



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs H James

**Respondent:** Squirrels Pre-School Rugby Limited

**Heard at:** Birmingham (by CVP) **On:** 12, 13, 15 and 16 May 2025

**Before:** Employment Judge Edmonds

## Representation

**Claimant:** Mr D James (husband)

**Respondent:** Mr I Aimufua (litigation consultant)

# JUDGMENT

1. The complaint of (constructive) unfair dismissal is well founded. The claimant was constructively unfairly dismissed.
2. The claimant was automatically unfairly dismissed because the reason or principle reason for the dismissal was pregnancy, childbirth or maternity.
3. The complaint of pregnancy and maternity discrimination succeeds in relation to the following allegations of unfavourable treatment: from the List of Issues agreed at the Preliminary Hearing on 25 July 2024:
  - a. 4.1.2 to 4.1.6 (relating to the meeting on 2 October 2023)
  - b. 4.1.9 but only in relation to the comment made to the claimant about the birth of her child (and not in relation to the grievance appeal process more generally)
4. The complaint of unfavourable treatment because of something arising in consequence of disability is well-founded and succeeds.
5. The complaint of indirect disability discrimination is well-founded and succeeds in relation to the disability of dyslexia.
6. When the proceedings were begun the respondent was in breach of its duty to the claimant under section 4(1) of the Employment Rights Act 1996 to give written particulars of change to the employment particulars.
7. The complaint of indirect disability discrimination is not well-founded and does not succeed in relation to the complaint of discrimination by association in relation to the disability of autism.

8. The complaint of pregnancy and maternity discrimination is not well-founded and does not succeed in relation to the following allegations of unfavourable treatment from the List of Issues agreed at the Preliminary Hearing on 25 July 2024:
- a. 4.1.1 (relating to the return to work after pregnancy related absence from June 2023); and
  - b. 4.1.7, 4.1.8 and 4.1.9 (relating to the grievance and appeal procedure), save in relation to the comment about childbirth referenced at paragraph 3 above under 4.1.9 which succeeded.
9. Remedy will be considered at a hearing on **29 and 30 September 2025**

Approved by:

**Employment Judge Edmonds**

**16 May 2025**

#### **Notes**

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. If written reasons are provided they will be placed online.

All judgments (apart from judgments under Rule 51) and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.

If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings and accompanying Guidance, which can be found here:

[www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/](http://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/)