**CASE NO. TBC**

**IN THE MANCHESTER EMPLOYMENT TRIBUNAL**

**B E T W E E N:**

**SARAH LONDON**

**Claimant**

**and**

**HAVISHAM STORAGE PLC**

**Respondent**

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**GROUNDS OF CLAIM**

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**BACKGROUND**

1. The Claimant commenced her employment with the Respondent on 19 August 2009 as a caretaker. She worked 37.5 hours per week Monday to Friday (inclusive) 7:30am to 3:30pm. The Claimant’s hourly rate of pay was £6.23.
2. The Claimant was dismissed on 11 November 2013 after four years of service working for the Respondent at York House, Manchester Road, Manchester, XX1 8NJ.
3. The Respondent operates a storage business.
4. The Claimant is disabled by virtue of section 6 of the Equality Act 2010. The Respondent is aware that the Claimant suffers from a number of medical conditions, one of which is coeliac disease. As a result of this condition, the Claimant is often required to go to a toilet for some time to evacuate her bowels. The Claimant will say that whilst she worked for the Respondent she was ridiculed for suffering from her medical condition.

**UNFAIR DISMISSAL and DISCRIMINATION**

1. The Respondent verbally informed the Claimant on 10th November 2013 that they wished to have a meeting with her the next day on 11th November 2013. The Claimant was unaware of the reason for this meeting and no explanation was given to her at the time.
2. On 11th November 2013, the Claimant attended the meeting. John York, Human Resources Manager and another manager called Phillip attended the meeting on behalf of the Respondent. John York handed a letter of dismissal to the Claimant.
3. The Respondent did not conduct any formal investigations prior to this disciplinary meeting on 11th November 2013. The Claimant was not provided with any witness statements or evidence at the meeting.
4. The Claimant wanted to know why she had been dismissed and wanted to ask many questions. However, the Respondent did not give the Claimant any opportunity to ask these questions or to respond to the allegations made against her. The meeting was concluded in under ten minutes.
5. After the Claimant had been handed the letter of dismissal, Phillip proceeded to escort the Claimant to the gate and asked her to leave the Respondent’s premises. The Claimant felt humiliated and embarrassed by this.
6. In the letter of dismissal dated 11th November 2013 the Respondent alleged that the Claimant had been dismissed for the following reasons:
7. On 25th October 2013, a member of staff allegedly witnessed the Claimant entering the toilets at 12pm and leaving at 12.40pm, and again at 2.10pm and leaving at 2.35pm;
8. On 26th October 2013, the Claimant was allegedly witnessed entering the toilets at 8:30am and leaving at 9:25am and again entering at 10:15am and leaving at 10.45am;
9. The Claimant disputes all of the above allegations and considers they are made without any reasonable grounds or evidence.
10. Given the contents of the letter of dismissal, it is evident the Respondent was aware of the Claimant’s medical conditions and, particularly with reference to the length of time the Claimant spent on the toilet, that they knew the Claimant had a medical condition relating to this.
11. The Claimant believes that the Respondent subjected her to disability discrimination, as a result of their failure to make reasonable adjustments in light of her disability contrary to section 20 of the Equality Act 2010.
12. The Claimant pleads that she was subjected to disability discrimination by virtue of section 15 of the Equality Act 2010.
13. The Respondent did not give any verbal or written warnings to the Claimant. By the time of her dismissal the Claimant had no previous disciplinary warnings or any other complaints against her.
14. The Claimant’s solicitors sent two letters to the Respondent on 12th February 2014 and on 9th March 2014 asking the Respondent for contact or comment. Unfortunately, the Respondent failed to reply.
15. The Claimant believes, for the following reasons, that she has been subjected to unfair dismissal:
16. She was dismissed as a result of her medical condition and her disability;
17. The Claimant has not been provided with details of the alleged misconduct which led to her dismissal.
18. The Respondent dismissed the Claimant without first conducting an investigatory meeting and allowing the Claimant to attend such a meeting with a representative.
19. The Respondent dismissed the Claimant with no regard for the ACAS code.
20. Further the Claimant believes that she was subjected to direct disability discrimination as a result of the Respondent’s failure to make reasonable adjustments in light of her medical conditions contrary to section 20 of the Equality Act 2010.
21. In the circumstances the Claimant contends that she was unfairly dismissed. The Claimant seeks the following:
22. Compensation for unfair dismissal and wrongful dismissal.
23. Compensation for injury to feelings.
24. an uplift due to the Respondent's unreasonable failure to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures of up to 25%.