



THE EMPLOYMENT TRIBUNALS

Claimant
Ms S Smith

Respondent
City and County Healthcare Group Ltd

EMPLOYMENT JUDGE GARNON

MADE AT NORTH SHIELDS

ON 28th December 2017

JUDGMENT (Liability Only)
Employment Tribunals Rules of Procedure 2013 –Rule 21

- 1 The claims of unfair dismissal, wrongful dismissal (breach of contract), disability discrimination, unlawful deduction of wages and failure to pay compensation for untaken annual leave are well founded.
2. The Preliminary Hearing listed for 23rd January 2018 is converted to a remedy hearing at which the respondent may attend to be heard on remedy only.

REASONS

1. The claim was served on 28th November 2017. The address given by the claimant for service was a place of business, shown as such on the respondent's website, albeit the registered office of the respondent is a different address . **I have directed a copy of this judgment be sent to both addresses**
2. A response was due by 26th December 2017 but none was received. I am required by rule 21 of the Employment Tribunals Rules of Procedure 2013 to decide on the available material whether a determination can be made and , if so, obliged to issue a judgment which may determine liability only or liability and remedy.
3. I have in the claim form sufficient information to enable me to find the claims proved on a balance of probability but not enough to determine the sums to be awarded.
4. The law of unfair dismissal is in Part X of the Employment Rights Act 1996 (the Act) While normally an employee requires two years continuous employment to have the right, the claim form sets out sufficient to show an exception to that rule under s108(3)

5. The common law provides a contract of employment may be brought to an end by reasonable notice. Dismissal without such notice is termed "wrongful",

6. The Working Time Regulations 1998 say in Regulation 14 that where a worker's employment is terminated during the course of his leave year, and on the date on which the termination takes effect the proportion he has taken of the leave to which he is entitled in the leave year differs from the proportion of the leave year which has expired. his employer shall make him a payment in lieu of untaken leave.

7. The law relating to disability discrimination is in the Equality Act 2010, in particular s15 in this case.

TM Garnon Employment Judge

Date signed 28th December 2017 .