered was that he either could not carry out the tasks or could only do so with difficulty.

iii. The reasonable adjustment is the provision of a laptop equipped with Word, Excel, spellcheck and grammar check.

iv. When did the respondent know of Mr Conway's disability or, in the alternative, when could they have been reasonably expected to know of that disability?

Findings of Fact

10. The claimant is employed by the respondent as a Police Constable carrying out the role of a 'Response Officer'. That is a role in which most of the duties are performed outside of the police station, and which involves substantial contact with the public. It involves interviewing victims of crime and witnesses and producing witness statements. The claimant is based at Sleaford police station and lives just two minutes' walk from the station.

11. The claimant was diagnosed with dyslexia as a child. In June 1992 [p.76] he was identified as having difficulties in reading and writing and he was subsequently provided with a Statement of Special Educational Needs. In October 1997 a further assessment was carried out on him and he was again identified as having specific learning difficulties related to reading and writing. The claimant has, for much of his career, not needed any adjustments to accommodate his dyslexia as he has developed coping strategies which have worked well for him.

He has performed successfully in his role as a police officer and acted up as a police sergeant.

12. The claimant previously worked for Sussex police. In July 2016 he applied for a transfer to the respondent [p.125-142]. His application was successful, and he joined the respondent in December 2016. He did not disclose his dyslexia at the time he joined the respondent.

13. The claimant had referred to his dyslexia in a Performance Development Review carried out at Sussex in July 2016 [p.108] but there was no evidence before us that the respondent, and in particular those managing him, were aware of this reference.

14. The claimant was a member of the respondent's Ethics Panel, Dyslexia, Dyspraxia and Autism Working Group, and Staff Safety Forum. In 2019 he was elected as a representative of the Lincolnshire Police Federation, a position that he continues to hold.

15. When he first transferred to the respondent the claimant reported to Sergeant Milling. In April 2019 Sergeant Liddle replaced Sergeant Milling as the claimant's line manager.

16. The claimant was provided with a work mobile phone known as a Mobile Data Terminal or MDT. He used this device to input data, complete paperwork, and take and prepare witness statements. The phone had a keyboard that could be plugged in but did not have spell or grammar check facilities. The claimant found it particularly difficult to take statements using his MDT so would often invite victims and witnesses to come to the police station where he would complete their statements on a desktop computer.

17. The claimant was generally considered to be a good performer, and, with one exception, we were not taken to any evidence of any criticism being made of the written documents that he produced. In addition to writing reports and witness statements the claimant also wrote blogs. We accept the respondent's evidence that the quality of the written work produced by the claimant was of a high standard, and there was nothing in his written work to put the respondent on notice or suggest that the claimant was struggling in any way due to dyslexia.

18. The claimant was on a list of Police Constables who could act up as sergeants if required. In March 2019 Chief Inspector Vickers decided to withdraw his support for the claimant remaining on the list due to concerns about the claimant's decision-making ability. These concerns arose in part out of emails that the claimant had sent to Chief Inspector Vickers and another colleague. In an email sent to Kate Rogers in HR on 3 April 2019 [p.34] Chief Inspector Vickers commented that "*PC Conway's response re-enforced my view that withdrawing support is the correct course of action – He stated that he had no confidence in the process, that there were a handful of "blockers' in the organisation (naming Supt Pache) and that he would continue to make direct approaches to COG if it meant things got done…*" He also wrote: "He *stated that he thinks long email reports are an effective way of him*

getting his points across and helps him communicate his views despite his dyslexia".

19. Chief Inspector Vickers met with the claimant on 29th March 2019 to discuss his decision. During that discussion the claimant told Chief Inspector Vickers that he had dyslexia. After the meeting Chief Inspector Vickers contacted HR by email and asked whether the force was aware of the claimant's dyslexia and whether any measures were in place or required [p.349]. The email was copied to Sergeant Milling who replied that he had in the past asked the claimant if he needed any assistance with his dyslexia and that the claimant had told him he did not need any help.

Interaction with Guy Taylor

20. In July 2019 as part of his normal duties the claimant was required to complete a transfer form in relation to an alleged offence of complex fraud [p.407]. The form is a specialised one used to transfer a suspected crime from one force to another. Once the form has been completed it is sent externally to the National Fraud Intelligence Bureau ("**NFIB**") in London who then decide which force should deal with the fraud.

21. The officer completing the form should include as much detail as possible about the offence, as the only document provided to the National Fraud Intelligence Bureau is the form itself. The NFIB therefore needs specific information to be included in the form, in as much detail as reasonably possible.

22. The form that was completed by the claimant was short and lacking in detail. It did not contain the suspect's name, the NFIB reference number, the officer's details, the crime reference number, or what force it was being requested that the case be transferred to. It did not contain details of the enquiries that had been conducted so far, of any suspect, or a summary of the initial allegation. Much of the essential and required information was therefore missing.

23. The form was reviewed by Guy Taylor, the Crime Management Bureau Supervisor whose role involved assessing crimes submitted for transfer to other police forces.

24. Having read the form Mr Taylor formed the view that the NFIB would not accept it because it lacked the prescribed information. He made a comment on the respondent's enquiry log about the form and attached an example document to help the claimant complete the form correctly. In his comments Mr Taylor wrote:

"*This is being returned to PC Conway…. Firstly, the attached report has poor grammar and does not read well and is woefully short of detail, as this is the only document that the City of London have to go on in order to review who should take this enquiry on, I have therefore attached an example document that, hopefully will assist in providing a FULL OEL entry which I can then use to complete the document and forward it on to the City of London.*

25. Mr Taylor reviews many transfer forms and is robust in his approach to commenting on them. If he thinks a form has not been completed correctly, he will point that out and also suggest what should be done to improve it. At the time he made the comments on the claimant's form he did not know, and could not have been expected to know, that the claimant has dyslexia. He had read previous reports and blogs written by the claimant which were of good quality, and there was nothing to suggest to him that the claimant had any difficulty producing written reports.

