



EMPLOYMENT TRIBUNALS

Claimant: Ms S Mortimer

Respondent: Cardiff & Vale University Local Health Board

Heard at: Cardiff (by CVP) **On:** 22 March 2023

Before: Employment Judge C Sharp
(sitting alone)

Representation:

Claimant: In person
Respondent: Ms C Jennings (Counsel)

JUDGMENT

The judgment of the Tribunal is that:

1. the Claimant's claims of suffering detriments under s44 and s47B Employment Rights Act 1996 are dismissed due to lack of jurisdiction on the basis that they were presented to the Tribunal outside of the statutory time limit under s48 Employment Rights Act 1996 and it was reasonably practicable for them to have been presented in time;
2. the Claimant's claims not listed in paragraph 3 below of harassment relating to disability, direct disability discrimination and failure to make reasonable adjustments are dismissed due to lack of jurisdiction on the basis that they were presented to the Tribunal outside of the statutory time limit under s123 Equality Act 2010 and it was not just and equitable to extend time – the same decision was made in relation to a claim of failure to make reasonable adjustments not set out in the list of issues previously for which the Claimant would need to seek permission to amend to include (the claim being that the Respondent should have let the Claimant work from home following

periods of sick leave in 2015-2017 as set out in paragraph 9 of her witness statement);

3. it is recorded that the Respondent conceded that the following claims were to be considered to have been brought in time and will proceed:
 - a. unfair dismissal;
 - b. discrimination arising from disability;
 - c. one allegation of harassment relating to disability from 15 June 2020 onwards asserting that how a series of absence management meetings, culminating in the two final meetings where the Claimant was dismissed (7 September 2021 & 17 January 2022), were conducted by failing to take account of the Claimant's mental ill-health and by applying pressure upon her;
 - d. Two allegations of direct disability discrimination being:
 - i. Failing to put in place adjustments during the Claimant's employment to take account of the Claimant's mental health, including failing to provide her with support and supervision;
 - ii. Not following its policies and procedures in support of the Claimant, when policies were followed in relation to allegations against her or in order to dismiss her.

Employment Judge C Sharp
Dated: 22 March 2023

JUDGMENT SENT TO THE PARTIES ON 3 April 2023

FOR THE SECRETARY OF EMPLOYMENT TRIBUNALS Mr N Roche

NOTE:

This is a written record of the Tribunal's decision. Reasons for this decision were given orally at the hearing. Written reasons are not provided unless (a) a party asks for them at the hearing itself or (b) a party makes a written request for them within 14 days of the date on which this written record is sent to the parties. This information is provided in compliance with Rule 62(3) of the Tribunal's Rules of Procedure 2013.