



EMPLOYMENT TRIBUNALS

Claimant: Mrs Sarah Taylor

Respondents: Spring Health Care Ltd

Record of a Hearing (Hybrid) at the Employment Tribunal

Heard at: Nottingham **Heard on:** 9 October 2023

Before: Employment Judge Hutchinson

Members: Miss J C Rawlins
Mr C Tansley

Appearances:

Claimant: Ms C Swift, Disability Advocate
Respondent: Mr Clement, Counsel

JUDGMENT

The unanimous Judgment of the Tribunal is:

1. The hearing of these claims is adjourned until **Monday 4 December 2023 and Tuesday 5 December 2023** at the Tribunal Hearing Centre, 50 Carrington Street, Nottingham. The case will be heard by the same Tribunal. 2 days have been allocated to hear the evidence and determine the claims.

REASONS

Background to this Hearing

1. The matter last came before the Employment Tribunal on 12 December 2022. At that hearing the Respondent conceded that the Claimant suffered from disability at the relevant time namely dyslexia and the case was listed for a 2 day hearing to determine the claims to be heard today.
2. The Case Management Summary sets out the nature of the claims and the issues that the Tribunal has to decide. The claims are:
 - 2.1. Discrimination arising from disability.
 - 2.2. Failure to make reasonable adjustments.
 - 2.3. Holiday pay.
 - 2.4. Unlawful deduction upon wages.
3. Case Management Orders were made including that the witness statements should be exchanged on 24 March 2023.
4. As part of those orders the Respondent were also to provide to the Claimant the final file of papers which should have a hard copy printed on blue paper and a pdf copy on blue background to the Claimant.
5. The Respondent has failed to comply with these orders. Further, the parties had subsequently postponed the exchange of witness statements to 3 June 2023 and the Claimant sent hers on that date but did not receive the Respondents witness statement until last Thursday. There is no explanation why the Respondents failed to provide the witness statement as ordered by my colleague Employment Judge Ayre.
6. The Claimant is dyslexic and because of her disability Employment Judge Ayre ordered the Respondents to provide her with the witness statement on a blue background and similarly the bundle of documents should also be provided on a blue background.
7. For the hearing today the Respondents had been ordered to provide a copy of the hearing file and a witness statement again printed on a blue background for use at the witness table.
8. The Respondents without any explanation have also failed to comply with those orders.

The Hearing Today

9. At the hearing today the Respondents representative Mr Clement explained that his only witness was not able to attend because her child is seriously ill and she needs to care for him. He could offer us not further explanation.
10. This is a case that has been listed for 10 months and relates to events that took place in the early part of 2022 and it is not satisfactory that we have had to adjourn the hearing today.
11. The Tribunal felt that we had no choice but we need to have an explanation from the Respondents with some medical evidence about the necessity to postpone this hearing. This is dealt with in our orders.

ORDERS

Made pursuant to the Employment Tribunal Rules 2013

1. The Respondents will write to the Tribunal and send a copy to the Claimant within 14 days of the date of this hearing with a full explanation of why their witness, Tendai Shangare was not able to attend Court today and they will produce medical evidence in support of any contentions they make.
2. The Respondent will also within 14 days of todays date provide the Claimant with a bundle of documents in accordance with the orders of the Tribunal namely printed on blue paper.
3. At the Final Hearing the Respondents will also produce a copy of the witness statements and the bundle of documents for the witness stand which is printed on blue paper.

Employment Judge Hutchinson

Date: 12 October 2023

JUDGMENT SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE

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