26. A few days after Mr Taylor had commented on the form, the claimant telephoned him. The claimant's evidence was that during the conversation Mr Taylor laughed at him when he disclosed that he had dyslexia, and that he found Mr Taylor's response to be rude and immature. The claimant also alleged that Mr Taylor had commented 'how was I meant to know you are dyslexic?'

27. Mr Taylor's evidence was that the claimant had been very abrupt in his manner during the telephone call. He tried to explain to the claimant that there was a lot of information that was missing from the form. The claimant was not willing to listen to Mr Taylor. Mr Taylor told us that he felt during the conversation that the claimant was trying to goad him into an argument. Mr Taylor was upset and frustrated by the claimant's behaviour during the call and accepted that he could have used the words "how was I to know that you are dyslexic?" during the call.

28. The claimant suggested in cross examination of Mr Taylor that, because the respondent was aware of his dyslexia, Mr Taylor should have known about it. It would in our view have been entirely inappropriate, and a potential breach of data protection legislation, for all those working for or with the respondent to have been made aware of the claimant's dyslexia, when the claimant himself had made it clear that no adjustments were required at that stage, and was performing his role well.

29. The claimant subsequently raised a complaint about Mr Taylor's behaviour. Mr Taylor's line manager Ms Bell, and his second line manager, Ms Talbot-Young, spoke to Mr Taylor about the complaint.

30. The claimant subsequently received an email from Graham Drury, interim Manager in the Crime Management Bureau, in which Mr Drury stated that "*I know for a fact that Guy Taylor has been spoken to with regards to the complaint that you've raised and has been provided with suitable words of advice. I can assure you that adding comments such as he did onto NICHE is not representative of CMB and will categorically not occur again in the future, it is unacceptable and unprofessional, I can only apologise for his actions and hope that you can accept that this is certainly a one off."* [p.285].

31. Guy Taylor's evidence on this issue was that he had been asked about the incident but had not been given words of advice and did not know that Mr Drury had sent an apology to the claimant. As far as Mr Taylor

was concerned, he had nothing to apologise for, and it was the claimant who had been rude to him during the telephone call.

32. Mr Taylor did not know that an apology had been issued to the claimant until he became involved in the employment tribunal proceedings. Similarly, the claimant did not find out that Mr Taylor had not in fact been given 'words of advice' until he received Mr Taylor's witness statement in these proceedings. Mr Drury himself did not give evidence and we have not been provided with any explanation as to why he sent the email he did.

33. Mr Taylor, in the course of his duties, reviews a lot of reports – he estimated between 20 and 30 a day. A lot of these have not been properly completed and have to be sent back to the officer who wrote them for amendment. There was therefore nothing unusual in Mr Taylor sending the draft report back to the claimant with comments, and this was part of the normal course of his role. Mr Taylor's comments on the report were not motivated by the claimant's dyslexia as Mr Taylor was not aware of it at the time he reviewed and commented on the report. Mr Taylor had reviewed other reports of the claimant which had been well written. Mr Taylor also added details which were helpful in that they provided guidance as to how to complete the form properly and ended his comments with "Many thanks".

34. Mr Taylor was not aware that the claimant had dyslexia until the telephone call. The claimant alleged that Mr Taylor mocked the claimant, insulted him and laughed at him during the telephone call. We prefer Mr Taylor's evidence on this point. We find that Mr Taylor was frustrated during the telephone call, and this may have come across to the claimant, but the frustration was a response to the claimant's behaviour during the call, and was not in any way linked to the claimant's dyslexia. It was merely a fractious telephone call between colleagues in the normal course of day to day work.

35. When the claimant presented his claim form on 16th July, he referred to the incident with Mr Taylor as a breach of section 15, presumably of the Equality Act 2010. In evidence he told us that he had only referred to the incident in the claim form as context or background rather than as a separate allegation of discrimination.

36. In January 2020 the claimant was placed on restricted duties whilst there was an investigation into the claimant's use of a taser when restraining a suspect. The respondent found a role for the claimant at Lincoln police station. The claimant objected to carrying out that role for childcare reasons and because it would require additional travel. Despite the operational requirements that the claimant could fulfil at Lincoln, Superintendent Pache listened to what the claimant said and agreed not to move him to Lincoln. This demonstrates in our view that the claimant was listened to and treated with respect by the respondent. The respondent did not force him to move to work in Lincoln.

37. The investigation into the claimant's use of the taser concluded on 18 June 2020 and the claimant was allowed to return to his normal duties at that point. Whilst on administrative duties the claimant carried out an administrative role based in Sleaford police station. He carried out his work on a desktop computer at the police station, which was sufficient for the work he was carrying out. He described the desktop computer as "*the reasonable adjustment I needed*". He could have worked from Sleaford police station throughout the period from March to June 2020 if he had wanted to. By the time he was required to return to normal duties, he had been provided with a work laptop for his personal use.

38. During the pandemic the claimant wanted to work from home because he was worried about becoming infected with Covid if he worked in the police station. The claimant struggled to perform some aspects of his administrative duties from home because the work he was carrying out was on an encrypted police system to which access could only be gained on a device issued by the respondent, such as a laptop or MDT. Notwithstanding that, the claimant was permitted to work from home and did so for several months, without any criticism being made of his performance.

39. The claimant told us in his evidence that the reason he needed a laptop was because desktop computers had been removed from the respondent's police stations and replaced with 'cradles' where laptops could be docked. Whilst we accept his evidence that some officers were issued with laptops, and that the number of desktop computers had been generally reduced, we find that there were still desktop computers available in the police station for the claimant to use when he needed to. On the claimant's own evidence, there was a desktop available in Sleaford police station for him to use from January 2020 onwards whilst he was on administrative duties, and this was the reasonable adjustment that he required at that time.

