



EMPLOYMENT TRIBUNALS

Claimant: Mr N Clark

Respondent: North Yorkshire Council

HELD AT: Middlesbrough

ON: 18-20 March and
8-10 April 2024

BEFORE: Employment Judge Aspden
Mrs C Hunter
Mrs P Wright

REPRESENTATION:

Claimant: Ms Rumble, counsel

Respondent: Ms Brewin, counsel

JUDGMENT

The unanimous judgment of the Tribunal is:

1. The following of the claimant's claims are well founded:

1.1. The complaints that the respondent discriminated against the claimant, contrary to section 39 of the Equality Act 2010 read with section 15, by doing the following:

1.1.1. subjecting the claimant to a capability process between December 2022 and 7th March 2023

1.1.2. suspending the claimant on medical grounds in January 2023

1.1.3. dismissing the claimant

1.1.4. omitting to consider the claimant for alternative work that involved or required driving

1.1.5. refusing the claimant's appeal against dismissal.

1.2. The complaint of unfair dismissal.

1.3. The complaint that the respondent victimised the claimant and discriminated against him, contrary to section 108 of the Equality Act 2010 read with sections 15 and 27 in the provision of a reference in June 2023.

2. The complaint that the respondent discriminated against the claimant, contrary to section 39 of the Equality Act 2010, by failing to comply with a duty to make reasonable adjustments is dismissed, having been withdrawn by the claimant.
3. The remaining claims made by the claimant are not well founded and are dismissed.

Employment Judge Aspden

Date 11 April 2024