



EMPLOYMENT TRIBUNALS

Claimant: Mr S Hipkiss

Respondent: Ford Retail Ltd t/a Trustford

Heard at: Midlands West

On: 31 May 2022

Before: Employment Judge Faulkner (sitting alone)

Representation: Claimant - in person
Respondent - Mr W Smith (Solicitor)

OPEN PRELIMINARY HEARING - JUDGMENT

1. The Claimant's complaint of breach of contract (relating to notice pay) and his complaint in respect of unpaid holiday on termination of employment are both dismissed upon withdrawal.

2. The Claimant's complaint of unfair dismissal was brought out of time. It was not reasonably practicable for it to be presented in time, and it was presented within such further period as the Tribunal considers reasonable. The complaint of unfair dismissal will be considered at the Final Hearing of this matter accordingly.

3. The Claimant's complaints of failure to make reasonable adjustments regarding the provision of a disabled toilet facility and his complaint of harassment in relation to an alleged comment regarding his need to use the disabled toilet, both relating to February 2019, were brought out of time. The Tribunal is satisfied that he brought those complaints within such other period after expiry of the time limit as was just and equitable. They will be considered at the Final Hearing of this matter accordingly.

4. The Claimant's remaining complaints of discrimination and harassment were also presented out of time. The question of whether they constituted conduct extending over a period ending with the alleged acts of discrimination referred to in paragraph 3 above, or were otherwise brought within such further period after expiry of the time limit as the Tribunal considers just and equitable, will be determined at the Final Hearing of this matter, unless conceded by the Respondent.

5. The Claimant is ordered to pay to the Respondent costs in the sum of £1,253.50. By consent, this amount shall be paid on or before 31 May 2023.

Employment Judge Faulkner
Date: 2 June 2022

Notes

1. 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.

2. All judgments and written reasons for the judgments (if provided) are published, in full, online at www.gov.uk/employment-Tribunal-decisions shortly after a copy has been sent to the parties in a case.