Knowledge of disability

40. The claimant disclosed his dyslexia to his line manager Sergeant Milling in 2017 during an informal discussion. Sergeant Milling asked him if he needed any support with the dyslexia and the claimant said he did not. Sergeant Milling's view was that the claimant's written and other work was of an excellent standard, and there was nothing in the quality of his work or anything else to suggest that the claimant was struggling, or that he needed any adjustments to be made.

41. During the claimant's Performance Development Review in September 2017 the claimant commented that he was attending a working group to develop working practices for improving conditions with staff and victims of crime with dyslexia [p.217]. He did not however comment that he had dyslexia and he accepted in evidence that membership of the working group was not limited to those with dyslexia. The claimant was assessed as being competent in this Performance Development Review [p.218] and Sergeant Milling supported the claimant's application for promotion.

42. In or around December 2017 the claimant disclosed his dyslexia to an Inspector Alford, in the context of an application for the role of Beat Manager. He told the inspector that he did not need any assistance or support with the dyslexia.

43. The claimant referred again to attending the dyslexia working group in his Performance Development Review in December 2018 [p.255] but again made no mention of his own dyslexia. His manager commented in that review that: "his *investigation logs are always of a high standard and much higher quality than the majority of officers from patrol are"* [p.256].

44. In January 2019 the claimant applied for a role as Acting Sergeant. In his application form he ticked 'yes' in response to the question "*Under the definition of disability in the Equality Act 2010, do you require any reasonable adjustments to be made*" and then wrote "*Dyslexia (no reasonable adjustment required)*"[p.435]. The claimant's application for promotion was supported by Inspector Vickers and the management team.

45. The claimant was line managed by Sergeant Milling until April 2019 when Sergeant Liddle became his line manager. At no point during the time that Sergeant Milling was his line manager did the claimant suggest or show any indication that he was struggling with his work due to his dyslexia, and when asked whether he needed any adjustments or additional support he repeatedly said no.

46. The claimant was a good performer, who had developed strategies to help him manage his dyslexia. On his own evidence the claimant was able to do his role as a Response Officer using the desktop computers in the police station to produce witness statements. There was no evidence before us of the claimant ever struggling to get access to a desktop.

47. Sergeant Liddle was made aware that the claimant has dyslexia when he took over as line manager in April 2019. He also had some discussions with the claimant on an informal basis about his dyslexia. At no point did the claimant tell him that he was struggling or that he needed any support or reasonable adjustments, and there was nothing in the claimant's performance or behaviour to suggest that that was the case. We find that, on the balance of probabilities, there was an informal discussion about a laptop, but that there was no request for one, or any indication that a laptop was necessary to enable the claimant to perform his duties, or that he was struggling without one.

48. Sergeant Liddle carried out the claimant's Performance Development Review in February 2020. That document was not before us but in an email from Sergeant Liddle to Superintendent Pache [p.346] Sergeant Liddle commented that in the PDR there was "*a single line mention around the demands of suffering with dyslexia alongside working long shifts but not specific request for help*".

Request for a laptop

49. On 14th March 2020 the claimant sent an email to Superintendent Pache headed 'Home Working' [294-5]. In that email he said that he would be able to do his restricted duties from home with a laptop. The focus of that email was on the Covid19 pandemic and the implications in terms of school closures and home working. The claimant did however write in that email that:

"*I had discussed a job laptop with my skipper PS Liddle a while back anyway (to help with my dyslexia in my regular role on Response) and it has been something in the pipeline for a while. To be fair I hadn't chased it for a while, but raised it again with him and our new Inspector yesterday – however I understand usually this would require some form of employment assessment process, which could take some time to arrange / complete.*"

50. Superintendent Pache replied [p.294] saying that "*My preference had been to move you to Lincoln, however after your personal entreaties regarding the impact on your home life, I agreed to allow you to work shifts and from Sleaford (during the period of the investigation); I would not support you working from home…*"

51. Superintendent Pache also contacted Chief Inspector Vickers and asked him to try and source a laptop for the claimant. He wrote to the claimant on 24th March and told him that he had asked Phil Vickers to see if he could get a laptop for the claimant. Within ten days of formally asking for a laptop the claimant had therefore been told by a senior officer that steps were being taken to provide him with one.

52. In April 2020 the claimant suffered an injury to his shoulder whilst at home. It was initially thought that he may need a few weeks off to recover, but after visiting a physiotherapist, the claimant was able to return to working from home after just one week's sickness absence.

53. The claimant sent a further email to Superintendent Pache on 23rd April in which he wrote that he believed he fell into the category of people who should work from home if they could. He also stated that: "*The only thing stopping me working from home is a laptop…I have raised obtaining one of these with my supervisors because my of dyslexia anyway. This is being looked in to by my line managers, but this is a process that would ordinarily take some time and I am sure it will take even longer now during a pandemic….is there anything you can do to expedite the laptop situation?*"

54. The claimant forwarded his email exchange with Superintendent Pache to Sergeant Liddle and Inspector Blackwell. Inspector Blackwell replied, explaining to the claimant that the respondent had 600 requests for laptops to allow working from home, and that priority would be given to the most vulnerable. She also sought to reassure the claimant that Sleaford police station was not considered to be a highly infectious location at all, as the claimant would be able to distance himself from colleagues whilst there.

55. As well as approaching Superintendent Pache, the claimant also raised the issue of a laptop with Sergeant Liddle around the same time in

March 2020. He told Sergeant Liddle that the MDT did not help him take witness statements and had limited spell check functionality. On 15th March Sergeant Liddle contacted Kate Rogers in HR [296-7] and asked for a referral to occupational health, with a view to getting the claimant a personal laptop. Kate Rogers replied promptly suggesting a meeting to discuss it.

