



EMPLOYMENT TRIBUNALS

Claimant: Felicity Stewart

Respondent: Galloway European Coachlines Ltd

Heard at: Bury St Edmunds Employment Tribunal (in person)

On: 13 March 2026

Before: Employment Judge Hutchings (sitting alone)

Representation

Claimant: in person

Respondent: Mr Williams, litigation consultant, Peninsula

UPON APPLICATION made by letter dated **19 January 2026** to reconsider the judgment dated 5 January 2026 (and sent to parties on 8 January 2026) under rule 69 of the Employment Tribunal Procedure Rules 2024. The claimant's reconsideration request was considered at the hearing on 13 March 2026.

JUDGMENT

The claimant's application dated **19 January 2026** for reconsideration of the decision to dismiss the complaint of indirect sex discrimination and claim for notice pay is refused.

REASONS

There is no reasonable prospect of the original decision being varied or revoked,. Reasons were given for this decision at the hearing on 13 March 2026.

In summary:

Indirect sex discrimination

1. EJ Hutchings considered the claimant's explanation as to why she considers the Tribunal made an error of law in taking judicial notice of group disadvantage by reference to the EAT's decision in the case of Dobson v North Cumbria Integrated Care NHS Foundation Trust 2021 ICR 1699, EAT, ("Dobson") specifically the claimant's submission that I had failed to take account of the EAT's decision that a Tribunal should take judicial notice of the fact that women bear the greater burden of childcare than men and that this can limit their ability to work certain hours by reference to issue 3.4 of the list of issues.
2. The claimant was not aware of the case of Marston (Holdings) Ltd v Perkins 2025 EAT 20, ("Marston") in which the EAT clarified the decision in Dobson as follows:

"The acknowledged childcare disparity as between men and women does not inevitably mean that group disadvantage will be established in cases where the PCP concerns working hours or practices."
3. This is echoed by paragraph 4.11 of the EHRC Employment Code to which the EAT referred in Marston, noting that the need to take judicial notice of the childcare disparity arose in some situations because the link between the protected characteristic of being a woman and the particular disadvantage might be obvious.
4. Marston is relevant to the determination of the claimant's complaint in that the practice she relies on ("The role of Operations Manager required the holder to occasionally stay at work beyond their scheduled finish time is") concerns working hours.
5. My finding on the evidence before me at the liability hearing, having considered the practice relied on by the claimant (and accepted by the respondent) was that this practice does not clearly give rise to difficulties for women, such as would amount to a group disadvantage, in the same way the EAT concluded the practice of requiring an employee to travel long distances does not as working beyond contracted hours is not a practice that was intrinsically liable to disadvantage women. Therefore, I dismissed the indirect sex discrimination complaint.
6. The claimant's complaint of direct sex discrimination succeeded.

Notice pay

7. The claimant accepted in her Particulars of Claim that she resigned with immediate effect. Her complaint of constructive unfair dismissal was dismissed by the Tribunal as she does not have 2 years continuous service. Therefore she is not entitled to notice pay.

Approved by

Employment Judge Hutchings

13 March 2026

JUDGMENT SENT TO THE PARTIES ON
16 March 2026

FOR THE TRIBUNAL OFFICE

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.

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Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. 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/