56. On 19th March Kate Rogers sent an email to Richard Liddle [p.303] advising on the process to follow to get support for the claimant with his dyslexia. She suggested that the first stage was for the claimant to explain what specific difficulties he was having at work. The claimant was asked to complete a 'checklist' for adults with dyslexia [pp.305-6]. The claimant completed the checklist and sent it to Sergeant Liddle on 23 March [p.308].

57. On 16th March the Prime Minister announced that people should work from home when they can, and on 23rd March the first national lockdown was announced.

58. Sergeant Liddle met with the claimant on the morning of 23rd March to discuss the claimant's individual needs. The claimant was clearly very keen to work from home during the early stages of the pandemic and anxious about going into the police station. Until that point, he had been able to carry out both his duties as a response officer and his restricted duties without difficulty by using the desktops in the police station. It was only when the pandemic hit and the claimant wanted to work from home that he formally raised the issue of a laptop.

59. Kate Rogers in HR advised Sergeant Liddle that the claimant should contact Access to Work so that an assessment of his needs could be arranged. The claimant was therefore asked to contact Access to Work so that an assessment of his needs could be arranged and to find out if they could support with the provision of any additional equipment. He contacted Access to Work to start the process, but emails that they sent to him were blocked by the respondent's firewall, and not received by the claimant. As the claimant had not responded to their emails, Access to Work closed the case. By the time this came to light, the claimant had already received a laptop from the respondent.

60. It was suggested to the claimant that he contact Access to Work after he had received the laptop, so that they could do an assessment of his needs and advise as to whether any other adjustments should be made. The claimant did not want to pursue the Access to Work assessment, however. He was focussed solely on getting and keeping the laptop and at no point suggested any other adjustments or indicated any interest in discussing any other adjustments.

61. There was a conflict of evidence as to when the claimant first asked for a laptop as a reasonable adjustment. The claimant said that he had asked both Sergeant Milling and Sergeant Liddle for laptops, going back to 2018. In particular, the claimant said that "*I had raised a number of times that I required a laptop for my reasonable adjustments…, but had accepted the process can be slow in policing"*.

We do not accept the claimant's evidence on this point. We prefer the evidence of Sergeant Liddle. The claimant was clearly aware of the Equality Act and sat on working groups about dyslexia. He knew that there was some form of assessment process that needed to be completed before an adjustment was provided, as he said as much in an email to Superintendent Pache in March 2020 [p.295]. At no point prior to March 2020 did the claimant suggest that such an assessment should be carried out.

62. It should be said that the claimant, during the course of his employment with the respondent, wrote a number of blogs including ones which were critical of the Crime Management Bureau and other aspects of the force. He also challenged Guy Taylor about what he perceived to be inappropriate comments on the form he had completed and was a Federation representative. The claimant did not hesitate to raise issues at work and to challenge colleagues including more senior officers. It is not conceivable to us, given the nature of the claimant's behaviour at work that, if he had requested a laptop and not been provided with one, he would have done nothing about it.

63. A laptop was ordered for the claimant, although there was no evidence before us of the date upon which it was ordered. There was a very high demand for laptops at the time due to the pandemic, with 600 new laptops being required. Priority was being given to those in frontline roles such as child protection, and to staff who were clinically vulnerable. The claimant did not fall into either of those categories. It was, in our view, understandable and reasonable for the respondent to prioritise front line staff and the clinically vulnerable when sourcing laptops. Particularly since the claimant was able to perform his administrative duties in Sleaford Police station using a desktop computer, but chose not to.

64. The claimant was provided with a laptop in mid-June 2020 and continues to use the laptop for work. On 17th June 2020 Chief Inspector Vickers sent an email to the claimant saying that he had collected a laptop for the claimant from HQ that day and would send it to Sleaford police station for the claimant to collect. The laptop was therefore provided for the claimant three months after he first formally asked for one, despite the fact that the respondent was in the middle of a pandemic with a large number of requests for laptops to deal with.

65. On 20th July the claimant sent an email to Chief Inspector Vickers [p.369] asking for clarity as to whether the laptop was provided for Covid 19 only or as a reasonable adjustment. Chief Inspector Vickers replied the same day stating that the laptop had been issued to the claimant and should not be recalled post Covid. The claimant replied, thanking Chief Inspector Vickers for the clarification.

66. On 30th July [pp.3798-380] the claimant sent an email to Kate Rogers in which he wrote "*I am now, finally, happy that I have been provided a reasonable adjustment with the laptop and the software pre-installed. I do not feel I would benefit from any further software at this time and the laptop is proving sufficient in assisting me when I am using it now…Mr Vickers has confirmed that this has been provided to me personally,*

not just for COVID working from home period only, so I do not feel I need to continue the ATW process, unless it is a requirement from Lincs Police?"

67. In his witness statement [paragraph 24] the claimant said that "*it was apparent that at any time it (the laptop) could be removed from me*". This statement is, in our view, disingenuous and has caused us to question the credibility of the claimant. The statement contradicts the documentary evidence and what he said after receiving his laptop. It is, in our view, a self serving statement made solely to try and support his claim at the Tribunal. It has had the opposite effect.

68. The claimant suggested that he was only provided with a laptop after he threatened the respondent with employment tribunal litigation. There was no evidence before us to support this assertion. On the contrary, ACAS Early Conciliation did not commence until 3rd June 2020, approximately two and a half months after Superintendent Pache had told the claimant in an email that a laptop would be provided.

Knowledge of time limits

69. The claimant was aware of the three month time limit for bringing claims in the employment Tribunal. He became aware of it at the latest by March 2020. He also took advice around that time from a friend who is a barrister. There was no other evidence before us as to why he did not present his claim earlier.

70. When asked why he hadn't put a claim in earlier about the incidents with Guy Taylor, the claimant said that it was because he believed it had been dealt with correctly. He said that there was a course of conduct by the organisation. We find that there was not. The incident with Guy Taylor was an isolated one. The request for a laptop was dealt with promptly when the respondent became aware that it was needed as a reasonable adjustment, and given the fact that the request was made at the start of the national lockdown.

The Law

Harassment

71. Section 26 of the Equality Act 2010 provides that:-

"(1) A person (A) harasses another (B) if –

(a) A engages in unwanted conduct related to a relevant protected characteristic, and
(b) The conduct has the purpose or effect of –
(i) Violating B's dignity, or
(ii) Creating an intimidating, hostile, degrading, humiliating or offensive environment for B….

(4) In deciding whether conduct has the effect referred to in subsection (1)(b), each of the following must be taken into account –

(a) The perception of B;
(b) The other circumstances of the case;
(c) Whether it is reasonable for the conduct to have that effect…"

72. The words of the statute were considered by the EAT in *Betsi Cadwaladr University Health Board v Hughes and others* UKEAT/0179/13 in which the then President, Justice Langstaff, referred to the judgment of Lord Justice Elias in *Grant v HM Land Registry [2011] EWCA Civ 769* that ; "*the words "violating dignity", "intimidating, hostile, degrading, humiliating, offensive" are significant words…"tribunals must not cheapen the significance of these words. They are an important control to prevent trivial acts causing minor upsets being caught by the concept of harassment."*

73. Langstaff J also referred to the comments of the previous President, Justice Underhill, in *Richmond Pharmacology v Dhaliwal [2009] IRLR 336* that "*…not every racially slanted adverse comment or conduct may constitute the violation of a person's dignity. Dignity is not necessarily violated by things said or done which are trivial or transitory, particularly if it should have been clear that any offence was unintended. While it is very important that employers, and tribunals, are sensitive to the hurt that can be caused by racially offensive comments or conduct (or indeed comments or conduct on other grounds covered by the cognate legislation to which we have referred), it is also important not to encourage a culture of hypersensitivity or the imposition of legal liability in respect of every unfortunate phrase."*

74. In the view of Langstaff J. context is very important in determining the question of whether there was an intimidating, hostile, degrading, humiliating or offensive environment for a claimant.

Reasonable adjustments

75. Section 20 of the Equality Act 2010 states as follows:-

"(1) *Where this Act imposes a duty to make reasonable adjustments on a person, this section, sections 21 and 22 and the applicable Schedule apply; and for those purposes, a person on whom the duty is imposed is referred to as A*

(2) The duty comprises the following three requirements.

(3) The first requirement is 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…"

76. Section 21 of the Equality Act 2010 provides that:-

"*(1) A failure to comply with the first, second or third requirement is a failure to comply with a duty to make reasonable adjustments.*

(2) A discriminates against a disabled person if A fails to comply with a duty to make reasonable adjustments…"

77. The importance of a methodical approach to reasonable adjustments complaints was emphasised by the EAT in *Environment Agency v Rowan* [2008] ICR 218 and in *Royal Bank of Scotland v Ashton* [2011] ICR 632, both approved by the Court of Appeal in *Newham Sixth Form College v Sanders* [2014] EWCA Civ 734. 65.

78. Part 3 of Schedule 8 to the Equality Act 2010 ("Work: Reasonable Adjustments") provides, at paragraph 20 ("Lack of knowledge of disability, etc") that:

"(1) A is not subject to a duty to make reasonable adjustments if A does not know, and could not reasonably be expected to know…that an interested disabled person has a disability and is likely to be placed at the disadvantage…"

79. Assuming that the claimant is a disabled person, the following are the key components which must be considered in every case:

a. What is the provision, criterion or practice ("PCP"), physical feature of premises, or missing auxiliary aid or service relied upon?

b. How does that PCP/ physical feature/missing auxiliary aid put the claimant at a substantial disadvantage in comparison with persons who are not disabled?

c. Can the respondent show that it did not know and could not reasonably have been expected to have known that the claimant was a disabled person and likely to be at that disadvantage?

d. Has the respondent failed in its duty to take such steps as it would have been reasonable to have taken to have avoided that disadvantage?

e. Is the claim brought within time?

80. Paragraph 6.28 of the Code sets out factors which it is reasonable to take into account when considering the reasonableness of an adjustment. These include:-

a. The extent to which it is likely that the adjustment will be effective;

b. The financial and other costs of making the adjustment;

c. The extent of any disruption caused;

d. The extent of the employer's financial resources;

e. The availability of financial or other assistance such as Access to Work; and

f. The type and size of the employer.

81. There is no limit on the type of adjustments that may be required. An important consideration is the extent to which the step will prevent the disadvantage. A failure to consider whether a particular adjustment would or could have removed the disadvantage amounts to an error of law (*Romec Ltd v Rudham* [2007] All ER(D).

82. It is almost always a good idea for the respondent to consult the claimant about what adjustments might be appropriate. A failure to consult the claimant makes it more likely that the employer might fail in its duty to make reasonable adjustments.

Time limits

83. Section 123 of the Equality Act 2010 provides that complaints of discrimination may not be brought more than three months after the date of the act of alleged discrimination, or within such other period as the employment tribunal thinks is just and equitable.

84. A failure to make a reasonable adjustment is generally discrimination by omission. Section 123(3)(b) of the Equality Act 2010 provides that a failure to do something is to be treated as occurring when the person in question decided upon it; and Section 123(3)(b) states that conduct extending over a period is to be treated as done at the end of the period.

85. The general principle is that time limits should be strictly applied in Employment Tribunals, and there is no presumption that time for presenting discrimination claims will be extended. Factors that can be taken into account by a Tribunal when deciding whether to exercise its discretion to allow a claim in late include:

a. The length of and reasons for the delay;
b. The extent to which the evidence is likely to be affected;
c. The speed with which the claimant acted once he knew of the possibility of taking action; and
d. The steps taken by the claimant to seek advice.

86. The Tribunal must consider whether there was a continuing act of discrimination.

Burden of proof

87. Section 136(2) of the Equality Act 2010 sets out the burden of proof in discrimination claims, with the key provision being the following:

"*(2) If there are facts from which the court could decide, in the absence of any other explanation, that a person (A) contravened the provision concerned, the court must hold that the contravention occurred.*

(3) But subsection (2) does not apply if A shows that A did not contravene the provision…"

88. There is, in discrimination cases, a two-stage burden of proof. Where a claimant persuades the Tribunal that there is a 'prima facie' case of discrimination, then the burden of proof shifts to the employer. In the first stage, the claimant has to prove facts from which the tribunal could decide that discrimination has taken place. If the claimant does this, then the second stage of the burden of proof comes into play and the respondent must prove, on the balance of probabilities, that there was a non-discriminatory reason for the treatment.

89. The Tribunal has the power to draw inferences of discrimination where appropriate. Inferences must be based on clear findings of fact, and can be drawn not just from the details of the claimant's evidence but also from the full factual background to the cases.

Submissions

Respondent

90. Ms von Wachter submitted on behalf of the respondent that the respondent was not made fully aware of the claimant's disability until March 2020 when the claimant raised the question of dyslexia in respect of working from home. Prior to that date there had been passing mention of the claimant having dyslexia, but not such as to put the respondent on notice that the claimant has a disability. The respondent was not under any obligation to make reasonable adjustments until it had knowledge of the disability, she submitted.

91. The allegations about Mr Taylor are, Ms von Wachter argues, both ill-founded and out of time by some 9 months, as the Claim was presented in July 2020, approximately 12 months after the alleged harassment. The claimant has, she says, not given any reasonable explanation for the delay in presenting his claim of harassment.

92. Ms von Wachter also submits that the interaction between the claimant and Mr Taylor was "*a part of normal working life with the Claimant being made aware of the shortcomings in a piece of work that would prohibit it from being processed properly. The predominant complaint of Mr Taylor was that the report lacked detail and relevant information not that it was poorly spelled…or that the grammar was poor".*

93. This interaction does not, she argued fall within the definition of harassment set out in the Equality Act, but rather was genuine, but robust, professional criticism. Mr. Taylor's comments were, she says, justified, as he did not want a poor quality report sent outside of the respondent. His comments were also helpful, as he provided a template report to assist the claimant.

94. In relation to the complaint that the respondent failed to make a reasonable adjustment, Ms von Wachter submitted that problems only arose when the claimant declined to work in a police station due to fears about becoming infected with Covid and insisted on working at home. Covid, she says, plays an important part in this case, and the situation was of the claimant's making as he did not want to work in the police station during the pandemic. Had he done so, he would have had access to desktop computers and would not have needed a laptop.

95. Throughout the period following his request for a laptop the claimant was, in Ms von Wachter's submission, either on restricted duties or off sick. The claimant received his laptop in June 2020, within three months, and has been allowed to retain it. Both Mr Vickers and Mr Pache considered that they had responded briskly and appropriately to the claimant's request, against the backdrop of an increasing need for officers on operational duties, such as child protection officers, to have laptops.

96. There was, Ms von Wachter submitted, no legal requirement for the claimant to work from home during the pandemic. The guidance was 'work from home if you can' but the police were not included within that. The laptop had not been provided in response to a threat of litigation. The claimant was asked to move to Lincoln police station but didn't want to. He was then asked to work in Sleaford police station but didn't want to.

Claimant

97. The claimant submitted that the respondent was aware of his dyslexia as early as 2016, before he even joined the force. There were references to it in his Performance Development Reviews, and Sergeant Liddle had said discussions took place about the claimant's dyslexia in 2019. Sergeant Liddle had also, the claimant said, referred to the claimant frequently bringing people back to the police station.

98. The claimant said that he had raised concerns with Sergeant Liddle in 2019 about the removal of computers from side rooms in the police station. When the pandemic hit, it was not his choice to work from home, but rather a legal requirement for him to work from home. It was questionable, in his view, as to why there was no paper trail showing when the laptop had finally been ordered.

99. The respondent had no interest in providing him with a laptop, he submitted. In relation to the suggestion that he work from Lincoln, that station was 20 miles away, whereas Sleaford is just two minutes from his home. Moving to Lincoln would have disrupted his childcare and reduced his take home pay.

100. The claimant argued that it was only when he threatened the respondent with litigation that he was provided with a laptop, which did not amount to genuine support by the respondent. He suggested that it was incredible for the respondent to suggest that it took some time

for laptops to be built, and that this was 'a simple case of two powerful and influential people' (Pache and Vickers) playing God with my career'.

101. The claimant said that he had first requested a laptop verbally in mid-2019 by discussing it with Sergeant Liddle, but accepted that there was nothing in writing or formal until February or March 2020.

Conclusions

Time limits

102. The incident with Guy Taylor occurred in July 2019. The claimant was a Police Federation representative from 2019 onwards, as well as being a member of the respondent's working group on dyslexia. He made an initial complaint about Mr. Taylor's behaviour shortly after it had allegedly occurred and received an apology by way of an email from Mr. Drury on 19th November 2019.

103. There was no evidence before us of the claimant taking any further action after he received Mr. Drury's email, and he said in evidence that he had originally referred to the incident with Mr. Taylor as 'context' or 'background' rather than as a separate allegation of discrimination.

104. It was only when the claimant became aware, having received Mr. Taylor's witness statement in these proceedings, that Mr. Taylor had not in fact been reprimanded over the incident, that the claimant sought to make a separate allegation about it. It therefore appears to be the failure to reprimand Mr. Taylor that prompted the claimant to seek to include the incident in July 2019 as a separate allegation of discrimination.

105. The allegation of harassment before us is limited to the alleged behaviour of Mr. Taylor in July 2019 and does not include the way that it was dealt with by the respondent.

106. The claimant was aware of the time limit for bringing claims in Employment Tribunals from March 2020 at the latest and sought legal advice at that time. He did not however begin Early Conciliation until 3rd June 2020, more than two months' later. There was no evidence before us as to why the claimant did not issue proceedings earlier. The claimant was at work throughout that time, with the exception of a few days' sickness absence in April 2020 due to an injured shoulder.

107. There was nothing that happened between July 2019 or, in the alternative between the email in November 2019 from Graham Drury and June 2020 to justify the delay in issuing proceedings in relation to the July 2019 incident. The claimant was aware of his rights, and (from March 2020 at the latest) of the time limits, but chose not to act. No new facts came to light until witness statement exchange, after the claim had been presented. To the contrary, the claimant was aware of the facts involving Mr. Taylor yet chose only to include them in the

Claim Form as background. It was only when he saw Mr. Taylor's witness statement in these proceedings that he sought to raise an allegation of harassment in relation to the incident.

108. We have considered whether there was a continuing act of discrimination. The two alleged acts of discrimination are in our view entirely separate. The harassment claim relates to a one-off incident in July 2019, the claim for failure to make reasonable adjustments relates to the period from March 2020 onwards. They are separate and discrete allegations involving different individuals. There was no evidence before us to suggest that there was an underlying current of prejudice in respect of the claimant and his disability. Quite to the contrary. When the claimant mentioned his disability informally, he was asked if he needed adjustments and repeatedly said no. When he said he didn't want to work in Lincoln, the respondent agreed that he would not have to. When he formally asked for a laptop he was told by a senior officer that one would be provided, within just ten days of the request.

109. We conclude that there was no continuing act of discrimination and that the complaint of harassment is therefore out of time. It would not, in our view, be just and equitable to extend the time limit because:

a. The claimant was aware of the facts of the incident from July 2019 – no new facts emerged between then and the presentation of his claim;
b. The claimant was aware of the existence of time limits and took legal advice;
c. There is an important public policy interest in the finality of litigation. Time limits exist for a reason. The claimant was a Police Federation representative who had on other occasions not hesitated to raise concerns when he had them. It was clear from the evidence before us that the claimant had no hesitation in raising issues and in escalating them to senior level; and
d. There was no compelling reason why the claim of harassment could not have been presented in time.

110. The complaint of harassment related to disability is therefore out of time and the Tribunal does not have jurisdiction to hear it.

Knowledge of disability and of disadvantage

111. We find that the respondent knew that the claimant had dyslexia from 2017 when he disclosed it to Sergeant Milling and Inspector Alford. He disclosed it on several occasions after that date. At that stage however the respondent did not know that the dyslexia had any adverse impact upon the claimant's ability to carry out normal day to day activities or that the claimant was placed at a disadvantage by being required to use an MDT.

112. The claimant had repeatedly been asked if he needed any adjustments and had always said 'no'. The quality of his written work was generally good, he chose to write blogs on a voluntary basis, and

there was nothing to suggest that the claimant was struggling in any way.

113. In light of the claimant's repeated comments that he didn't need any adjustments, and of his good performance in the role, there was no need for the respondent not to take the claimant at his word or to make any adjustments at that stage.

114. Part 3 of Schedule 8 to the Equality Act 2010 ("Work: Reasonable Adjustments") provides, at paragraph 20 ("Lack of knowledge of disability, etc") that:

"(1) A is not subject to a duty to make reasonable adjustments if A does not know, and could not reasonably be expected to know…that an interested disabled person has a disability and is likely to be placed at the disadvantage…"

115. It was only on or around 14th March 2020 that the claimant told the respondent he needed a laptop as a reasonable adjustment. At that point the duty to make reasonable adjustments arose. Until then the respondent did not know, and could not reasonably have been expected to know, that the claimant was placed at a disadvantage by being required to use an MDT.

Harassment

116. Notwithstanding our findings above that the complaint of harassment is out of time, we have the following comments to make in relation to the allegation of harassment.

117. If we had been required to decide the issue, we would have found that the behaviour of Mr. Taylor, both in his comments about the report submitted by the claimant, and during the telephone conversation, did not amount to harassment related to disability falling within section 26 of the Equality Act.

118. The comments made on the report were justified by reference to the contents of the report, which was of much lower quality than other reports and written work that Mr. Taylor had seen from the claimant. Mr. Taylor was not aware, at the time he reviewed the report and made the comments, that the claimant had dyslexia, and there was no evidence whatsoever to suggest that the comments were related to the claimant's dyslexia. Mr. Taylor would, in our view, have made similar comments to any other police officer who submitted a sub-standard report.

119. It cannot be said that the comments on the report are related to disability. They did not, in our view, have the purpose or the effect of violating the claimant's dignity. Nor did they create an intimidating, hostile, degrading, humiliating or offensive environment for the claimant. In reaching this conclusion we have considered the claimant's perception, the other circumstances of the case and whether it was reasonable for the conduct to have that effect.

120. It was not, in our view, reasonable for the claimant to conclude that the comments were harassment.

121. In relation to the subsequent telephone conversation, we accept that that was a difficult and frustrating conversation on both sides. We accept that Mr. Taylor made the comment 'how was I supposed to know that you are dyslexic' but we do not accept that he mocked the claimant or insulted him. That comment alone, when taken in the context of the conversation generally, does not amount to harassment. It was merely a genuine question by Mr. Taylor, in response to criticism and challenging behaviour from the claimant. Despite alleging that he was mocked, the claimant didn't give any specific examples of how Mr. Taylor allegedly mocked him.

122. If we had to decide the claim for harassment, we would have had no hesitation in dismissing it. In reaching this conclusion we have taken account of the guidance issued by the higher courts in the cases of *Betsi Cadwaladr University Health Board v Hughes and others UKEAT/0179/13*, *Grant v HM Land Registry [2011] EWCA Civ 769* and *Richmond Pharmacology v Dhaliwal [2009] IRLR 336*.

Failure to make reasonable adjustments

123. We find that the duty to make reasonable adjustments arose in March 2020 when the respondent became aware that using an MDT placed the claimant at a disadvantage.

124. The reasonable adjustment requested was the provision of a laptop. That was provided in June 2020, some three months after it was formally requested. During the period from March 2020 to June 2020 the claimant was able to perform his duties by going into the police station two minutes from his home, where he had access to a desktop which, on his own evidence, was a reasonable adjustment that enabled him to perform his duties.

125. It was the claimant's choice not to go into work from March 2020 onwards, as he preferred to work from home in light of the Covid 19 pandemic and government guidance. The respondent was willing to accommodate this, despite the fact that there was work that he could have done in both Lincoln and Sleaford police stations, and limited work that he could do at home. There was no evidence before us of the claimant under-performing during the three months between March and June 2020 when he worked from home without a laptop.

126. The PCP relied upon by the claimant is the requirement to prepare, revise, amend and produce documents using a Mobile Data Terminal ("**MDT**"). This was a PCP that was applied to the claimant whilst he was fulfilling his duties as a Response Officer, although he was also free to complete these duties on a desk top computer in the police station and did so successfully.

127. From January 2020 until the claimant was provided with a laptop in June 2020 the claimant was on restricted duties. All of those duties could have been completed successfully on a desk top computer in the police station so there was no requirement for the claimant to use his Mobile Data Terminal at that stage.

128. It was only in March 2020, when the claimant wanted to work from home, that he formally requested a laptop as a reasonable adjustment. Despite not receiving the laptop for three months, the claimant continued to work from home during that period using his Mobile Data Terminal, and no criticism was made of his performance during that time. It was also open to the claimant to go into the police station at Sleaford, just two minutes away from his home, to do any tasks that could not be completed on the MDT.

129. The predominant reason therefore that there was an issue from March 2020 onwards was because of the claimant's preference to work from home.

130. We find that from March 2020 to June 2020 there was no PCP applied by the respondent requiring the claimant to use the MDT. The claimant could have done all his work from the police station using the desktop computer there that he said himself was a reasonable adjustment. The only reason the question of the MDT came into play, was because of the claimant's preference to work from home during the pandemic.

131. We therefore find that at the time the duty to make reasonable adjustment arose, there was no PCP applied by the respondent of requiring the claimant to use an MDT to prepare, revise, amend and produce documents.

132. The claimant alleged that he suffered a substantial disadvantage because he could not carry out tasks or could only do so with difficulty. We accept that using the MDT placed the claimant at a substantial disadvantage, because it did not contain grammar or spell-checking facilities, but instead had predicted text technology. This made producing documents difficult because of his dyslexia.

133. We also accept that it was a reasonable adjustment for the respondent to provide the claimant with equipment that had spell and grammar checking facilities. In practice this meant either access to a desktop in the police station or a laptop to perform those duties which he struggled to perform on the MDT.

134. The claimant was provided with access to a desktop in Sleaford police station and there was no evidence before us of the claimant not being able to access a desktop. There was evidence that it was harder at some times than at others, but he appears to have had the continuous use of a desktop computer from January 2020 when he was placed on restricted duties until March when he chose to start working from home. Not only that, but it is in our view likely that during the period from March 2020 to June 2020, there would have been

fewer people working in Sleaford police station, due to the guidance about working from home, so less demand on desktop resource.

135. We find that the respondent did not know, and could not reasonably have been expected to know, until 14th March 2020, that the claimant was at a disadvantage by being required to use an MDT. This was because, on every occasion prior to March 2020, when he had been asked whether he needed any adjustments for his dyslexia, he had repeatedly said no. In these circumstances, the respondent was, in our view entitled to take the claimant at his word. This is particularly so since the claimant was producing a lot of written work and, save on one occasion, no errors had been identified in that written work.

136. When the respondent was told by the claimant in March 2020 that he needed a laptop, within three months he was provided with one. This was at a time when there was a particularly high demand for laptops due to the pandemic. The respondent in our view acted reasonably by providing a laptop for the claimant. In the meantime, he was also provided with the reasonable adjustment of a desktop computer in Sleaford police station and was offered a role in Lincoln custody suite which did not require the use of an MDT, but which he declined.

137. The respondent acted reasonably towards the claimant in supporting him in the workplace. A laptop was provided within a relatively short timeframe and without the respondent following the 'normal' process of obtaining an assessment and advice from Access to Work.

138. The laptop was provided based on the claimant's request alone, i.e. on his own assessment of his needs. He was encouraged to follow up with Access to Work after the laptop had been provided, to see whether there were any other adjustments that may assist him but chose not to do so.

139. In summary therefore:

a. The PCP relied upon was requiring officers to prepare, revise, amend and produce documents using a Mobile Data Terminal. This PCP was not applied to the claimant between March and June 2020.

b. The PCP would have placed the claimant at a substantial disadvantage in comparison with persons who are not disabled because it was harder for him to produce documents without being able to use spell check and grammar check.

c. The respondent did not know and could not reasonably have been expected to have known that the claimant was a disabled person and likely to be at that disadvantage until on or around 14th March 2020.

d. The respondent has not failed in its duty to take such steps as it would have been reasonable to have taken to have avoided the disadvantage. Firstly, because it provided the claimant with access to a desktop computer in Sleaford police station for him to use between March and June 2020, and secondly because it promptly took steps to source a laptop for the claimant. In the exceptional circumstances that the respondent was facing at the time, with the national lockdown and a very high demand for laptops, the three months that it took to obtain a laptop for the claimant was not unreasonable.

e. The claim for reasonable adjustments was brought in time.

140. For the above reasons, we find that the respondent did not fail to comply with its duty to make reasonable adjustments. This complaint fails and is dismissed.

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Employment Judge Ayre

2 February 2022

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JUDGMENT SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE