



EMPLOYMENT TRIBUNALS

Claimant: Mr Mark Lamb

Respondent: The Chief Constable of West Midlands Police

FINAL HEARING

Heard at: Birmingham **On:** 5, 6 (reading), 7-9, 12 (reading), 13-16, 19 & 20, 21 (reading), 22, 23 & 26 (deliberations) June 2017

Before: Employment Judge Camp **Members:** Mr R S Virdee
Mr P Talbot

Appearances

For the claimant: in person

For the respondent: Mr J Arnold, counsel

RESERVED JUDGMENT

The claimant's entire claim fails and is dismissed.

REASONS

Introduction

1. The claimant, Mr Mark Lamb, is a serving Police Constable whose service began in 2002. He has done no work for over 2 ½ years, having been signed off sick by his GP on 11 December 2014. For most of that period, he has been on full pay.
2. This kind of situation is not at all exceptional within the public sector; and yet it should never happen.
3. Also for most of the last 2 ½ years, Mr Lamb has been pursuing this tribunal claim. It is a claim of disability discrimination¹ under the Equality Act 2010 ("EqA") and of detriments for making protected disclosures – 'whistleblowing' – under the Employment Rights Act 1996 ("ERA"). The claim form was presented on 3 March 2015, following a period of early conciliation from 30 January to 24 February 2015.
4. Mr Lamb is a disabled person under the EqA because of depression. His case is that his sickness absence in December 2014 was a reaction to a sustained campaign of disability discrimination and of persecution for 'blowing the

¹ And, nominally, victimisation.



whistle'; and that what is stopping him returning to work is an ongoing failure to make reasonable adjustments for disability.

5. That case has failed. In particular, we have rejected as completely unfounded Mr Lamb's key allegation of a conspiracy to 'do him down'. The alleged conspiracy involved possibly a dozen or more officers, up to the rank of Chief Inspector and including officers from the respondent's Professional Standards Department ("PSD") and from a neighbouring police force. Their supposed motivation was a desire to punish him as a whistleblower, to cover-up wrongdoing, to protect the respondent's reputation, and to protect a Constable who is married to a high-ranking officer. There is no evidence of any substance to support the allegation. Mr (and Mrs) Lamb's strong and – we accept – genuine conviction that the conspiracy exists is not evidence that it does.
6. We appreciate it is difficult for the respondent as an employer² to know what to do with an officer who is off on long-term sick and is making wide-ranging and serious allegations of the kind Mr Lamb has been making. His tribunal claim has no doubt been an additional complicating factor. This must be particularly so given the length of time it has taken to get it to trial, something for which the tribunal itself must accept some blame. It is, however, unacceptable that the respondent was still not in a position to make an informed decision about Mr Lamb's future by the time of this final hearing, in June 2017.
7. There are broadly four scenarios. In the first, Mr Lamb is malingering and there is no good reason for him being off work. The second is that, due to ill health, there is no prospect of him returning to work for the foreseeable future. The third possibility is that he is genuinely unable to return to work, but not because of ill-health. The fourth scenario is that he would be able to return to work were some form of adjustments made for him, and that what is preventing his return to work is a failure to make those adjustments.
8. In the first three scenarios, Mr Lamb's employment should have been brought to an end by now, through disciplinary or capability proceedings or ill-health retirement. In the final scenario, there may conceivably have been a breach of the duty to make reasonable adjustments under the EqA. On the – inadequate – evidence available to us, it is most likely we are in the third scenario; but it remains possible we are in the fourth.
9. It appears the respondent has never seriously asked itself which scenario we are in, nor sought in any concerted way to obtain the evidence it would need to provide a definitive answer. This is a failing both as an employer and as a recipient of scarce public resources.
10. The dispute between the parties needs to conclude; but at the moment there is no obvious end in sight. This was a long trial, and it was preceded by something like 10 or 11 preliminary hearings. We heard evidence from 13 witnesses: Mr and Mrs Lamb on one side and 11 individuals on the respondent's side, including three Inspectors, three Chief Inspectors, and one

² The respondent technically does not, of course, employ officers like Mr Lamb; we are here using "employer" and related words as a convenient shorthand.



[Temporary] Chief Superintendent. There were other people who could usefully have given witness evidence but who the respondent did not call, some because they have emigrated to Australia and some for other reasons. Mr Lamb's statement alone was 161 pages long and Mrs Lamb's 43 pages long. The hearing bundles ran to around 2500 pages, although it was impracticable to read more than a fraction of them. We deliberated for two days. We have reached what we hope is a clear conclusion on all of Mr Lamb's complaints. But our Judgment does not bring finality, because he remains signed off sick, on full pay, and the respondent is still not in a position to say with any certainty whether there are things it could reasonably do that it hasn't done that would get him back to work.

11. The way the respondent operates is ill-suited to good HR decision-making in tricky individual cases. There is no equivalent of an old-fashioned Personnel Manager. There are people, such as Kim Lennard (a witness before us), who deal with HR at a strategic, 'macro' level. But decisions relating to individual officers all seem to be taken by their immediate line managers. In relation to Police Constables like Mr Lamb, their immediate line managers are of course their Sergeant and their Inspector. Sergeants and Inspectors cannot reasonably be expected, even with advice from 'Line Manager Advisers', to handle fully an employment situation as complex as Mr Lamb's.
12. Someone within the respondent needs to take responsibility for Mr Lamb's case. That someone must have sufficient 'clout' and broad enough shoulders to be able to make and push through (and live with the consequences of) hard and potentially unpopular decisions. Preferably, they will have extensive HR knowledge and experience and be sufficiently detached from these tribunal proceedings to be able to be reasonably objective. Their task would be to obtain the evidence that is needed to enable an informed decision to be made about Mr Lamb's future, and then to make that decision.
13. As for Mr Lamb himself, we very much doubt he will accept our verdict that there has been no conspiracy against him; and we do not ask him to. He will, then, be left in the position where he thinks there is deep-seated corruption within the Police, which he has been the victim of, and which individual officers have got away with by perjuring themselves in this tribunal. What he has to ask himself is: if he really believes this, is he ever again going to be able to stomach working as a Police Officer?
14. We don't normally make introductory comments of this kind and of such length in a set of Reasons, nor proffer advice. We do so here partly to comply with our duty under rule 3 to encourage the resolution of disputes by using ADR, and partly wearing an old-fashioned 'industrial jury' hat. As things stand, there is a significant risk of another round of litigation between these parties. That would benefit no one.



Claimant's complaints

15. Mr Lamb's complaints are not set out in his claim form but in two other places:
 - 15.1 first, in tables being referred to as Scott schedules which include comments from the respondent, one relating to his whistleblowing complaints ("PID schedule") and one to his complaints under the EqA ("DD schedule"). The schedules were prepared in mid-2015 pursuant to tribunal orders. There may have been a few additions in 2016. No point is taken about the differences between what is in the schedules and what was in the claim form, nor about the fact that some of what is complained about in the schedules post-dates the presentation of the claim form;
 - 15.2 secondly, in a document headed – somewhat inaccurately – "*List of Issues*", originally prepared by respondent's counsel for the final hearing, with extensive additions from Mr Lamb made between days 1 and 3 of the final hearing (5 and 7 June 2017).
16. Both schedules and the List of Issues are annexed to this decision for ease of reference, as Annexes 1 (page 49) and 2 (page 97). Also annexed, as Annexes 3 (page 127) and 4 (page 131), are an agreed Chronology and an agreed 'Cast List', which should be deemed to be incorporated into these Reasons. The Cast List may no longer be entirely accurate because some officers have been promoted and/or have moved on since it was prepared. A number of officers were promoted during the course of the events this claim is about. Where in these Reasons we refer to them by rank, it is by the rank they were when whatever we are discussing occurred. We shall mostly, for simplicity's sake, refer to people simply by surname; we mean no discourtesy when we do so.
17. Mr Lamb told us at the start of the hearing that his case was fully and accurately set out in the schedules, but by the end of closing submissions (22 June 2017) it had become clear that this was not entirely so. In particular:
 - 17.1 the PID schedule to an extent mixes up the alleged protected disclosures with the detriments alleged to result from them. This is clarified in the List of Issues;
 - 17.2 the DD schedule lacks a lot of critical information, for example what "*provision, criterion or practice*" ("PCP") under EqA section 20 is relied on for the purposes of each reasonable adjustments complaint. This, too, is clarified in the List of Issues.
18. In closing submissions, Mr Lamb confirmed that what he wrote in the List of Issues about his claim is accurate.
19. Our understanding and assessment of the situation vis-à-vis the schedules and the List of Issues is:
 - 19.1 the complaints that are before the tribunal are no more and no less than those set out in the schedules;
 - 19.2 the List of Issues contains further information about the complaints set out in the schedules and corrects some mistakes in the schedules;



- 19.3 we don't think there are any, but if there are complaints in the List of Issues that are not in the schedules (i.e. new complaints and not merely further information about existing complaints), they are not before the tribunal and we shan't deal with them.
20. It is surprisingly difficult to count the number of complaints being pursued. The whistleblowing detriment complaints have been numbered 1 to 10 and the complaints under the EqA numbered 1 to 25. In most cases, however, each numbered complaint is in fact two or more complaints. Also, each numbered EqA complaint is two to five different types of complaint: direct disability discrimination, discrimination arising under EqA section 15 ("section 15"), failure to comply with the duty to make reasonable adjustments under EqA sections 20 and 21, harassment related to disability under EqA section 26, and/or victimisation under EqA section 27. In total, there are at least 90 separate complaints and probably well over 100.
21. There is an obvious risk in a case of this kind of the hearing and our eventual decision getting out of proportion and control. At the start of the hearing, we discussed with the parties how best to avoid this happening and with their agreement, we issued the following directions:
- 21.1 we would not make findings about any allegations of fact not directly relevant to complaints set out in the schedules. For example, Mr Lamb's witness statement contains numerous allegations of this kind, many of which the respondent disputes. Respondent's counsel was required not to cross-examine Mr Lamb about them. It was made clear that if a witness was not cross-examined about an allegation falling into this category, the normal rule – that a failure to cross-examine on a particular allegation means the allegation is accepted – did not apply;
- 21.2 we would not deal with complaints where the alleged detriment or discriminatory act (or omission) occurred before 1 May 2013, except to the extent that such complaints necessarily failed because of our decisions about time limits issues on the other complaints. (The 'cut-off date' being 1 May 2013 was a collective decision of the tribunal and the parties). This did not mean we wouldn't look at events before 1 May 2013. We considered all evidence relevant to complaints arising on or after 1 May 2013 and some of that evidence related to things that occurred well before that date. For example, to deal with many of Mr Lamb's whistleblowing detriment complaints, we had to decide whether he made a protected disclosure in 2012 and/or early 2013.
22. The thinking behind the second of these directions – thinking it seemed neither party disagreed with – was that, win or lose, it was unlikely it would be necessary or desirable for there to be a further hearing to deal with the pre-May 2013 complaints.
- 22.1 Mr Lamb was not claiming for any pecuniary losses and most of his claim is about an alleged course of conduct running right through from 2012 to the present day. If he won any of his post-April 2013 complaints, it would



be unlikely he would gain significant additional compensation by also winning one or more pre-May 2013 complaints.

22.2 The cut-off date of 1 May 2013 fell shortly before what seemed to be the single most important event in Mr Lamb's narrative (an incident on 15 June 2013), so we would definitely be considering that.

22.3 If he lost his post-April 2013 complaints, time limits would present a considerable obstacle to his pre-May 2013 complaints – and so it has proved.

23. We have also given thought to how best to address all of Mr Lamb's complaints without these Reasons assuming absurd proportions. Amongst other things: we have generally only dealt with issues and made findings of fact to the extent reasonably necessary in order to decide the case and explain our decision; we have tried to avoid getting bogged down in intricate factual details unless we really have to. Almost inevitably, this will mean we have not addressed in these Reasons a number of matters that the parties, and Mr Lamb in particular, consider very important. If we don't address something the parties consider important, it doesn't mean we haven't thought about it – it means we don't attach the same importance to it that the parties do.

Victimisation

24. It is convenient to deal with, and dismiss, one type of complaint straight away: victimisation.

25. We were never entirely sure that Mr Lamb really believed he was subjected to detriments because he did (or was believed to have done or to be going to do) a protected act. We asked him about it at the start of the hearing but did not get a clear answer. We suspect that the allegations he was making that he labelled victimisation were really allegations of direct discrimination and/or whistleblowing detriment.

26. Be that as it may, all Mr Lamb's victimisation complaints necessarily fail because none of them were put to the respondent's witnesses. Although other allegations were put (in some instances following prompting from us), he never suggested to any of the respondent's witnesses anything along the lines that they had done or failed to do something because he had complained about unlawful discrimination. We note that there was, anyway, nothing in the evidence to which our attention was drawn hinting at a victimising motive for the respondent's conduct.

Issues & law

27. Putting the victimisation claim to one side, the disputed issues we have dealt with are:

All types of claim

27.1 were all of Mr Lamb's complaints presented within the time limits set out in EqA sections 123(1)(a) & (b) or (as applicable) ERA sections 48(3)(a) & (b)?



Whistleblowing

- 27.2 did Mr Lamb make one or more protected disclosures under ERA sections 43B & 43C?
- 27.3 if so, did the respondent subject Mr Lamb to any detriments, as alleged in the PID schedule?
- 27.4 if so, was this done on the ground that he made one or more protected disclosures?

Direct discrimination

- 27.5 did the respondent treat Mr Lamb less favourably than it treated or would have treated others in the same or comparable circumstances, in accordance with EqA sections 13 and 23, in the ways alleged?
- 27.6 if so, was this because of the claimant's disability of depression and/or because of the disability of depression more generally?

Section 15

- 27.7 did any of the things identified in the List of Issues that Mr Lamb relies on as the "*something[s] arising in consequence of ... disability*" under EqA section 15(1)(a) arise in consequence of his depression as a matter of fact?
- 27.8 if so, did the respondent treat him unfavourably in the ways alleged because of any of those things?

Reasonable adjustments

- 27.9 did the respondent, at any relevant time, apply to Mr Lamb any of the PCPs identified in the List of Issues that he relies on for the purposes of his reasonable adjustments claim?
- 27.10 if so, when any of them was applied to him, did it put him as a disabled person at a "*substantial disadvantage*" in comparison with persons who are not disabled, in accordance with EqA section 20(3)?
- 27.11 if so, did the respondent not know and could it not reasonably have been expected to know the claimant was likely to be placed at any such disadvantage?
- 27.12 if so, were there steps that could have been taken to avoid any such disadvantage?
- 27.13 if so, would it have been reasonable for the respondent to have to take those steps at any relevant time?

Harassment

- 27.14 did the respondent engage in the conduct relied on by Mr Lamb for the purposes of his harassment claim?
- 27.15 if so, was it unwanted?
- 27.16 if so, did it relate to disability?
- 27.17 if so, did it have the purpose or effect set out in EqA section 26(1)(b)?



The law

28. As part of his written closing submissions, respondent's counsel provided a 36-page paper on the relevant law. We don't think there is anything controversial in it; it sets out the law we have to apply reasonably comprehensively and accurately. We do, though, need to add something of our own.
29. Our starting point, as always, is the legislation we have to apply, which is reflected in how we have worded the issues, above. In relation to the whistleblowing claim, we are principally concerned with ERA sections 43B, 47B, and 48. In relation to the discrimination claim, the relevant parts of the EqA are sections 13, 15, 20, 21, 23, 26, 123 and 136.
30. In terms of case law relevant to the whistleblowing claim, we note the following in particular:
- 30.1 in relation to the burden of proof under ERA section 48(2), Ibekwe v Sussex Partnership NHS Foundation Trust [2014] UKEAT 0072_14_0211. There has to be evidence pointing to a real possibility of there being a causal link between the protected disclosure and the detriment. If such evidence exists, it is for the respondent to show that the reason the claimant was subjected to detriment was nothing to do with the making of the protected disclosure;
- 30.2 in relation to whether or not something constitutes a detriment, St Helens MBC v Derbyshire [2007] UKHL 16. The test is an objective one: would a reasonable employee, in the claimant's position, consider the treatment to be to his detriment? Another way of putting the same objective test is to ask: did the claimant honestly and reasonably believe the treatment to be to his detriment? An unjustified sense of grievance cannot constitute detriment, and although being caused distress and worry can, it will only do so if it was objectively reasonable in all the circumstances for the employee to view such distress and worry as a detriment;
- 30.3 Darnton v University of Surrey [2003] ICR 615, taken together with Soh v Imperial College of Science, Technology and Medicine [2015] UKEAT 0350_14_0309, on the meaning of "*in the reasonable belief of the worker making the disclosure ... tends to show one or more of the following*" in ERA section 43B(1). Under that section, it doesn't matter whether the information disclosed is true, nor whether the claimant reasonably believed it to be true³, nor whether it actually "*tend[ed] to show*" one of the things set out in subsections (a) to (f) of ERA section 43B(1). Instead, the question is whether the claimant reasonably believed the information he was disclosing tended to show one of those things. To explain how the section works using a deliberately silly example: a fantasist who genuinely recalls being abducted by aliens and who tells someone about his abduction has disclosed information that he reasonably believes tends to show aliens exist, even though his belief in his abduction is not

³ This would only be important if the alleged protected disclosures relied on were made under ERA sections 43F or 43G. In the present case, all alleged protected disclosures fall under ERA section 43C.



reasonable; an impressionable individual who sees some moving lights in the night sky, believes they are alien spacecraft, and tells someone about this has not disclosed information that she reasonably believes tends to show aliens exist, even though her belief in the lights is entirely reasonable.

31. In terms of case law relating to discrimination, we have considered, first, paragraph 17, part of the speech of Lord Nicholls, of the House of Lords's decision in Nagarajan v London Regional Transport [1999] ICR 877⁴. We also note the contents of paragraphs 9, 10 and 25 of the judgment of Sedley LJ in Anya v University of Oxford [2007] ICR 1451.
32. So far as concerns the burden of proof, a succinct summary of how [the predecessor to] EqA section 136 operates is provided by Elias J [as he then was] in Islington Borough Council v Ladele [2009] ICR 387 EAT at paragraph 40(3), which we adopt. Although the threshold to cross before the burden of proof is reversed is a relatively low one – “*facts from which the court could decide*” – unexplained or inadequately explained unreasonable conduct and/or a difference in treatment and a difference in status⁵ and/or incompetence are not, by themselves, such “*facts*”; unlawful discrimination is not to be inferred just from such things – see: Quereshi v London Borough of Newham [1991] IRLR 264; Glasgow City Council v Zafar [1998] ICR 120 HL; Igen v Wong [2005] IRLR 258; Madarassy v Nomura International Plc [2007] EWCA Civ 33; Chief Constable of Kent Police v Bowler [2017] UKEAT 0214_16_2203. Further, section 136 involves the tribunal looking for facts from which it could be decided not simply that discrimination is a possibility but that it has in fact occurred: see South Wales Police Authority v Johnson [2014] EWCA Civ 73 at paragraph 23.
33. Similarly, in relation to the direct discrimination complaints, it is for the claimant to prove a prima facie case of less favourable treatment. “*To be treated less favourably necessarily implies some element of comparison: the complainant must have been treated differently to a comparator or comparators, be they actual or hypothetical.*” Harvey on Industrial Relations & Employment Law L[235]. The claimant must show that he was treated less favourably than the respondent treats or would treat others and merely proving, without more, that the respondent treated him badly is insufficient.
34. An alternative approach to examining EqA section 136, one repeatedly commended by the EAT and Court of Appeal (e.g. in Ladele at paragraph 40(5)) is effectively to ignore the burden of proof altogether and simply to ask: “why was the claimant treated in the manner complained of?”, i.e. what was the ‘reason for the treatment’? We refer to paragraphs 60, 71, 72 and 75 of the

⁴ Most of the cases referred to in this section of the Reasons deal with the law as it was before the Equality Act 2010 came in and some concern different types of discrimination from that in issue in the present case; nevertheless, the legal principles set out in them apply to the present case.

⁵ i.e. the Claimant can point to someone in a similar situation who was treated more favourably and who is different in terms of the particular protected characteristic that is relevant, e.g. is a different age, race, sex etc.



decision of the EAT in Laing v Manchester City Council [2006] ICR 1519. Wherever possible, we have sought to adopt this alternative approach and to determine the reason for the treatment in question.

35. In relation to the section 15 and reasonable adjustments claims, we have sought to apply the law as explained by the Court of Appeal in Griffiths v Secretary of State for Work and Pensions [2015] EWCA Civ 1265 at paragraphs 15 to 29, 43 to 47, 57 to 68, 73, and 79 to 80.
36. Some legal points are addressed later in these Reasons, as and when appropriate.

Time limits

37. Time limits are a major issue in this case, because so much of it concerns things that happened a long time before March 2015, when the claim form was presented. Taking early conciliation into account, Mr Lamb's complaints about anything that happened before 1 November 2014 were, on the face of it, presented outside the primary time limits set out in EqA section 123(1)(a) and ERA section 48(3)(a).
38. In relation to whether there was "*a series of similar acts or failures*" or any "*act extending over a period*" under ERA section 48, or "*conduct extending over a period*" under EqA section 123, we note, in particular: Arthur v London Eastern Railway Ltd [2006] EWCA Civ 1358; Hendricks v Commissioner of the Police for the Metropolis [2002] EWCA Civ 1686.
39. In considering whether or not to exercise our discretion under EqA section 123(1)(b) to allow otherwise out-of-time complaints to proceed, we remind ourselves that: all the circumstances must be taken into account, usually including (suitably adapted so they make sense in an employment law context) the factors (a) to (f) set out in section 33(3) of the Limitation Act 1980; an important, but not necessarily determinative, factor is likely to be the balance of prejudice; time limits are there to be obeyed; it is for the claimant to persuade the tribunal that it is just and equitable to extend time; if the claimant is ignorant of time limits this does not in and of itself justify extending time. We have sought to apply the law in relation to this as summarised in paragraphs 9 to 16 of the EAT's decision in Rathakrishnan v Pizza Express (Restaurants) Ltd [2016] ICR 283.
40. So far as concerns potentially exercising our discretion to extend time under ERA section 48(3)(b), the only legal principle we have needed to apply is that the burden is on the claimant to satisfy us that it was not reasonably practicable for the complaint to be presented within the primary time limit.
41. As explained later in these Reasons, none of Mr Lamb's complaints about things that happened or continued after October 2014 succeeds. All his other complaints were therefore presented outside of the primary time limits. The question therefore becomes whether we should exercise our discretion to extend time.



42. Unfortunately for Mr Lamb, there is no basis in the evidence upon which we could properly exercise our discretion in his favour, whether under ERA section 48 or under EqA section 123. Neither he nor Mrs Lamb dealt with the time limits issues anywhere in their witness evidence, despite those issues being flagged up by the respondent as paragraphs 1 and 2 in the List of Issues and repeatedly in the schedules. We quite simply do not know why he presented his claim when he did and not earlier. We can speculate that it might have had something to do with Mrs Lamb receiving a report in early January 2015 from PSD relating to a complaint she had made. That seems to be what Mr Lamb is suggesting in his written closing submissions, but the suggestion was not made in witness evidence, where it could have been challenged in cross-examination.
43. Further:
- 43.1 even had Mr Lamb alleged in his witness evidence that something made it “*not reasonably practicable*” for him to present his whistleblowing claim on time, we can find no support for such an allegation in any other evidence;
- 43.2 the only sensible basis we can see for arguing that Mr Lamb’s complaints about the conduct of different people spread out over months and years (people often working in different places and apparently acting independently of one another) are linked so as to be complaints about “*a series of similar acts or failures*” or an “*act extending over a period*” or “*conduct extending over a period*” is to rely on his conspiracy allegation, which we have rejected;
- 43.3 the delay in presenting the claim has caused real prejudice to the respondent. Some potential witnesses have emigrated; potentially relevant contemporaneous handwritten notes have (not unreasonably) been lost or destroyed; and witnesses’ memories have noticeably faded.
44. It follows that, whatever their other merits, all complaints relating to things that happened before 1 November 2014 and that did not continue on or after then must fail and be dismissed. This is because they were not presented within the relevant time limits set out in EqA sections 123(1)(a) and (b) and ERA sections 48(3)(a) and (b).
45. The time limits point applies to (amongst others) all complaints arising before 1 May 2013. Those complaints have therefore been dismissed even though we did not consider evidence about them and have made no determination of their merits.

Evidential matters

46. We have already briefly described the very large amount of material that has been put before us. As we explained to the parties, it was never going to be practicable for us to read and consider even all of the documents expressly referred to in the parties’ witness statements. We can, though, assure the parties that we have considered all documents to which witnesses were taken in cross-examination and/or which were referred to in closing submissions, everything in respondent’s counsel’s reading list, and several other documents



referred to later in these Reasons. It is of course possible there is a critical document containing a 'smoking gun' hidden way within the seven lever-arch files of documentation put before us; but if there is, no one has brought it to our attention.

47. Turning to a different evidential matter, we referred earlier in these Reasons to the "*intricate factual details*", and suggested that in this case they often don't matter very much. To explain why they don't: Mr Lamb almost certainly thinks otherwise, but to us this claim – particularly the whistleblowing and direct discrimination parts of it – is much more about why people acted as they did than about what people did. Mr Lamb doesn't know why others did things and can't give direct evidence about this, he can only speculate on the basis of the other available evidence, just as we can.
48. For example, Mr Lamb has been very keen to draw to our attention every alleged failure by the respondent to follow written policies and procedures, to fill in forms properly, and otherwise to comply with good practice. Such failures – many of which the respondent admits – are almost entirely irrelevant, because the fact that someone fails to do something they should does not begin to explain *why* they didn't do it.
49. Another reason for us only attempting to resolve disputes of fact where absolutely necessary is how difficult it is resolve them correctly.
 - 49.1 The majority of what this case is concerned with occurred at least 3 years ago.
 - 49.2 Most of the respondent's witnesses had little or no recollection of the matters they were giving evidence about independent of what they could glean from reading contemporaneous documents.
 - 49.3 Some witnesses – such as Mrs Lamb – could give little relevant evidence from their own personal knowledge and/or could not provide us with any more information than we could get from the documents.
 - 49.4 A lot of the apparent differences between individuals' accounts of events are readily explained by differing perspectives and perceptions. Mr Lamb in particular cannot avoid his belief that he has been and is being persecuted for blowing the whistle distorting how he views and remembers things.
 - 49.5 People usually see and find what they expect to see and find; and it is evident Mr Lamb has for some time expected mistreatment.
 - 49.6 Similarly, it seems to us Mr Lamb has long tended to interpret colleagues' words and actions in the worst possible light. For example, the impression we have formed is that from May 2013 onwards, whenever something went wrong or was done wrongly in connection with his employment, his automatic assumption was that it was part of the conspiracy. The inherently much more plausible explanation – that good people make mistakes and that such things happen all the time, particularly in large bureaucratic organisations like the police – did not occur to him; or, if it did, it was immediately rejected.



50. Our conclusion about the evidence of all witnesses, including Mr Lamb, is that it was honest, but that it was not very reliable where it depended on the witness actually remembering what had occurred.
51. There is at least one qualification to this: no one could genuinely forget, even in the space of four years, being part of a criminal conspiracy against a colleague of the kind alleged by Mr Lamb. It follows that if we accept the respondent's witnesses gave honest evidence to us, and we do, there was no conspiracy.

Facts

52. We aren't intending to make many detailed findings on disputed matters of fact. To the extent we are, this will mostly be done later in these Reasons, in the section in which we decide Mr Lamb's complaints. In this section, we are summarising what happened, highlighting the main events, and largely avoiding matters that are in dispute.
53. We refer to the Cast List and Chronology.
54. In or around June 2011, Mr Lamb was allocated to work under Sergeant Padmore in the Weoley Ward Neighbourhood Team. Weoley Ward is part of the Northfield constituency, which is to the south west of the city centre, between Edgbaston and Longbridge. There was evidently some ill-feeling between Mr Lamb and some other team members (and vice versa). This culminated in heated exchanges at a team meeting on 27 January 2012, which he left part way through. He was signed off work with depression from 30 January to 9 July 2012.
55. Mr Lamb was concerned about what he saw as failures by colleagues properly to carry out their duties, and a few other things. At some stage before going off work with depression, he raised his concerns orally with Padmore. On 1 and 2 July 2012, he raised them in writing with Chief Superintendent Emma Barnett, through his then Police Federation representative, Richard Chant.
56. On or about 11 July 2012, Mr Lamb had a long conversation with a colleague, PC Khot, in which he told her, amongst other things, that he had seriously contemplated suicide in the past. Although he had asked her to keep it confidential, she told her supervisors, Padmore and Inspector Vanessa Eyles, about the conversation and recorded her version of it in a document.
57. In late September 2012, just after Mr Lamb's return from two weeks' sickness absence with anxiety, Sergeant Copus replaced Padmore as Mr Lamb's supervisor.
58. Mr Lamb's concerns were investigated by Eyles and she prepared a report on them, completed around early January 2013, which was never formally released. The gist of her report was that his concerns were unfounded or exaggerated.
59. Mr Lamb was required in late January 2013 to resubmit his concerns in writing as a formal "resolution", which is the Police equivalent of an internal grievance. He did so on 4 February 2013 ("resolution 1").



60. We are not entirely sure why, but Eyles was not asked to investigate resolution 1. Instead, it was looked into by Chief Inspector Philip Healy, who used Eyles's report but also did investigations of his own. His report was finalised around 17 May 2013. He reached broadly similar conclusions to Eyles on Mr Lamb's allegations, but in addition he identified "*a significant breakdown in trust and confidence including mistrust between members of the team*" and Mr Lamb and "*strongly*" recommended "*that the team be deployed on different teams ... (including PC LAMB)*". He was also critical of the leadership and supervision skills of Padmore and Eyles, and stated in his report that Mr Lamb needed "*to reflect on how his behaviour is perceived by others*" and that Mr Lamb was sometimes "*perceived to be aggressive and/or intimidating*".
61. Although Mr Lamb initially signed a letter to say he accepted the resolution outcome, he appealed it on 18 May 2013.
62. Between late September 2012 and early June 2013, Mr Lamb had four relatively short periods of sickness absence, suffering variously with tonsillitis and gout. On 30 May 2013, he saw Dr Bhogadia of occupational health ("OH") for what appears to have been a routine, 6 monthly "Depression Review", and was deemed fit for work with no significant restrictions.
63. Following Healy's recommendation about splitting up the Weoley Ward Neighbourhood Team, it was decided around 10 June 2013 that Mr Lamb would be moved temporarily to the team in Selly Oak ward (next to, or at least very close to, Weoley ward). Mr Lamb was very unhappy about this.
64. On 15 June 2013, Mr Lamb was working an 8 am to 4 pm shift. He had a conversation between 8 and 9 am with Copus in which, possibly amongst other things, he expressed his dissatisfaction with the proposed move. He also sent a sarcastic email to Barnett on the subject, a follow-up to an email he had sent her the previous day.
65. Between about 9 and 9.15, Mr Lamb left the station (Hillwood Road Police Base) without successfully 'clocking off' using the electronic system for doing so. He drove off in his car, ultimately going to Bristol. There is a dispute about what, if anything, he said to Copus about leaving beforehand, which we deal with later in these Reasons.
66. As or shortly after he left, at 9.18, Mr Lamb sent Copus a text message: "*Enough is enough. I simply can't keep doing this day in day out.*" Between 9.20 and 9.44, the following text messages were exchanged between them: (Copus to Lamb) "*Where are you Mark?*"; (Lamb to Copus, sent at 9.21) "*Gone driving just to calm down and clear my head a bit*"; (Copus to Lamb) "*Where are you. I will come and join you to see if we can come to a decision on how to help improve things*"; (Copus to Lamb) "*Mark, I need to at least speak to you to make sure you are ok*"; (Copus to Lamb) "*Mark, please contact me. I really would prefer to keep this 'In house'. You can have whatever time you need. Just be fair to me and let me know where you are*". Copus also tried unsuccessfully to call Mr Lamb around 9.30.



67. Around 10 am, Copus interrupted a management meeting to tell an Inspector Gittins his version of what had happened on the day up to that point. Gittins decided to escalate the situation. What then happened was:
- 67.1 Mr Lamb's car was seen in motorway cameras heading south on the M5;
 - 67.2 a further unsuccessful attempt was made to telephone him;
 - 67.3 he made at least one attempt to call Copus;
 - 67.4 he was designated a high risk missing person;
 - 67.5 at 10.42 (80 minutes or so after his last communication to the respondent), he sent Copus a text message stating, "*I'm fine enough. Just on way back from Bristol. I will be off to see my GP on Monday and will keep you updated as there is no way I'm OK for duty at the moment*", to which Copus almost immediately replied, "*OK. Let me meet up with you somewhere. I have to ensure you are safe*", to which Mr Lamb did not reply;
 - 67.6 a decision was taken to stop Mr Lamb, with a view potentially to taking him to a place of safety using the power under section 136 of the Mental Health Act 1983 ("section 136" and "MHA"). There is a dispute as to whether that power or other police powers were ever used on Mr Lamb, whether he was ever technically detained, and whether what happened to him on that day was or was not lawful. It is a dispute we do not need to resolve and won't attempt to;
 - 67.7 around 11.30, he was located at Strensham services (M5 northbound) and traffic officers from West Mercia Police went to him. He gave up his car keys and, apparently at the request of Gittins or someone else within the respondent, was taken in the back of the traffic officers' car to Frankley services (again M5 Northbound) to meet up with Copus and Sergeant SurrIDGE. One of the traffic officers drove Mr Lamb's car;
 - 67.8 Copus and Gittins both believed the power under section 136 had been and was being used on Mr Lamb. The original plan had been for Copus and SurrIDGE to take Mr Lamb to his home in Kidderminster, but Gittins decided he should be taken to a designated place of safety for assessment by an Approved Mental Health Professional under the MHA and arranged for him to be seen at the Oleaster Centre, which is on the Queen Elizabeth Hospital site in Edgbaston;
 - 67.9 he was taken by Copus and SurrIDGE in the back of a police van to the Oleaster where the MHA assessor decided that Mr Lamb's "*current presentation does not warrant detention / admission to hospital*";
 - 67.10 he was taken most of the way home from the Oleaster in the back of the police van, with his car following on behind, but was given his keys back in a car park near his home and drove himself the last bit of the way.
68. During the evening of 15 June 2013, Mr Lamb was telephoned by Acting Chief Inspector Richard Harris, who happened to be on duty that evening and had not previously had significant involvement with him, to discuss matters. There was a meeting between them, also involving Mr Lamb's then Federation



Representative, PC Scott Thomson, and Lennard on 17 June 2013, to have what is described as a 'de-brief meeting'. At the start of the meeting, Harris formally had words with Mr Lamb about [allegedly] leaving duty without permission on the 15th. This was "management action", and as such was not a disciplinary sanction.

69. Mr Lamb was signed off work by his GP with "*work related stress*" from 17 June to 4 November 2013, returning to work, to Selly Oak, on or around 8 November 2013. In the meantime:
 - 69.1 Mr Thomson was the point of contact between Mr Lamb and the respondent;
 - 69.2 the appeal in resolution 1 was suspended;
 - 69.3 apparently due to a misunderstanding between Mr Thomson and Mr Lamb, no OH referral on Mr Lamb was completed until 30 July 2013. There was no OH appointment until 23 October 2013. In his report, Dr Bhogadia assessed him as "*clinically fit for work*" but stated there was an "*impass which is non-clinical*" and [unspecified] barriers inhibiting his return;
 - 69.4 in October 2013, unbeknownst at the time to Mr Lamb, there was some discussion within the respondent about the possibility of taking action against him for being off work sick without a medically good reason and issuing a 'regulation 33 notice'. Nothing came of those discussions;
 - 69.5 with effect from 17 October 2013, Mr Lamb was put on half-pay, pursuant to the 'regulation 28' process, under which (subject to the Chief Constable's discretion to do otherwise) sick pay goes from full to half-pay after 6 months' sickness absence;
 - 69.6 on 31 October 2013, Acting Sergeant Simon Williams, who was to be Mr Lamb's new supervisor and Welfare Officer, did a home visit with Mr Lamb, accompanied by someone from HR. Amongst other things, a plan of action was decided upon to facilitate Mr Lamb's return to work.
70. On 27 September 2013, Mrs Lamb had submitted a complaint to the respondent about the events of 15 June 2013 and the circumstances surrounding those events. The complaint was initially rejected by PSD. This was because she was deemed: to be making a complaint on Mr Lamb's behalf and he was the appropriate one to make it (and make it internally, as a resolution); not to be making a legitimate complaint of her own about Police misconduct as a member of the public. She appealed this decision to the IPCC and on 18 November 2013, the appeal was upheld. The IPCC provided some clarification of their decision in a letter on 4 December 2013, to an extent limiting the scope of the investigation that needed to be undertaken by PSD into Mrs Lamb's complaint.
71. On 27 November 2013, Mr Lamb also submitted a complaint to PSD. This was rejected on the basis that his complaint could only be pursued, if at all, as a resolution.



72. Mrs Lamb's complaint was considered by a team under Detective Inspector Brian Carmichael. He and his team also dealt with later complaints she made about the way her original complaint was being handled. PSD's report was finally completed in December 2014. Its conclusion was that there was no case to answer and that no further action should be taken against any officer. She appealed in January 2015; we don't know what has happened in relation to her appeal.
73. Mr Lamb submitted further resolutions: numbers 2 to 4 between 29 January and 18 February 2014 and numbers 5 and 6 on 25 October 2014. Resolutions 2 to 4, to the extent they were dealt with at all, were dealt with by Superintendent Basit Javid.
74. We note that no allegations of impropriety were put to Javid in cross-examination by Mr Lamb. We are not sure whether Mr Lamb was ever intending to allege whistleblowing detriment and/or disability discrimination against him, but if he did and does wish to, he may not do so because no such allegations were put. Any of Mr Lamb's complaints that relate to Javid's conduct may not be pursued and are dismissed. There is anyway nothing in the evidence even hinting to us that there was or might have been any impropriety by [now] Temporary Chief Superintendent Javid.
75. Resolution 2 was about the half-pay process, but resolutions 3 and 4 were both (3 to a considerable extent; 4 wholly) concerned with the events of 15 June 2013 and their aftermath. For reasons we can readily understand, PSD investigations take priority over resolutions. This means that if an officer submits a resolution that overlaps with a complaint to PSD, the resolution process has to be stopped until the complaint process has been concluded. This is what happened in relation to Mr Lamb's resolutions 2 to 4. A decision was taken – it isn't clear by whom but it seems to have been taken in consultation with PSD – that the whole of resolution 4 and large parts of resolution 3 could not be dealt with until Mrs Lamb's complaint had been finally determined. (We note, in passing as it were, that if her appeal to the IPCC has still not been decided one way or the other, her complaint has still not been finally determined). Although Mr Lamb appears to have accepted this at the time, it has become a great source of discontentment since PSD's decision on her complaint.
76. We think that discontentment is entirely misplaced. It seems to stem from a conviction that because the scope of PSD's investigation and report was limited, and did not deal with everything connected with events of 15 June 2013 that Mr Lamb is aggrieved about, his resolutions should not have been stopped; and that stopping them because of Mrs Lamb's complaint was some kind of trick. The reasons it is misplaced include:
- 76.1 we express no view on the wisdom of Mrs Lamb making a complaint, but we do note that no one made her make and pursue it;
- 76.2 Mr Lamb knew or should have known that PSD could and would only deal with the parts of Mrs Lamb's complaints that directly concerned her;



- 76.3 on any view, parts of Mr Lamb's resolutions overlapped almost completely with Mrs Lamb's complaint and the respondent was obliged to put a stop on those parts because of her complaint;
- 76.4 a decision was evidently taken by the respondent to the effect that it was impracticable to disentangle the parts of Mr Lamb's resolutions that the respondent was obliged to put a stop on from other parts, and deal with those other parts separately (and before Mrs Lamb's complaint had been determined). Looking at her complaint and Mr Lamb's resolutions for ourselves, that decision seems understandable and reasonable to us. Apart from anything else, had PSD upheld her complaint and recommended that action be taken against particular officers, this would almost certainly have had a huge impact on the resolutions.
77. Javid completed his report into resolution 2 and parts of resolution 3 (respectively labelled resolutions 1 and 2 in the report) around 15 April 2014. He largely dismissed Mr Lamb's complaints about matters of substance, but made a number of criticisms and recommendations about matters of procedure and communication. At the time, Mr Lamb was content with the outcome.
78. Around 19 March 2014, Mr Lamb raised an allegation with Mr Jonathon Platt, the PSD Investigation Caseworker assigned to Mrs Lamb's complaint. The allegation was to the effect that on 11 February 2014, an individual who had been arrested had been kept in detention by Gittins and an Acting Inspector Morris longer than could be justified and that Gittins had said "*we must use some creative policing*" in relation to a perceived need to keep him in custody. This was dealt with within a matter of days by someone from PSD speaking to Gittins, and deciding there were no misconduct issues. Mr Lamb was informed that the matter was closed on that basis.
79. On 6 May 2014, Mr Lamb emailed Platt raising a concern or complaint about Sergeant Chris Jones's actions of September / October 2013 when Jones was purporting to provide Mr Lamb with advice and assistance in his capacity as a Police Federation representative. Mr Lamb had sought funding from the Federation to pursue a civil claim against the respondent in relation to the events of 15 June 2013. On 1 October 2013, Jones emailed Mr Lamb with advice to the effect that West Midlands Police Federation would not be helping him with any such claim because it had a less than 51 percent chance of success. The gist of Mr Lamb's allegation against Jones was that Jones had procured funding from the Federation of £200 to provide legal advice to Mr Lamb and had then pocketed the money and provided the advice himself.
80. Within a few days, Platt had passed the email to Carmichael who had in turn passed it on to the Chairman of the West Midlands Police Federation. Mr Lamb was told this had been done. PSD's view was that it was not a matter for them but an internal Federation matter and something between Mr Lamb and the Federation.
81. On 9 July 2014, Mr Lamb had come to work in Mrs Lamb's car and when he was leaving he noticed a dented scrape to the passenger door. He believed a colleague, PC Diane Bostock, was responsible and he emailed her about it the



following day. The two of them then had a discussion about it, and it seems things got a little heated. She also sent him an email about it, denying responsibility. Some months later, her insurance company admitted liability.

82. On 28 October 2014, Mr Lamb was told by a colleague that other officers, including Bostock, had been discussing ill-informed rumours and speculation about what had happened on 15 June 2013 and that someone, referring to Mr Lamb, had used the phrase *“using the mental health card”*. He complained about this in an email to Williams on 3 November 2014.
83. Apart from a couple of days in September 2014 with a digestive disorder, Mr Lamb had no sickness absence between returning to work in November 2013 and going off on long term sick in December 2014. He saw Dr Bhogadia of OH on 18 November 2013, 6 March 2014, and 3 December 2014. He also had some counselling from an Employee Support Manager of OH called Wendy Neale from August to October 2014. Apart from supporting a phased return to work in November 2013, neither Dr Bhogadia nor Wendy Neale made any recommendations of significant adjustments. On 27 November 2014, Mr Lamb’s GP noted: *“stable with depression and currently happy”*.
84. The trigger for Mr Lamb going off sick from 11 December 2014 is not clear to us. His GP’s fit notes refer to a *“stress related problem”*. His GP noted⁶ on that date: *“asking for sick note. Says he became whistleblower and [in] June 2013 was detained under Section 136 but he doesn’t know why and not being able to find out why ... he doesn’t think he is depressed but exhausted. Saw Occ Health Doc last week, no problems with ability to do his job but situation remains stressful”*. Mr Lamb apparently attributed his absence to tonsillitis and, generally, to being *“physically and mentally run down”*. His GP’s notes for 22 December 2014 state: *“continues to feel persecuted ... feels no reconciliation ... has been suffering with physical ailments he puts down to being run down ... feels just time and some update from investigation will help him – he understands it may take years to resolve and doesn’t intend on this returning him to work”*.
85. As already explained, there was early conciliation in January / February 2015 and the claim form was presented in March.
86. A new supervisor, Sergeant Andrew Hodgetts, was nominally assigned to Mr Lamb in January 2015. He made welfare visits to Mr Lamb, with others, during that year. In particular, there was one on 4 June 2015 where Hodgetts was accompanied by Inspector Darren Henstock. During that visit, Mr Lamb complained that Thomson had made comments, supposedly meant as banter,

⁶ This information comes from a report from a Consultant Psychiatrist, Dr James Briscoe, that was obtained partly for the purposes of these proceedings and partly to assist the respondent in managing Mr Lamb’s continuing sickness absence. Unfortunately, Mr Lamb would not consent to it being released to anyone outside of OH, so the first time his supervisor and the respondent’s legal team saw it was after the start of this final hearing, on day 1 of which he agreed to it being disclosed. There have been ongoing issues relating to Mr Lamb’s reluctance to agree to full disclosure of medical records and reports. This may account for why his full relevant GP records appear not to have been put before the tribunal.



about his mental health. By this stage, Mr Lamb had evidently fallen out with Thomson and with the Federation generally. It's not clear when Thomson stopped being his Federation representative, but Thomson was based at Selly Oak and so had regular dealings with Mr Lamb from November 2013 as a colleague and not merely in his capacity as a Federation representative. In September 2013, when still Mr Lamb's representative, he had exchanged messages with Mr Lamb on Facebook or Facebook Messenger about 15 June 2013 and had made the comment, "*He should have known not to believe you FFS, they thought you were mad*". In the context, this was clearly meant and taken as a joke. Mr Thomson's later comments may be a different matter.

87. The complaint about Thomson's later comments was not a new complaint, in that it had been made in the tribunal claim form (in connection with a discussion with Williams on 3 December 2014), but it was new to Hodgetts. It doesn't seem to have been new to Henstock, though, and on the journey back from Mr Lamb's house, Henstock told Hodgetts that the comments were just banter.
88. Hodgetts set out his version of the meeting in an email to (amongst others) Mr Lamb of 4 June 2015.
89. Mr Lamb saw Wendy Neale a number of times between January and June 2015. She, like his GP, deemed him unfit for work, as opposed to fit for work if adjustments were made.
90. On 8 June 2015, Mr Lamb was again moved onto half-pay pursuant to regulation 28. He was put back onto full pay – and the withheld pay returned to him – in October 2015.
91. It appears to us that during 2015, particularly in relation to medical issues, the tribunal proceedings may to an extent have got in the way of the respondent and Mr Lamb dealing with each other as employer and employee should; the tribunal 'tail' was wagging the employment relationship 'dog'. At that stage, the respondent was still disputing that Mr Lamb was a disabled person under the EqA. The tribunal had ordered the respondent to obtain a report on the disability issue from OH. At the same time, Mr Lamb was alleging that the respondent was refusing to make any reasonable adjustments until he returned to work. At a hearing on 14 July 2015, an Employment Judge had made clear she would be dissatisfied if that were the case.
92. Also in July 2015, the respondent was trying to organise a 'case conference' – that is a meeting involving Mr Lamb, his supervisor(s), HR, and OH – to discuss a way forward. This process was hampered by Mr Lamb's scepticism about the usefulness of any case conference and his reluctance for any of his medical information to be disclosed out of OH and HR.
93. In Mr Lamb's eyes, reasonable adjustments had already been identified and were being "*withheld*". This was not, objectively, the case: other than in relation to pay, detailed adjustments – reasonable adjustments under the EqA or otherwise – had not yet been identified (although there had been some discussion of adjustments at the home visit on 4 June 2015, reflected in Hodgetts's email of that date); at no stage from December 2014 to the start of



trial had Mr Lamb or anyone else suggested something the respondent could do to facilitate a return to work for Mr Lamb that had been rejected by the respondent.

94. In August 2015, there were case conferences / meetings at which Mr Lamb was not present, although he was told by email roughly what had happened at them afterwards. A decision was taken that Hodgetts should prepare a "*reasonable adjustments report*" and he did so. The report was an attempt to set out in detail what he thought could be done to help Mr Lamb if and when he returned to work. None of the adjustments suggested was of the 'Mr Lamb cannot return to work until this has been done' variety.
95. Without having a further consultation with Mr Lamb, Dr Bhogadia prepared a report on him. It's clear from the report that Dr Bhogadia thought he was preparing it further to a tribunal order. The three things potentially of substance in his report are his statement that there was a "*likelihood*" of Mr Lamb being a disabled person under the EqA and that he had "*read the recommendations given in the 'Reasonable Adjustment' report ... and would concur with these fully*", and he recommended a "*fresh psychiatric review be carried out to establish his diagnosis and direct on any future reasonable adjustments that may be needed*".
96. Both Mr Lamb and the respondent's legal team were in their different ways dissatisfied with Dr Bhogadia's report. One manifestation of Mr Lamb's unhappiness was that he raised a complaint of misconduct against Dr Bhogadia with the GMC, alleging (amongst other things) that Dr Bhogadia had breached doctor / patient confidentiality by providing the report to the respondent. This created considerable difficulties for the respondent in terms of providing occupational health services to Mr Lamb. The complaint was not substantively upheld. Mr Lamb also refused to have any further dealings with his supervision, in particular with Hodgetts, ostensibly because of concerns about alleged breaches of confidence.
97. In March 2016, a final decision was made in relation to resolutions 5 and 6. The main part of the decision was to the effect that most of resolutions 5 and 6 were concerned with matters contained within his other resolutions and should be rejected on that basis. That decision was made on the back of work by Mrs Pauline Maguire. She was and is a Line Manager Adviser, i.e. someone who provides HR advice to supervisors when asked for it, but who generally has no wider HR role. Mrs Maguire acted as Mr Lamb's Welfare Officer – effectively his point of contact within the respondent – between October 2015 and August 2016, following his falling out with his supervision in late Summer 2015. This was, we understand, a very unusual role for a Line Manager Adviser to have, and she did not relish having it.
98. In a report dated 27 April 2016, Mr Lamb's appeal against resolution 1 was finally concluded, by a 'Stage 2 Independent Adjudication'. The appeal was entirely rejected by a three person panel, consisting of an independent academic as chair and a Superintendent and a Unison branch secretary as panel assessors.



99. April 2016 was also the first time Mr Lamb saw a new occupational health doctor: Dr Ralph Sampson. The significant result of Mr Lamb's consultations with him was the obtaining of a report, dated 19 September 2016, from a Consultant Psychiatrist, Dr James Briscoe. This was the report that, as mentioned in a footnote above, Mr Lamb refused to permit the respondent to see. Dr Sampson also produced a short report which was little more than a summary of Dr Briscoe's report. Mr Lamb refused to permit this to be disclosed to the respondent beyond HR and initially, beyond OH. Unfortunately, Dr Sampson died in October 2016, around the time he was due to have a further consultation with Mr Lamb.
100. Mr Lamb remained off work on full pay to the start of trial.
101. For reference, the individuals mentioned above who gave evidence for the respondent at this final hearing were: Maguire, Padmore, Eyles, Copus, Healy, Harris, Platt, Carmichael, Javid, Lennard, and Hodgetts.
102. We shall now give our decision on each of Mr Lamb's complaints, starting with his whistleblowing complaints.

Whistleblowing – up to 15 June 2013

103. The entire contents of alleged protected disclosures ("PID"s) 1, 2, 4, and 5 were set out in Mr Lamb's resolution 1 document of 4 February 2013. Given this, and given that we were not concerned with any alleged detriments occurring before 1 May 2013, there is no need for us to look at anything other than that document when assessing whether relevant protected disclosures were made.
104. Mr Lamb appeared to make a concession towards the start of the hearing along the lines of what we have just set out, in paragraph 103 above. However, it later turned out that he is alleging there were other issues of concern that aren't in resolution 1. He may also be alleging that he raised those issues separately from resolution 1.
105. For example, in paragraph 23 of his witness statement, Mr Lamb alleges that "*colleagues falsely updated investigation logs with details of personal visits and actions that were not conducted as they instead made brief telephone calls to victims whilst providing tailored detailed updates required to finalise investigations*". In paragraph 24, he alleges that he raised "*these issues*" with Padmore. These allegations are not in resolution 1.
106. We don't accept such allegations. We think resolution 1 is comprehensive so far as concerns relevant events up to its date. By the time he came to prepare it, Mr Lamb had already set out his concerns in writing in great detail, in July 2012, and had had a lengthy opportunity to think about whether he had missed anything. He would surely not have left anything important out.
107. We accept Mr Lamb believed the allegations he was making in resolution 1 were true. He also clearly believed that those allegation tended to show that colleagues had failed to comply with legal obligations to which they were



subject (“breach of legal obligations”) and/or that the health or safety of one or more individuals had been endangered (“danger to health or safety”), in accordance with ERA section 43B(1)(b) and (d) ⁷. There is also one allegation in resolution 1 that he thought tended to show that a criminal offence had been committed, in accordance with ERA section 43B(1)(a), namely an allegation that in December 2012, PC Renee Khot dishonestly misreported her home address to her car insurance company to get a lower premium.

108. Beyond what we have just stated in paragraph 106 above about allegations not included in resolution 1, we express no view on whether Mr Lamb’s allegations were true, or even on whether he reasonably believed they were. What we are concerned with is whether his belief that they tended to show breach of legal obligations and/or danger to health and safety (and/or that a crime had been committed) was reasonable.
109. Resolution 1 is 14½ pages long. Within it, there is much Mr Lamb seems to consider serious that we consider relatively trivial and some things that he may well have believed tended to show breach of legal obligations and/or danger to health or safety in relation to which any such belief was unreasonable. However, a number of his allegations do fall into the category of things that, if they were true, he could reasonably have believed tended to show this, and/or to show a crime. These include:
- 109.1 the insurance fraud allegation against Khot;
 - 109.2 his allegation that fellow officers failed to conduct proper or any foot patrols, contrary to what he believed the standing orders to be. We doubt that any instruction to conduct foot patrols and to conduct them in a particular way was a legal obligation, but a Police Constable in Mr Lamb’s position might well believe it was, and reasonably so;
 - 109.3 allegations that he was being bullied / mistreated, to the detriment of his own health;
 - 109.4 various allegations about officers not providing assistance to colleagues in a timely manner, or at all, potentially endangering the health and safety of those colleagues.
110. Pausing there, we note that although Mr Lamb made protected disclosures when he submitted resolution 1, it does not automatically follow that he was raising grave matters of public importance.⁸ Seen through neutral eyes, with the exception of the allegation against Khot⁹, none of the allegations made by

⁷ Mr Lamb also sought to rely on subsection (c), “*that a miscarriage of justice has occurred, is occurring or is likely to occur*”, but he misunderstands what this subsection is concerned with, believing it to include the situation where someone is not successfully prosecuted for an offence because of inadequate police work.

⁸ Resolution 1 was submitted before there was a change in the law requiring the alleged whistleblower to believe reasonably that their disclosure was being made in the public interest.

⁹ We are in no position to assess the accuracy of Mr Lamb’s allegations relating to this. We should, however, make clear that the respondent’s view was at the time (and continues to be) that he was mistaken in thinking that PC Khot was misreporting her address, in that she had just moved, or was just about to move.



Mr Lamb was of serious misconduct or wrongdoing. In particular, what he described did not come close to being 'dereliction of duty' when judged objectively. Taking into account the evidence gathered in the course of Eyles's and Healy's investigations, we think it was reasonable for the respondent to conclude that the problem was much more about clashes of personality and managing difficult interpersonal relationships than about misconduct or anything like that.

111. One of the things we have to think about when assessing the whistleblowing claim is how likely it is that someone not directly implicated in Mr Lamb's allegations would want to cover them up and punish him for making them. Protected disclosures come in all shapes and sizes. It is not necessarily the case – not remotely – that any protected disclosure of any kind made in any circumstances provides a possible motive for anyone and everyone connected with the employer to subject the maker of the protected disclosure to a detriment. We conclude that the contents of Mr Lamb's disclosures would not cause anyone not directly involved in them significant difficulties or embarrassment or anything of that kind, and would not provide a plausible motive for them to punish Mr Lamb or to cover his allegations up, let alone a plausible motive for the elaborate conspiracy alleged by Mr Lamb.
112. We turn to PID 3. According to the PID schedule, this concerns "*false and manipulated Occupational Health Referral documents submitted by my Supervision*". We are not sure what this is about. If it is actually an allegation of detriment rather than of a PID, it pre-dates 1 May 2013. If it really is an allegation that Mr Lamb made a PID, then: to the extent that it is about something in resolution 1, we have already covered it; and to the extent it is about something that was not in resolution 1, we are not satisfied that such a disclosure was made, for the reasons given in paragraph 106 above.
113. Further, if PID 3 is alleged to have been about an occupational health referral that was made in September 2012, we are not satisfied that Mr Lamb reasonably believed that breach of legal obligations or danger to health or safety was involved. Moreover, there is no substantial evidence suggesting to us that anyone did or omitted to do something because of any allegation by Mr Lamb about occupational health referrals.
114. We shall now consider the allegations of detriment relating to resolution 1 (i.e. that allegedly result from the making of PIDs 1, 2, 4, and 5) that come before the incident on 15 June 2013, i.e. alleged detriments occurring between 1 May and 14 June 2013.
115. In the PID schedule, all or almost all of the specific allegations made in connection with PIDs 1, 2, 4, and 5 happened before 1 May 2013 or on or after 15 June 2013. Detriment complaints 3 and 5, for example, relate to things that happened before 1 May 2013. What Mr Lamb is left with is his broad allegation that he was isolated and bullied, and that in their evidence to Healy in May 2013, his colleagues sought to discredit him.
116. Certainly by May 2013, if not before, many of Mr Lamb's colleagues did not like him or trust him, he was isolated as a result, and some of them made



disparaging remarks about him to Healy. Evidence that this was the case includes: messages between colleagues on Facebook on 10 and 11 May 2013 referring to their interviews with Healy, including a photograph of one of them 'giving the finger', which were printed off on a sheet of paper that was put in Mr Lamb's locker; various things said during the course of those interviews, such as that the whole team were upset with Mr Lamb because of his complaints, that people did not want to work with him, and, in the case of one colleague, that she would ignore him and would not call on him even in an emergency situation; an email of 28 May 2013 from Copus stating, "*Everyone on the team dislikes Mark because of his internal complaints and nobody would volunteer to go on the same course*"; according to the contemporaneous notes from the Oleaster, Copus told them, on 15 June 2013, that Mr Lamb had been ostracised from the team.

117. We note that the evidence we are referring to is evidence that Mr Lamb was mistreated by fellow PCs and by PCSOs. We are not satisfied that he was ever bullied / isolated by his supervisors, nor that any of them unnecessarily made disparaging remarks about him to Healy.
118. There were many reasons for others' dislike and isolation of Mr Lamb that were not directly connected with him having made protected disclosures. For example, he seems to have been rather gauche in his dealings with colleagues and to have given the impression that he considered himself to be a better person and Officer than them. This is typified by him calling a colleague a "*fucking disgrace to the uniform*" at the meeting on 27 January 2012 and by an unapologetic email he sent to seven colleagues the following day, accurately described by respondent's counsel as patronising and sanctimonious.
119. We think ERA section 48(2) – the burden of proof provision – is relevant here. The evidence suggests a causal link between Mr Lamb making protected disclosures in resolution 1 and him being ostracised and disparaged – i.e. subjected to detriment – by fellow PCs and by PCSOs who he had complained about. Pursuant to that section, it is therefore for the respondent to show that him being ostracised and disparaged had nothing to do with his protected disclosures. The respondent has failed to do so. Indeed, the respondent chose not to call as witnesses any of the PCs and PCSOs who were allegedly responsible for the ostracism and the disparaging remarks.
120. This complaint about being deliberately isolated therefore would succeed, were it not for time limits issues. We are, though, firmly of the view that there is no link between Mr Lamb's pre-15 June protected disclosures, or between him being ostracised and disparaged up to then, and the alleged detriments he is complaining about that happened afterwards. After 15 June 2013, he was moved out of Weoley ward and none of the people who allegedly subjected him to detriments afterwards: had had allegations made against them as part of resolution 1; had been responsible for the mistreatment the evidence suggests occurred.



121. Detriment complaint 4 is about “*additional and disproportionate workload*”. The reasons we don’t uphold this complaint include:
- 121.1 in his oral evidence, Mr Lamb confirmed that it is about other people allegedly not doing their jobs properly, leading to him [he felt] having to do their work as well as his own. There is no suggestion in the evidence that if they didn’t do their jobs properly, this had anything to do with him ‘blowing the whistle’;
- 121.2 we are not satisfied that, to the extent this happened at all, it happened after April 2013.
122. Before we turn to events of 15 June 2013, we note that no allegations of detrimental treatment or discrimination are made against Healy in the schedules. Accordingly, although Mr Lamb put such allegations to Healy in cross-examination, he may not pursue any complaints in relation to them.
123. We are anyway satisfied that Healy acted as he did solely because he thought that that was the appropriate way to conduct his investigation. Objectively, there is nothing majorly ‘wrong’ with his investigation and his conclusions appear to us to be fair and reasonable, based on the evidence presented to him.
124. There are three important additional points applying to Healy and to the allegations against him.
125. The first point is that not only is there, as explained above, no plausible motive for the alleged conspiracy against Mr Lamb, there is no real evidence of its existence. This lack of evidence is striking given that – if the conspiracy exists – for no hint of it to have slipped out in documentation or other evidence: very large numbers of people would either have to be part of it, or would have to be prepared to turn a blind eye to it; extraordinary care would have to have been taken by everyone involved.
126. This first point also applies to everyone else who is accused by Mr Lamb of having subjected him to detriments for blowing the whistle, other than those implicated in resolution 1 – Eyles and his colleagues at Weoley.
127. The second point is that against Healy, Mr Lamb’s case is, upon analysis, substantially an allegation about a cover-up. Acting from a desire to cover up wrongdoing is not the same as acting because of whistleblowing. To put it another way:
- 127.1 if Mr Lamb is correct in this part of his case, his protected disclosures may have created the need for a cover-up, but they were not the reason for it;
- 127.2 they were not the reason for it because, in this scenario, the cover-up would have been undertaken for its own sake;
- 127.3 accordingly, if Mr Lamb was subjected to detriments solely because of a desire to cover up wrongdoing, he was not subjected to detriments on the



ground that he made protected disclosures, in accordance with ERA section 47B.

128. The third point is that a large part Mr Lamb's case against Healy is an allegation of being subjected to a detriment by nothing more than the fact that there was [supposedly] a cover-up; in other words, that Mr Lamb was subjected to a detriment on the grounds of making a protected disclosure by the respondent deliberately not looking into and dealing with his allegations properly.
129. In connection with this third point, we draw a distinction between: a cover-up of allegations relating to Mr Lamb himself; and a cover-up of allegations that don't affect him personally (e.g. an allegation that a colleague has defrauded her insurance company).
130. If the alleged cover-up is of allegations affecting Mr Lamb personally, e.g. allegations the gist of which is that his own health or safety was endangered, we accept that such a cover-up might well, in and of itself, cause him a detriment.
131. If the alleged cover-up is of allegations of wrongdoing that don't personally affect Mr Lamb, however, then, even if the second point above (paragraph 127) is invalid, we do not accept that he would have been subjected to a detriment by such a cover-up. Every law-abiding person is concerned by the police covering up wrongdoing. The fact that Mr Lamb was the person who brought the allegations of wrongdoing to the respondent's attention does not, in our view, mean that he suffers significantly more detriment if those allegations are covered up than would be suffered by anyone else.
132. The above second and third points also apply to all the other whistleblowing detriment allegations that consist of or include allegations of a cover-up.

Whistleblowing policies

133. This is a convenient point to mention one way in which the respondent, through deficiencies in its policies and procedures, created a rod for its own back.
134. At all relevant times, the respondent did not have a proper whistleblowing policy – indeed it didn't have a whistleblowing policy, as such, at all. (We are told that it does now have a whistleblowing policy, although neither we nor – apparently – Mr Lamb has seen it; we are in no position to judge its adequacy). Instead, the respondent required Police Officers to raise their concerns through resolutions, as if they had a personal grievance.
135. It is a regrettably common feature of whistleblowing cases for the whistleblower to be unable to distinguish between the matters they have raised that are of genuine public interest and those of significance only to themselves. This tends to lead to the matters of genuine public interest getting lost or obscured.
136. Closely related to this is the tendency of many whistleblowers to feel a sense of ownership of the concerns they have raised, leading to them being unable to 'let go' of them after those concerns have been raised with, and dealt with by,



the appropriate person. Such whistleblowers often feel: that they have a right to know in detail how their concerns have been dealt with (e.g. whether someone they feel is a wrongdoer has been punished and if so how); that their concerns have not been dealt with properly and therefore that the appropriate person must be conspiring to cover things up.

137. One way almost to guarantee that all whistleblowing cases and whistleblowers will have some or all of the features described in the last two paragraphs is to do as the respondent did and to require whistleblowing concerns to be raised through what is effectively a grievance procedure.

15 June 2013

138. We shall now consider in even more detail what happened on 15 June 2013 and whether, during the course of the day, Mr Lamb was subjected to detriments because he blew the whistle.
139. We do not accept the account now being given by Mr Lamb of his conversation with Copus on 15 June 2013 before Mr Lamb left work.
140. In his witness statement, Mr Lamb alleges that: he asked Copus to book him off duty due to stress and anxiety, stating that he would see his GP on Monday [17 June]; Copus made comments to the effect that it must be intolerable for him to remain in work; shortly afterwards, he left "*as per discussion with COPUS ... under the belief he was going to book me off duty due to ill-health*". The first written account he gave of this conversation – in an email of 25 June 2013 headed "*Timeline*" ("Timeline") – is slightly but crucially different. The differences make it rather more credible; it better explains Copus's behaviour and other things that were said and done on the day, which are otherwise rather odd.
141. The account in the Timeline is that:
- 141.1 Mr Lamb had a conversation with Copus in which, "*As per previous conversations I raised that I was still unhappy with my treatment ... and that I would not be remaining in an environment in which I was being treated this way by everyone.*" This does not read as if he told Copus he was leaving imminently or immediately;
- 141.2 Copus then left, seemingly unconcerned. If Copus had been told by Mr Lamb that he was about to leave work due to ill health and was not bothered by this information, why would Copus react to him actually leaving work due to ill health in the manner Mr Lamb alleges he did, namely a panicked pretence that Mr Lamb had gone absent without leave?;
- 141.3 Mr Lamb then had a conversation with his wife during which he "*raised that I did not feel I could remain in the working environment*". If he had already decided he was about to leave work through ill health and had already told Copus so, why telephone his wife to have a conversation about it before doing so?;



- 141.4 he then sent an email to Barnett. The email says nothing about him being about to leave work due to ill health;
- 141.5 he then waited for Copus to “*discuss the matters with him*”, but Copus had gone out to get a sandwich so he then left. If he had already told Copus that he was leaving and why, what was there to discuss?
142. What is missing from the Timeline account is any conversation with Copus to the effect that Mr Lamb was planning on leaving work to go off sick, that Copus should sign him off sick, and that he was planning on seeing his GP the following Monday. A critical issue in relation to what happened on 15 June 2013 was and is whether Copus knew that Mr Lamb was leaving and why. We can think of no good reason why, if such a conversation had taken place, Mr Lamb would have failed to mention it, given that it left no room for doubt on that issue.
143. That no such conversation took place fits with part of what Mr Lamb apparently told Dr Ramji of the Oleaster: “*He understands the decision process of why colleagues brought him to a place of safety in view of him leaving work and driving away...*”. We would also ask why, if he had already asked Copus to sign him off sick and had explained he was seeing his GP on the Monday, he would text Copus, two hours or so later, to say, “*I will be off to see my GP on Monday and will keep you updated as there is no way I’m OK for duty at the moment*”? There is also, we note, no contemporaneous text message stating, or record of him telling the Oleaster, anything to the effect that Copus knew perfectly well he was leaving work through sickness because he had told Copus so.
144. In addition, had he really told Copus he was going off work sick because he had had enough of what he perceived as mistreatment at work and of his working environment, why would he have sent the text message he sent at 09.18hrs, “*Enough is enough. I simply can’t keep doing this day in day out.*”? It certainly doesn’t read as if it were sent as a courtesy and/or to confirm an earlier conversation.
145. Moreover, if what Mr Lamb alleges happened did indeed happen, what on earth was Copus doing? We found it rather difficult to follow what Mr Lamb is suggesting Copus’s motivation was for [allegedly] pretending he didn’t know that Mr Lamb was leaving work, but it seemed to be something along the lines of Copus being concerned that his neglect of Mr Lamb’s health and welfare was about to be exposed and/or a desire to undermine Mr Lamb’s credibility as a whistleblower.
146. To even entertain this as a possibility, it is necessary to put an awful lot to one side: the fact that Copus was not implicated in resolution 1; that resolution 1 had very recently been decided without any negative consequences for Copus; that Mr Lamb was about to be moved so that Copus would no longer be responsible for him; that Mr Lamb had just been given a clean bill of health by OH; and that – according to Mr Lamb – Copus was so indifferent to the prospect of him leaving work through ill health that he made no attempt to dissuade or prevent him from doing so and in fact popped out for a sandwich. But even ignoring all of that, any plan by Copus to use Mr Lamb leaving work to



advance his own ends in the way that seems to be being alleged required an extraordinary amount of good luck for Copus to pull it off. For example, had Mr Lamb simply gone home instead of driving to Bristol, and/or had he left a message for Copus or for someone else at the respondent to the effect that he had told Copus he was going off sick, the supposed plan would have fallen apart.

147. In summary, what we think probably happened was that Mr Lamb was angry about the proposed move from Weoley, had a conversation first with Copus and then with Mrs Lamb about it, sent the email to Barnett about it, ruminated on it, all the while got crosser and crosser about it, decided he was leaving work, went to speak to Copus, discovered Copus had popped out, and so left without telling Copus he was leaving.
148. Having established to our satisfaction that Mr Lamb had indeed, as the respondent alleges, left work without permission or warning, the respondent's actions become easy for us to understand; and, correspondingly, Mr Lamb's case that they are most likely the result of a conspiracy against him falls away.
149. Without the benefit of hindsight, based on information available at the time, we don't think anyone acted unreasonably on the day. Bearing in mind it was known Mr Lamb had been suicidal in the relatively recent past, him 'going AWOL' and sending his initial text message ("*Enough is enough...*") would have been very worrying to anyone in Copus's position; and little reassurance would have been provided by the message that he had "*Gone driving just to calm down and clear my head a bit*", particularly when it was followed by over an hour's silence. Taking a 'better safe than sorry' attitude and escalating the matter by taking it to Gittins was really the only thing Copus could reasonably do.
150. Once the matter had been escalated, it was Gittins and not Copus who was making the important decisions. Copus had very little reason to be concerned about Mr Lamb's past whistleblowing; and Gittins had still less. The idea that the protected disclosures might have caused Gittins to conspire with Copus and Surrige and instigate, in bad faith, a cross-country, multi-force, high-risk missing person search followed by a mental health assessment process, roping in officers from West Mercia and independent healthcare professionals, is bordering on the absurd.
151. We are not suggesting everything was done perfectly (or even, necessarily, well) by the respondent on the day; nor that we, with the benefit of hindsight, would definitely have made all of the same decisions the respondent did; nor do we mean to express a view on the technical legalities of what happened, for example as to whether or not Mr Lamb was at any point subject to police powers under section 136.
152. Our decision, in short, is merely this: nothing the respondent did or deliberately failed to do on 15 June 2013 had anything to do with Mr Lamb's protected disclosures; Copus, Gittins and everyone else at the respondent acted they did solely out of concern for Mr Lamb's welfare.



Other PIDs and detriments

153. Events of 15 June 2013 are part of the series of alleged detriments labelled “*detriment 6*” in the List of Issues. So far as concerns the other parts of detriment 6, the position, in summary, is that to the extent Mr Lamb was subjected to detriments as alleged, this was not done on the ground that he made any protected disclosure. We repeat the point already made about lack of evidence and plausible motive.
154. Dealing in more detail with some of the specific allegations:
- 154.1 there is a very serious allegation that OH services and healthcare generally were deliberately withheld because he blew the whistle. That allegation is without foundation. He was signed off sick by his GP and under his GP’s care. There may have been some innocent miscommunication between the respondent and his Federation representative; and between Mr Lamb and his Federation representative. The respondent understood – apparently correctly – that Mr Lamb only wanted contact via his Federation representative and complied with this. We are, moreover, not satisfied that anything encompassed within this allegation actually caused Mr Lamb to suffer a detriment;
- 154.2 there is an allegation about Mr Lamb’s return to work. Part of this is an allegation of a failure to comply with the duty to make reasonable adjustments, which will be dealt with below in the section of these reasons devoted to the discrimination claim. Putting that to one side, we cannot see what the respondent did or failed to do that in practice actually caused Mr Lamb any real detriment;
- 154.3 there is a complaint about the activation of the half-pay procedure. The reason this happened was purely and simply that Mr Lamb had come to the end of the period when he was automatically entitled to full pay;
- 154.4 there is a complaint about his move from Weoley ward. The move was originally proposed by Healy as an outcome of the resolution, because of the evident breakdown in relationships within Weoley. There is no complaint about that decision by Healy that is before us; and if there were, we would reject it for reasons already given, in paragraphs 123 to 125 above. It is not clear to us precisely what the allegation about the move is if it is not about Healy’s initial decision. Anyway, we are not satisfied on the evidence that the move was, objectively, mismanaged. Further, no one acted as they did because of anything to do with the making of protected disclosures. Decisions were taken in the interests of the operational needs of the respondent, taking into account Mr Lamb’s own needs and wishes, but without those needs and wishes being determinative;
- 154.5 there is a complaint about “*the provision of false and malicious information to my personnel and medical records*”. We don’t know what this relates to. We accept that everyone who provided information about Mr Lamb in relation to events of 15 June 2013 and after that date did so



in good faith, and that any inaccurate information that was provided was not provided maliciously;

- 154.6 there may be a complaint about the taking of Management Action against Mr Lamb for leaving duty without permission on 15 June 2013. In our view, the respondent cannot reasonably be criticised in relation to this. We have found that he did leave duty without permission. That misconduct was dealt with at the lowest possible level; the respondent could reasonably have subjected him to disciplinary action. The sole reason he was subjected to this treatment was his behaviour in 'going AWOL';
- 154.7 there may also be a complaint about the respondent's internal discussion about activating the regulation 33 procedure. Putting to one side the fact that nothing came of those discussions and that Mr Lamb was unaware of them at the time – and therefore suffered no discernible detriment – we again have no criticism of the respondent here. On the medical evidence the respondent had, Mr Lamb was fit for work and it appeared he might be refusing to come back to work. The 'reason for the treatment' was his absence from work, not any PID.
155. From shortly after 15 June 2013 onwards, Mr Lamb repeatedly raised concerns about what had happened and alleged, amongst other things, that he had been unlawfully detained. This is PID 6 and it clearly was a PID, being a disclosure of information tending, in his reasonable belief, to show breaches of legal obligations.
156. It makes no difference to our overall decision, but we note that Mr Lamb's repeated allegation that he was persecuted for blowing the whistle on 15 June 2013 and subsequently was not a protected disclosure. The broad allegation that this was what was happening was no more than a mere allegation, without any disclosure of information. The facts he was disclosing – his version of events – did and does not tend to show he was subjected to whistleblowing detriment; and to the extent he believed they did tend to show this, that belief was not reasonable.
157. Another possible part of detriment 6 is Mr Lamb's allegations relating to: his complaints about events of 15 June 2013 not being looked into properly; his wife's complaint being used as a pretext or an excuse for not looking into them properly; his wife's complaint also not being dealt with properly. They are certainly part of the whistleblowing claim as a whole. In relation to these allegations and to all and any related allegations:
- 157.1 we repeat our findings and observations set out in paragraphs 74 to 76 above;
- 157.2 we also repeat our earlier observations about lack of evidence or obvious motive. We accept that the allegations made in PID 6 were more serious than those made in earlier PIDs; but there was, if anything, less reason to want to cover up those allegations or punish Mr Lamb for making them than there was for wanting to cover up and punish in relation to the earlier PIDs. This is because there was, on our findings,



nothing of substance to cover up. Further, as just mentioned, if and in so far as it is alleged that what the respondent wanted to cover up and/or punish the claimant for raising was the allegation of a conspiracy, that allegation was not part of any PID;

157.3 nothing that was done that could in law constitute a detriment had anything to do with the making of protected disclosures.

158. PID 7 is the allegation relating to supposed unlawful detention of an individual on 11 February 2014, referred to in paragraph 78 above. This is obviously a PID. The allegation of detriment that goes with it is, however, misconceived, being that this allegation was not properly investigated and dealt with.

158.1 Even if we were satisfied that the allegation was not dealt with appropriately – and we are not remotely satisfied of this – that would not be a detriment to Mr Lamb.

158.2 Even if Mr Lamb were subjected to a detriment, he would not have been subjected to it on the ground that he made a protected disclosure. If the respondent failed to investigate the allegation properly, it was not because he made the allegation – it was because of incompetence, or laziness, or a desire to cover up wrongdoing.

158.3 We repeat paragraphs 127 to 131 above.

159. PID 8 is the allegation of fraud against Jones. As with PID 7, this is an obvious PID; but, also as with PID 7, the related detriment allegation[s] does not get off the ground. The disclosure seems to have been made in March and/or May 2014. The only discernible detriment to Mr Lamb is Jones providing possibly unreliable advice inappropriately months earlier, in October 2013. Further, in so far as this complaint relates to Federation failures properly to advise Mr Lamb, that is not a detriment inflicted by the respondent. Further:

159.1 there is no proper basis in the evidence for us to find that this disclosure was passed on to Mr Jones;

159.2 the evidence suggests that it was passed on to the Federation for them to deal with as they saw fit, and appropriately so;

159.3 we repeat in relation to this alleged detriment what is stated immediately above in relation to alleged detriment 7, in paragraphs 158.1 to 158.3.

160. PIDs 9 and 10 – and the allegations of detriment that go with them – are, broadly, Mr Lamb's complaints to PSD and to the respondent in 2014 and 2015 about what he saw as the mismanagement of his and Mrs Lamb's complaints and "*deliberate abuse of [the] investigation process*". We think in reality Mr Lamb is not alleging he was subjected to any detriment for making these alleged PIDs. His true case is that the respondent acted in this way: [possibly] because of resolution 1; as part of a cover-up, to protect its reputation.

161. We don't accept that either of these was a protected disclosure. The allegations made were another form of the conspiracy allegation. Any information he disclosed did not tend to show that an unlawful conspiracy was made out and if Mr Lamb believed it did, that belief was not reasonable. Even his present belief



that there was an unlawful conspiracy against him and to cover up his allegations, and that it is proved by the documents and information he relies on in these proceedings (far more documents and information than he had at his disposal in 2014 and 2015), is not a reasonable one.

162. Turning to detriment allegations 9 and 10:

162.1 we have already, in paragraph 157 above, dealt with much of this part of Mr Lamb's case;

162.2 we don't accept his allegation that there were significant faults in the investigation process, nor in the gathering of evidence, nor in the contents of evidence. For example, as already mentioned, we cannot identify anyone deliberately providing false evidence and information to anyone;

162.3 the only criticism we would accept to some extent is over the length of time the process took, but the main reason for this was Mrs Lamb's complaint. We accept that the respondent was bound to stop any investigation into Mr Lamb's complaints that overlapped to any extent with hers;

162.4 as with previous allegations, any detrimental treatment had nothing to do with the making of protected disclosures. There is no remotely plausible motive for the eight people – including two Chief Inspectors and one Chief Superintendent, all very distant from the events of 15 June – alleged to have conspired together to have done so;

162.5 also as with some previous allegations, Mr Lamb's true case seems actually to be that the main motive for the supposed conspiracy was to cover-up wrongdoing. In other words, the 'reason for the treatment' was not the making of a protected disclosure, even on Mr Lamb's own case.

Whistleblowing – Summary & Conclusion

163. Only one of Mr Lamb's whistleblowing complaints has merit on its facts: a complaint dating from 2012/2013 that fails because of time limits. The overarching allegation of a conspiracy running from 2012 right through to the present day to persecute Mr Lamb because he 'blew the whistle' is baseless.

Disability discrimination – reasonable adjustments – PCPs

164. Mr Lamb set out the PCPs he relies on for the purposes of his reasonable adjustments complaints, and a great deal of other essential information about his discrimination claim, for the first time in the List of Issues, i.e. after the start of trial. This was unfortunate. In combination with the fact that, as above, he is pursuing so many complaints, it meant it was impracticable to do what we would normally do at the start of a final hearing: to go through each of the complaints the claimant is making with the claimant – a process that often results in the claimant discarding obviously weak and/or unsustainable and/or incoherent complaints.



165. Most of the PCPs Mr Lamb relies on do not ‘work’, i.e. no valid claim can be based on them. The only one that definitely works is number 1: “*Requirement to attend work at a certain level or face disciplinary, financial threat or possible dismissal*”.
166. PCP 9 – “*Requirement to be subject to the Respondents Disciplinary procedures (Conduct Matter)*” also works in principle, but only to the extent that it duplicates PCP 1 and relates to the regulation 33 process. If what Mr Lamb is referring to is the Management Action taken in June 2013, then it doesn’t. Mr Lamb’s case is that he did not go AWOL so he must be alleging something along these lines: that he, as a disabled person, is more likely to be falsely accused of going AWOL; or that he, as a disabled person, is more likely to be subject to Management Action if accused of going AWOL. Any such allegations have no evidential basis. Moreover, the evidence of Harris, which we accept, was to the effect that the state of Mr Lamb’s mental health – as he understood it to be – was one of the reasons for not taking disciplinary action, i.e. Mr Lamb was treated more favourably in this respect than he would have been if he had had no mental health issues.
167. Alleged PCP 3 – “*Requirement to undertake a designated shift pattern, including late hours*” – could work in theory but doesn’t in practice. It is the “*late hours*” part of this PCP that is relevant, in that Mr Lamb is not alleging that working a designated shift pattern caused him problems related to his disability (and if he is alleging this, the allegation has no evidential basis). However, there is no substantial evidence that, at any relevant time, being required to work late caused him substantial disadvantage in comparison with non-disabled people. It was, we find, never the reason for him going off sick, for example. Further, at no relevant time has he suggested that what was stopping him returning to work was a refusal by the respondent to exempt him from working late; and he never asked to be exempted from working late, nor had any such request refused. Moreover, we are not aware of any medical evidence to the effect that, at any relevant time, his depression made it harder in practice for him to work late than it would otherwise be.
168. This brings us to a more general point relating to the disability discrimination claim: issues of medical causation, such as whether a particular problem Mr Lamb allegedly has is caused by his disability or whether particular sickness absence is caused by his disability, are issues that for the most part we need expert evidence on. We cannot simply accept Mr Lamb’s word on them. For example, it may well be that he finds it hard to work late and that he believes this is because of his depression, but this belief is not by itself evidence that what he believes is correct. Similarly, we cannot and should not make our own inexpert assessments on issues of medical causation. Our common sense and/or intuitions and/or medical knowledge gleaned from sources other than the evidence in this case are not reliable guides.
169. It is for Mr Lamb to prove his case¹⁰ and much of his discrimination claim cannot succeed without supportive medical evidence. If he has not put before

¹⁰ Subject, of course, to the special rules relating to the burden of proof set out in EqA section 136.



us the supportive medical evidence that a particular complaint needs, that complaint will fail. 'Levelling the playing field' because Mr Lamb is a litigant in person, in accordance with rule 2 and the overriding objective, does not mean relaxing the requirement that he proves his case with proper evidence.

170. Returning to the PCPs, the main problem with 2 ("*Requirement to disclose information to Line Manager to enable Occupational Health referral policy*"), 4 ("*Requirement to engage with Line Manager to conduct Return to Work process*"), 5 ("*Requirement to comply with Line Managers interpretation and allocation of the Respondents Patrol strategy*"), and 8 ("*Requirement to comply with Respondents reallocation of Policing role and/or location*") is that, in so far as it is possible to understand what Mr Lamb is getting at, there is no real evidence that any such PCPs ever caused any substantial disadvantage in comparison with persons who are not disabled.
171. What we think PCPs 6 ("*Requirement to identify and instigate conduct in conflict with Respondents Bullying Policy*") and 7 ("*Requirement to identify and instigate conduct in conflict with Respondents Discrimination Policy*") are concerned with is an allegation that Mr Lamb complied with these "*requirement*"s and that he was subjected to detriments as a result. If we are right about this, neither PCP forms the basis of a potentially valid reasonable adjustments complaint, because neither PCP has itself caused him substantial disadvantage in comparison with persons who are not disabled. If PCPs 6 and 7 are not concerned with this, then we do not understand Mr Lamb's case and, in particular, have no idea what substantial disadvantage in comparison with persons who are not disabled he is alleging he suffered, nor what evidence he relies on in support of that allegation.
172. What Mr Lamb seems to be complaining about, in connection with PCP 10 ("*Requirement to engage with Line Manager to conduct Respondents PDR/EDR process*", is that the respondent deliberately, because he blew the whistle, did not conduct personal development reviews ("PDR"s) with him. It is not a coherent PCP for the purposes of a reasonable adjustments complaint. We do not know what PCP is he alleging was applied to him that caused him substantial disadvantage and, as with a number of PCPs, we know of no evidence to support the allegation that any disadvantage suffered was a disadvantage in comparison with persons who are not disabled.
173. The final PCP – number 11 – is "*Requirement to engage with the Respondents Reasonable Adjustments Policy*". It takes the case no further, in that the allegation being made is essentially that the respondent failed to comply with the duty to make reasonable adjustments by not making reasonable adjustments.

Particular complaints – DD1 to DD11

174. All complaints of victimisation – which technically aren't complaints of disability discrimination – have already been dealt with.
175. Disability discrimination complaints are referred to as in the List of Issues, as "DD1" to "DD25".



176. DDs1 to 4 and 7 all pre-date 1 May 2013 so have not been considered on their facts. They fail because of time limits.
177. DD5, which is a direct discrimination and harassment complaint, is mainly about 'ableist' comments. In the DD schedule, Mr Lamb has given the complaints the dates 10 July 2012 to 15 June 2013. Apart from the comment about bootlaces that forms the subject matter of DD7 and dates from September 2012, Mr Lamb does not seem to have complained about these alleged comments at the time. The first complaint about them we know of is in Mrs Lamb's complaint of 27 September 2013. We are not satisfied that any inappropriate comments that might constitute harassment or direct discrimination were made after April 2013; nor that anything else forming part of DD5 happened after then.
178. DD6 is really the same as the whistleblowing complaint relating to ostracism. Most or all of it relates to things that happened before 1 May 2013. It fails as a disability discrimination complaint because:
- 178.1 as a reasonable adjustments complaint, it makes no sense, in that the treatment complained of has no connection with the only viable PCP relied on – PCP 1;
- 178.2 as explained above in relation to the related PID complaint, Mr Lamb was ostracised for a variety of reasons. None of those reasons had anything to do with his disability;
- 178.3 there was no less favourable treatment – an appropriate hypothetical comparator (i.e. someone who had behaved exactly as Mr Lamb had but who was not disabled) would have been treated in exactly the same way;
- 178.4 Mr Lamb's case is that the mistreatment he suffered caused a deterioration in his health connected with his depression. However, none of the time off he had between late September 2012 and 14 June 2013 seems to us to have been connected with disability. Mr Lamb attributes his tonsillitis and gout to his depression, but there is no medical evidence to support that attribution. He was given a clean bill of health by OH at the end of May 2013.
179. DD8, which is ostensibly a direct discrimination and reasonable adjustments complaint, is similar to DD5, in that it relates to comments allegedly made between July 2012 and mid-June 2013. It also overlaps to an extent with DD6, in that it incorporates an allegation that an alleged failure by management properly to deal with Mr Lamb's complaints of bullying adversely affected his health in a way connected with his depression. We don't uphold it principally because:
- 179.1 there is no discernible connection between the PCP relied on and the treatment he is complaining about;
- 179.2 we are not satisfied that any relevant comments were made to Mr Lamb, nor that any relevant mistreatment occurred, after April 2013;



179.3 for similar reasons to those set out in paragraph 178.4 above, we are not satisfied that any health problems Mr Lamb had between 1 May and 14 June 2013 were connected with his depression.

180. DD9, which is a direct discrimination and harassment complaint mainly about an alleged failure by Eyles to provide support, has been given dates of “21/01/13 onwards” in the DD schedule. However, we can identify nothing relevant to this complaint that happened after April 2013. Moreover, we also cannot identify any less favourable treatment in what is alleged, still less any mistreatment related to disability. We note that a complaint to the effect that breach of a duty of care caused a deterioration in Mr Lamb’s mental health is a personal injury claim for the County or High Court and not a matter for the employment tribunals.
181. DD10 is about an inappropriate remark allegedly made by Copus on 19 May 2013. The main reasons this complaint fails are that: the allegation was not put in cross-examination; (as with most other complaints) time limits – different people [allegedly] making ableist comments independently from one another at different times and in completely different circumstances is not a course of “conduct extending over a period” under EqA section 123.
182. DD11, which is said to incorporate complaints of direct discrimination, section 15 discrimination, breach of the duty to make reasonable adjustments, and harassment, relates to events of 15 June 2013 and the aftermath of those events. The reasons these complaints fail include:
- 182.1 there is no discernible reasonable adjustments complaint of any coherence, in that (as with other such complaints already dealt with), what Mr Lamb is complaining about appears to us to have no connection with any potentially valid PCP relied on;
- 182.2 according to the List of Issues, the “something”s relied on for the purposes of the section 15 complaint[s] are “being prevented from being booked off duty” and “being unlawfully Sectioned under Sct136 MHA 1983, subjected to forced medical assessment and denied dignity”. In relation to the first of these: on the facts, he failed to book himself off duty – no one prevented him from doing so; even on this own case, what happened was that the electronic ‘clocking off’ system failed, and how has that got anything to do with his disability? The second of these is not, on Mr Lamb’s true case, the “something arising in consequence of disability” under EqA section 15 at all, but the mistreatment he is complaining about. In other words, he has mistakenly put forward what is in reality a direct discrimination or harassment complaint as a section 15 complaint;
- 182.3 turning to the direct discrimination complaint, we have already made findings about what happened and why it happened in connection with the similar whistleblowing complaint. Although his depression and, more particularly, his previous suicidal ideation are relevant background factors, they are not the ‘reason for the treatment’. The reason for the treatment was Mr Lamb’s behaviour on the day. We are not even



satisfied that 'but for' Mr Lamb having depression, he would have been treated more favourably;

182.4 there is no section 15 complaint based on an allegation that Mr Lamb's behaviour on 15 June 2013 was something arising in consequence of his disability. If such a complaint had been made, we would have rejected it as not adequately supported by expert causation evidence;

182.5 so far as the harassment complaint is concerned:

182.5.1 the conduct was "*unwanted*" and, if we consider just Mr Lamb's own perceptions, it had the requisite "*purpose or effect*" under EqA section 26; *however* –

182.5.2 the conduct was not related to depression. As explained above in relation to the related direct discrimination complaint, the reason for the treatment was Mr Lamb's behaviour. His behaviour on the day was not because of depression either. On the contrary, the medical evidence from the Oleaster and his own case suggest he was not suffering from any acute mental disorder on 15 June 2013;

182.5.3 although his previous suicidal ideation was important in relation to the respondent's decision-making, and although that suicidal ideation seems to have been a consequence of depression, we think this link between his depression and the events of 15 June 2013 is too indirect for those events to be "*related to*" disability for the purposes of EqA section 26;

182.5.4 taking into account all the circumstances of the case, and not just Mr Lamb's subjective perceptions, our view is that the respondent's conduct did not have the requisite "*purpose or effect*". Mr Lamb's detention – if that is what it was – was done in about as gentle a way as it could have been. There was no coercion. He may have felt he had to cooperate or he would be coerced, but that feeling was never tested because he did cooperate. If this is harassment then potentially any section 136 detention would be harassment;

182.6 in relation to any discrimination complaint about an alleged cover-up, we have already made a finding that there wasn't one. In addition, in relation to any direct discrimination complaint about a cover-up, there was no less favourable treatment. If Mr Lamb was deliberately mistreated and the respondent sought to conceal that, his disability was neither here nor there – similar mistreatment of a non-disabled person would have been similarly concealed.

183. A further part of DD11 relates to OH, Mr Lamb's return to work, and potential reasonable adjustments connected with these things.

184. Direct discrimination is a non-starter in relation to this part of DD11. The respondent did not fail to make reasonable adjustments, to refer Mr Lamb properly and timeously to OH, and/or to follow a particular return to work procedure because of his depression or anything to do with it. There were, in our view, nothing more than procedural and administrative hiccups, and some



delay, all of the kind that is unfortunately typical in large bureaucratic organisations, not helped by (as mentioned earlier in these Reasons) the way in which HR issues relating to individual officers are dealt with by the respondent.

Reasonable adjustments – sickness absence

185. Considering possible breaches of the duty to make reasonable adjustments in connection with this part of DD11 bring us to two fundamental questions at the heart of this case:

185.1 was [is] any of Mr Lamb's sickness absence from May 2013 onwards actually disability-related?

185.2 even if it was, was the thing keeping him off work a failure to make reasonable adjustments, or something else?

186. Our answers to these questions are, respectively, "no" and "something else"; or, at best for Mr Lamb, "we are not satisfied on the evidence before us that his post-April 2013 sickness was because of depression, nor that what was keeping him off work was a failure to make reasonable adjustments".

187. The best expert evidence we have about the causes and consequences of Mr Lamb's depression is Dr Briscoe's report of 19 September 2016; indeed, that report contains the only close-to-comprehensive, detailed expert analysis of his condition we are aware of. We note the following parts of the report in particular:

187.1 *"I do not believe that his recurrent depressive disorder is closely related to his alleged experiences at work";*

187.2 *"there is evidence to support PC Lamb having personality difficulties manifested in a difficulty maintaining good working relationships with colleagues and superiors";*

187.3 *"His personality difficulties and working relations with colleagues are not manifestations of his depressive disorder";*

187.4 *"PC Lamb's behaviour in walking out of work on 15.06.13 was not, in my opinion, a manifestation of any mental disorder ... [and] if there are significant personality difficulties at play, then walking out from work ... would be an example of the maladaptive behaviour of someone with personality difficulties";*

187.5 *"It is of note that the Mental Health Act assessment of PC Lamb ... at the Oleaster ... and [an] assessment the following day [by the Wyre Forest Mental Health Home Treatment Team] ... did not identify any symptoms of depression or mental disorder. ... I am not clear as to the grounds his GP had for issuing Med3 sickness certificates subsequently, given the lack of significant mental disorder.";*

187.6 *"The Section 136 detention in June 2013 ... did not appear to have exacerbated his illness of depression or to have caused a mental disorder in its own right";*



- 187.7 “He does appear to have had two episodes of depression – in 2009 and 2012. ... Outside of these times, I do not consider that the evidence indicates that PC Lamb was suffering with a depressive disorder”, i.e. (by implication) whatever has caused his sickness absence from 2013 onwards, it is not the depression he relies on as a disability in these proceedings.
188. Whether a particular period of sickness absence is or is not related to Mr Lamb’s depression is a medical question on which we need medical evidence. The 2013 fit notes refer to work related stress and Dr Briscoe is clearly of the view that even if (which he seems to doubt) it was appropriate for Mr Lamb to be medically signed off from work, Mr Lamb was not suffering an episode of depression at this time.
189. Much the same applies to the period of sickness absence from December 2014 onwards. The Med 3s again do not refer to depression but to a “*stress related problem*” and, again, Dr Briscoe does not suggest this absence is depression-related.
190. For these reasons, we are not satisfied that any period of sickness absence post-April 2013 is related to Mr Lamb’s depression.
191. There is, moreover, no medical evidence demonstrating to our satisfaction that his depression caused him any substantial disadvantage in his work at any relevant time. By way of example, we refer to the possible complaint about having to work late that we have already dealt with: even if any difficulties working late Mr Lamb had were proved to be related to his depression, such difficulties did not, on the evidence, cause his sickness absence or any of the other things he complains about as part of his claim.
192. We ask ourselves the question: what has been keeping Mr Lamb off work since December 2014? The evidence that it is any failure to make adjustments – reasonable or otherwise – is insubstantial to non-existent. Even if we ignore disability altogether and simply ask ourselves, “what could the respondent do that would (or “*could well*”) get Mr Lamb back to work?”, we have no answer – other than, possibly, for the respondent to make a decision on Mr Lamb’s various complaints and grievances that is entirely in accordance with what he wants and/or for the respondent to dismiss every person against whom Mr Lamb has made allegations in these proceedings.
193. On the evidence, what seems to have been causing Mr Lamb’s absences from work was not his depression but his feelings: about how, in his perception, he has been treated; and about the individuals who he blames for this perceived mistreatment.
194. In 2013, for example, Mr Lamb did not return to work because symptoms related to his disability had abated, but because there was a financial imperative to return. In December 2014, when Mr Lamb attended his GP “*asking for a sick note*”, the trigger for him going off sick doesn’t seem to have been symptoms of depression, but tonsillitis. As Dr Briscoe notes in his report: just two weeks beforehand, his GP had noted he was “*stable with depression*”



currently and happy”; his GP’s notes for December 2014 include “*he doesn’t think he is depressed but exhausted*”; and the respondent’s OH doctor signed him as fit for duty just a week or so before he went off sick.

195. We also note that at no stage did Mr Lamb say anything to the respondent to this effect: “I will return to work if you do [such-and-such]”. Nor has he suggested – at least, not with any clarity – that he would have returned to work earlier if, at any particular point in time, the respondent had done something specific that it failed to do.
196. It follows that all remaining reasonable adjustments complaints necessarily fail. The affected complaints are most of: DD13 to DD15 and DD19 to DD24. As above, the only viable PCP is a “*Requirement to attend work at a certain level or face disciplinary, financial threat or possible dismissal*”. Given we are not satisfied that Mr Lamb’s sickness absence was caused by his disability, that PCP did not cause him a substantial disadvantage in comparison with non-disabled persons at any relevant time. It follows that the respondent could not know and or reasonably have been expected to know he was likely to be placed at any such disadvantage. Further, in so far as any alleged comparative substantial disadvantage relates directly to Mr Lamb being off sick, there were no steps that could reasonably have been taken that “*could well*” have alleviated¹¹ any such disadvantage.

Disability discrimination – other specific complaints

197. In this section of the Reasons, we shall largely ignore reasonable adjustments complaints, because they necessarily fail for the reasons just given.
198. DD12 and DD13 are a direct discrimination, harassment and/or reasonable adjustments complaints relating to the Management Action and/or the internal discussions about initiating the regulation 33 process. In relation to this complaint, we repeat findings already made in relation to PID detriment 6, at paragraphs 154.6 and 154.7. We also repeat our above findings to the effect that neither Mr Lamb’s conduct on 15 June 2013 in ‘going AWOL’ nor his subsequent sickness absence related to his disability.
199. DD14 and DD25 concern the regulation 28 / half-pay processes of 2013 and 2015. The reason he was put onto half-pay on both occasions was purely and simply his prolonged sickness absence. We have explained that we are not satisfied that his sickness absence was a result of his disability. Further, the law relating to sick pay and reasonable adjustments, set out in Griffiths and O’Hanlon v Commissioners for HM Revenue and Customs [2007] IRLR 404 is to the effect that it will rarely be reasonable for an employer to have to pay more in contractual sick pay to a disabled person in relation to disability-related absences than would be paid to a non-disabled person in relation to similar non-disability-related absences.

¹¹ The verb used in EqA section 20 is, of course, ‘to avoid’; but it is to be interpreted as meaning ‘to alleviate’ or ‘to reduce’.



200. If it is alleged, as part of either complaint, that anyone associated with the respondent deliberately and maliciously sought to deprive Mr Lamb of pay to which he was entitled, by filling in forms incorrectly or in any other way, we reject the allegation. If mistakes were made, they were innocent mistakes, made through ignorance or, at worst, carelessness; they had nothing to do with his disability.
201. DD15 is about an alleged non-implementation of agreed adjustments on Mr Lamb's return to work. As a direct discrimination complaint, it makes little sense because a non-disabled person would not be having reasonable adjustments made for them in the first place. Further, we know of no evidential basis for a finding that any mistreatment was because of Mr Lamb's disability. If adjustments that were proposed were not implemented or were taken away, it was because the OH assessments made after he returned to work did not recommend that those adjustments be made. We are not satisfied there was any less favourable treatment in accordance with EqA sections 13 and 23, nor that any such treatment was because of disability.
202. DD16 is about being accused of negativity by Acting Sergeant Williams. On the evidence, it seems to us that the reason Mr Lamb was being accused of negativity was that he was being negative. Given his feelings about his colleagues and the respondent generally, feelings reflected in his tribunal claim, it is unsurprising that he would sometimes be negative during his work and about his job. We are not satisfied that his negativity was a result of his depression.
203. Part of this complaint is about being "*issued with advice / warnings*", but Mr Lamb was never subjected to any disciplinary action. He was spoken to informally by Williams and we are not satisfied that anything Williams said to him in this respect was, objectively, inappropriate. There was no less favourable treatment here, nor any conduct having the purpose or effect set out in EqA section 26(1)(b), nor anything related to disability.
204. DD17 seems to consist of broadly two complaints. The first concerns false rumours circulating about Mr Lamb and about what had occurred on 15 June 2013, and the second is to do with PC Diane Bostock and in particular the incident in July 2014 when Mrs Lamb's car was damaged, referred to in paragraph 81 above.
205. It was common knowledge within the respondent – and inevitably so – that there had been an incident on 15 June 2013. People were bound to gossip about it. It is difficult to see what the respondent could have done about that that would not have potentially made the situation worse by drawing attention to it. Once again, we don't think there was any less favourable treatment.
206. Perhaps Mr Lamb's strongest case in relation to this is harassment. He alleges he was subjected to unfounded rumours and speculation; and parts of his evidence about this were not challenged in cross-examination. This was undoubtedly unwanted conduct. Arguably, it had the requisite effect in accordance with EqA section 26(1)(b). However, where DD17 as a harassment complaint falls down is that the conduct was not, in our view, related to



disability. He was subjected to these comments because of what happened on 15 June 2013 and that was not related to his disability.

207. In so far as he was subjected to inappropriate comments because of how he was perceived, we don't think he was perceived as a disabled person. He may have been seen as someone with mental health problems of some kind, but prejudiced speculation to that effect is not the same as speculation that someone is or might be a disabled person. Having mental health problems is not synonymous with having a disability under the EqA.
208. In relation to Bostock, Mr Lamb's complaint seems to be about how she spoke to him on 10 July 2014. He explained in his oral evidence that his case was to the effect that she was verbally aggressive towards him in an inappropriate and disproportionate way, and he attributed this to her prejudiced perceptions of him.
209. The best evidence of how Bostock was towards Mr Lamb in connection with this incident is her email of 10 July 2014. There is nothing inappropriate in it, as Mr Lamb himself conceded. We are not satisfied that there was any less favourable treatment under EqA section 13, nor any unwanted conduct having the requisite purpose or effect under EqA section 26. Further, even if there was, we are not satisfied it had anything to do with Mr Lamb's disability, nor with disability more generally.
210. Finally, if – which we are not satisfied was the case – Diane Bostock treated Mr Lamb differently from others because of her prejudiced perceptions of him, we repeat paragraph 207 above.
211. DD18 is about Thomson allegedly making ableist comments and Williams allegedly not responding appropriately to Mr Lamb's complaints about such comments.
212. In so far as there is a tribunal complaint about the Facebook comments made in September 2013, we repeat the findings made about them in paragraph 86 above: they were meant as, and taken as, jokes. There was, in other words, no unlawful discrimination.
213. We do not accept that Mr Thomson made remarks Mr Lamb found remotely offensive with any frequency, and certainly not "*on an almost daily basis*" (as is alleged in the DD schedule) from September 2013 onwards. Had he done so, Mr Lamb would undoubtedly have complained about them before he did. On the evidence, the first time it is clear he complained about them to the respondent was in June 2015, in the meeting with Hodgetts and Henstock; but he did refer to them in his claim form, three months earlier.
214. Neither Thomson nor Williams nor Henstock was a witness before us and none of them has had an opportunity to put forward his version of events to us. We can only decide this case on the basis of the evidence presented; but we note that had they given evidence, our findings might have been different. Anyone considering our findings about what was said and done by Thomson, Williams, Henstock, and others who did not give evidence should bear this in mind.



215. Hodgetts's oral evidence about the meeting in June 2015 was to this effect: although he couldn't remember the particular comments that were complained about, he did not think they were appropriate; Henstock was aware of the comments and did not deny, when discussing the matter with Hodgetts in the car on the way back from the meeting, that the comments were made; Henstock felt they were just 'banter'.
216. We note that it is, regrettably, still socially acceptable to make ableist comments relating to mental health in a way that it is not in relation to physical disabilities, or to make comments about other protected characteristics. It is entirely plausible that some officers would have deemed calling Mr Lamb the "*force nutter*" and making similar comments 'banter'. Despite what some people seem to think, calling comments banter, or meaning them as a joke, does not prevent them from potentially being discriminatory harassment.
217. The context within which potentially offensive comments are made is everything. The fact that Mr Lamb seems, for a time, to have been willing to tolerate PC Thomson making comments of a particular kind towards him, when they were on good terms, does not make it illegitimate for Mr Lamb to complain about the comments being repeated once relations between the two of them had become less friendly.
218. In terms of whether the comments related to Mr Lamb's disability, we note that Thomson was well aware of his medical history and his diagnosis of depression. What was stated earlier about prejudiced and ill-informed comments about mental health not being the same as comments about disability does not apply in relation to Thomson. Thomson knew or ought to have known Mr Lamb was disabled, so when Thomson made unwelcome ableist comments to Mr Lamb relating to his mental health, those comments related to disability.
219. We find that Mr Lamb probably was subjected to the comments complained of by Thomson, albeit not with the frequency alleged. We also find that they were either direct discrimination or discriminatory harassment – it makes no difference which; although harassment is probably the better label.
220. The one additional hurdle this complaint has to get over to succeed is limitation. For this claim to have been presented within the primary time limit, we have to be satisfied that the comments were made on or after 1 November 2014.
221. There is no contemporaneous evidence to support this claim, e.g. a written complaint to someone about these comments prior to the claim form. This is surprising in circumstances where, for example, on 3 November 2014 Mr Lamb complained to Williams about the spreading of malicious rumours relating to events of 15 June 2013. Because of this, we don't accept there was any complaint to Williams about them, nor any relevant failure by Williams to do anything about them.
222. That leads us to ask ourselves the question: why didn't Mr Lamb complain about them sooner? We don't have a clear answer; none emerged from Mr Lamb's evidence. One possible answer is that he did not have any desire to



complain about them until he fell out with the Police Federation. His final falling-out with them seems to have occurred in November / December 2014, in connection with what happened and who was present at a meeting involving Chris Jones and representatives of the respondent in September 2013. Speculating about this – and we are merely speculating – we wonder if what Mr Lamb was doing in his claim form in connection with this complaint was remembering and complaining about comments made by Thomson at a much earlier stage, but which he did not at the time complain about because his relationship with Thomson and the Federation had not yet soured.

223. It is always rather unsatisfactory to do so, but the only way we have been able to decide this complaint is to fall back on the burden of proof. It is for Mr Lamb to satisfy us that the comments were made at a particular time within the limitation period. We are not satisfied on the evidence that any of the comments complained about as part of DD18 were made on or after 1 November 2014. In the circumstances, the complaint about comments fails because of time limits.
224. In relation to the claim against Williams, we have already found that Mr Lamb did not complain to him about Thomson's comments, so Williams did not fail to act on a complaint. We also note that even if a complaint was made to him and he didn't deal with it properly, the fact that a complaint is about disability discrimination does not make a failure to deal with it disability discrimination too.
225. It is rather difficult to work out from the DD schedule what precise complaints are being made in DD19 to DD22. For the most part, DD19 to DD22 seem to cover similar ground to previous complaints.
- 225.1 The starting point for most of these complaints, e.g. complaints about adjustments and return to work processes, is that Mr Lamb's sickness absence related to his disability. We have found otherwise.
- 225.2 There are complaints to the effect that a proper assessment of Mr Lamb's needs in terms of reasonable adjustments was not made by OH. It seems to us that if OH was not doing its job properly, that was not the respondent's fault. Further, a failure to make such an assessment is not a breach of the duty to make reasonable adjustments, nor any other kind of discrimination, in and of itself. We also note that, at least from late 2015 onwards, the biggest obstacles to the respondent making a proper assessment of Mr Lamb's needs seem to have been: him falling out with OH; his unwillingness for the respondent to see medical information about himself; and his reluctance to have anything to do with his own line management.
- 225.3 Our findings about the 'reason for the treatment' relating to DD11 concerning OH referrals and the like, set out in paragraph 184 above, apply equally to what happened from 2014 onwards as they do to the period to which DD11 relates.
- 225.4 There is a complaint about lack of annual PDRs. The only time Mr Lamb might reasonably have had one after April 2013 would have been some



time in 2014. The respondent's substantially unchallenged evidence was that in 2014, no one got a PDR unless they asked for one. Mr Lamb did not, we find, ask for one at any relevant time. We are not satisfied there was any less favourable treatment of Mr Lamb in this respect, nor that not giving him a PDR had anything to do with his disability.

- 225.5 There are complaints that do not seem to us to have the slightest connection with disability discrimination of any kind, for example a complaint about the inadequate provision of information relating to what happened on 15 June 2013 and PSD's conclusions on Mrs Lamb's complaint.
- 225.6 There is some kind of complaint about withholding information that is rather difficult to follow. If it is about people other than Sgt Copus allegedly doing so, it not clear what information was supposedly withheld. There is no evidence we can discern of anyone withholding relevant material, deliberately or otherwise, from OH or from anyone else.
- 225.7 There may be a complaint – labelled as a one relating to the withholding of information – about Copus, or someone else, not telling OH and/or the Oleaster that Mr Lamb had unspecified personality issues or a personality disorder of some kind. Any such complaint is legally baseless. There can be no credible suggestion that Copus would have acted differently had Mr Lamb not been disabled. Apart from anything else, it would have been singularly inappropriate for Copus – who is not medically trained – to have inflicted his amateur psychological analysis or speculation on medical professionals within OH or elsewhere; and had he done so, this would not, we think, have benefitted Mr Lamb in any way, shape or form.
- 225.8 In relation to all identifiable complaints of harassment or direct discrimination made within DD19 to DD22 that have not already been dealt with, there was, we find, no less favourable treatment in accordance with EqA sections 13 and 23 and no unwanted conduct related to disability having the purpose or effect set out in the EqA section 26(1)(b).
226. DD23 and DD24 are essentially about alleged failures to identify and implement reasonable adjustments. As with many other complaints, they take as their unspoken starting point that: Mr Lamb's sickness absence from December 2014 onwards was caused by his disability; there are or were adjustments that could reasonably have been made that could well have got him back to work. Our findings don't support either of these things, and that makes most of DD23 and DD24 unsustainable.
227. We note our findings about events of 2015, in paragraphs 91 to 96 above. We also note that calling something an "adjustment" or even a "reasonable adjustment" does not make it a step that would have avoided a substantial disadvantage caused by disability in accordance with EqA section 20, nor does it make it a reasonable step for the respondent to have to take under that section.
228. DD23 and DD24 are examples of what look like reasonable adjustments complaints, but which are – almost arbitrarily – said to be direct discrimination



and/or harassment as well. No real attempt has been made by Mr Lamb to explain, for example, why he sees his treatment as less favourable in accordance with EqA sections 13 and 23, as opposed to merely not being to his liking; or how [allegedly] not discussing reasonable adjustments at a home visit can possibly have the purpose or effect set out in EqA section 26(1)(b).

229. As anything other than reasonable adjustments complaints, DD23 and DD24 are incoherent; and as reasonable adjustments complaints, they fail on the basis of our earlier findings. In relation to any direct discrimination and/or harassment complaints, we repeat paragraph 225.8 above: there was no less favourable treatment and no unwanted conduct related to disability having the purpose or effect set out in the EqA section 26(1)(b).

Disability discrimination – Summary & Conclusion

230. All reasonable adjustments complaints fail because we are not satisfied of a causal link between Mr Lamb’s depression and his periods of sickness absence from 2013 onwards; and because, even if there is a link, what kept him off work was not a failure by the respondent to make reasonable adjustments but his feelings and misplaced beliefs about his colleagues and the respondent and their conduct.

231. All and any section 15 complaints fail because the “*something*”s relied on are not both: things that arise in consequence of disability; things that caused the alleged unfavourable treatment complained of.

232. One harassment complaint, relating to comments made by a colleague in 2013/2014, succeeds on the facts but fails because of time limits.

233. All other direct discrimination and harassment complaints fail on their facts – e.g. nothing happened that was less favourable treatment or conduct having the purpose or effect set out in EqA section 26(1)(b) – and/or they make little or no sense as those types of complaint.

Employment Judge Camp

9 August 2017

SENT TO THE PARTIES ON 10 August 2017

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.....
FOR THE TRIBUNAL OFFICE



ANNEX 1 – SCHEDULES OF COMPLAINTS

<u>Date</u>	<u>Disclosure content</u>	<u>To Whom</u>	<u>Sct43B Provision and Detriment</u>	<u>(Respondent)</u>
1. 06/2011 onward s	Ongoing 1) <u>wilful repeated neglect of duty by Weoley Ward Police Officers and PCSOs</u> in failing to conduct patrol strategies to address patterns of Crime/ASB, failure to offer assistance/support to colleagues at times of confrontation and risk, failed to attend designated community engagements, failed to conduct Offender Management policies, obstruct the provision of relevant information internally and to partner agencies and failure to conduct investigations in a reasonable or expeditious manner. The result of such conduct greatly increased vulnerability and risk towards members of the public, members of West Midlands Police and businesses/property within the Weoley Ward area. <u>This was an ongoing course of conduct undertaken on an almost daily basis (to Sgt D Padmore? Others on specified dates?)</u> and was further raised due to its continece during the investigation process due to deliberate lack of action in that	- Sgt Delroy PADMORE (WMP) Concerns were disclosed verbally over a series of meetings regarding the ongoing issues to address them at the earliest possibility. - Insp Vanessa EYLES(WMP) Disclosed verbally in a meeting in June 2012 in which full details of the conduct were supplied further to Sgt PADMORE being identified as involved in the conduct to date. - PC Richard CHANT - (WMP / Federation) Disclosed electronically & verbally for progression, which was responded to by Ch	I raised concerns, direct to my employer, of this ongoing conduct as: - a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject under Police Regulations - 43B(b). - a miscarriage of justice is likely to occur 43B(c). - the health or safety of any individual has been, is being or is likely to be endangered - 43B(d). - My role of Whistleblower was then identified to (1a) <u>colleagues who undertook a campaign of isolation and bullying</u> , with the knowledge and involvement of Supervision. - Supervision (2a) <u>sought to discredit me personally and professionally</u> to counter the Whistleblower stance. - The (3a)WMP Whistleblower policy was not identified or initiated. - The(3b)WMP Bullying policy was not initiated. - In January 2013 the Resolution process was formally initiated resulting in no investigation into allegations of Police wrongdoing raised and instead undertook an (2b) <u>escalation of the efforts to discredit me on a personal and professional level</u> by instead addressing it as a team dispute, which was not the case. I requested further supporting information regarding the allegations about me, both personally and professionally, from Human Resources but (4) <u>received no response whatsoever</u> . - The Resolution was appealed in May 2013 upon which it	Were these concerns disclosed to named individuals? <i>Respondent denies disclosure made</i> If so, do these amount to PIDs? <i>(Respondent denies any disclosure to RC would be a PID)</i> 1 – is it 43B(b) or (d)? <i>Claimant to specify</i> Did alleged detriment (act or omissions 1, 2, 3, 4, 5) occur? <i>Respondent denies</i> If they occurred, do alleged detriments 1-5 amount to detriments? If so (for 1-5) was the cause the alleged disclosure 1? <i>Respondent denies cause</i> Are there any timing issues? 1 – alleged continuing act 2 - alleged continuing act 3 – out of time 4 – out of time 5 – alleged continuing act?
2 06/2012				
01/07/12				



	<p>process.</p> <p>Those identified in this conduct were: PC Dan HEWITT, PC Samantha KAY, PCSO Stacey EVANS, PCSO Kieron RONAN, PCSO Sarah SWIFT, PCSO Tina ROSE and PSCO Kevin HATHAWAY.</p>	<p>Supt Emma BARNETT. was (5a) <u>deliberately obstructed</u> from that point to the present day.</p> <p>- A/Sgt Renee KHOT (WMP) (when?) Disclosed verbally and also to Insp EYLES due to conduct continence.</p> <p>- The (1b) <u>campaign of isolation and harassment was allowed to continue</u> resulting in significant impact to my health in the form of stress exacerbating my diagnosed Depression, which escalated to the targeting of my Depression as a harassment and bullying tool.</p> <p>- I was subsequently (5b) <u>informed that the obstructed Resolution process could only be restarted upon completion of the complaint by Gemma LAMB</u> as it would address the allegations raised by me to date despite the two being separate entities.</p>	<p>Further and better particulars of the alleged campaign of bullying (1), alleged campaign to discredit (2), and alleged obstruction of resolution process (3) are required - see below.</p>
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<u>Date</u>	<u>Disclosure content</u>	<u>To Whom</u>	<u>Sct43B Provision and Detriment</u>	<u>(Respondent)</u>
<p>2. 06/12</p> <p>01/07/12</p>	<p>Ongoing (2a) <u>wilful neglect of duty of Weoley Ward NHT Supervision</u> as it subsequently came to light that the Officers conducting the above failures were doing so with the knowledge, and often in the presence, of Supervision who then acted to suppress disclosure of this conduct by way of directing Weoley Ward Officers to provide approved responses when approached by more Senior Supervision in relation to conduct and duties undertaken.</p> <p>Further to this I identified that (2b) <u>Sgt PADMORE was using his presence and influence upon Weoley Ward team members to promote unity in suppressing allegations and effective investigations into the Whistleblower</u></p>	<p>- Insp Vanessa EYLES (WMP) Disclosed verbally.</p> <p>- Insp Vanessa EYLES (WMP) Disclosed verbally and electronically upon request for updates.</p> <p>- PC Richard CHANT (WMP / Federation). Disclosed verbally and electronically for provision to Senior Supervision.</p>	<p>I raised concerns, direct to my employer, of this ongoing conduct as:</p> <p>- a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject under Police Regulations- 43B(b).</p> <p>- a miscarriage of justice is likely to occur 43B(c).</p> <p>- the health or safety of any individual has been, is being or is likely to be endangered – 43B(d).</p> <p>- that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed – 43B(f).</p> <p>- Insp EYLES stated that would not consider Sgt PADMORE as part of my allegation.</p> <p>- My Whistleblower stance was identified to Sgt PADMORE, A/Sgt KHOT and later to Sgt COPUS.</p> <p>- (2a) Supervision sought to discredit me personally and professionally to counter the Whistleblower stance.</p> <p>- (3a) The WMP Whistleblower policy was not identified or</p>	<p>Were these concerns (2a&b) disclosed to named individuals?</p> <p>If so, do these amount to a PIDs? 2a – is it 43B(b) or (d)? 2b – arguably 43B(f) ? <i>Claimant to specify</i></p> <p>Did alleged acts or omissions 1-3 & 5-7 occur?</p> <p>Do all alleged detriments 1-3 & 5-7 amount to detriments if they occurred?</p> <p>If so, in each case was the cause the alleged disclosure 2?</p> <p>Are there any timing issues? 1 – continuing act?</p>



<p>2. (Cont)</p>	<p>process to date.</p> <p>Those identified in this conduct were: Sgt Delroy PADMORE and A/Sgt Renee KHOT. Sgt Cary COPUS was subsequently identified due to his continuance of this conduct.</p>	<p>initiated.</p> <ul style="list-style-type: none"> - (3c)The WMP Resolution policy was subsequently not adhered to. - (3b)The WMP Bullying policy was not initiated. - In January 2013 a Resolution was initiated which instead (2b) escalated of the efforts to discredit me personally and professionally by addressing matters as a team dispute. - (5a) The Resolution was appealed in May 2013 whereupon it was obstructed from that point to the present day. - The (1b) campaign of isolation and harassment continued causing significant increases in the stress exacerbating my Depression and facilitated the targeting of my Depression as a harassment and bullying tool by colleagues. - (5b)I was informed that the obstructed Resolution would only be restarted upon completion of the complaint by Gemma LAMB as it would address the allegations raised by me to date. - Sgt PADMORE, A/Sgt KHOT and Sgt COPUS repeatedly failed to apply existing WMP policies and procedures (3a- c) towards me so (6) to prevent provision of support or guidance to me, to my detriment, whilst seeking to influence and thwart the investigation process at that time and increase the stresses upon me and increase the isolation and vulnerability that I was subject to. <p>Such obstructed support includes:</p> <ul style="list-style-type: none"> - Appropriate Occupational Health referrals. - Appropriate Occupational Health counselling. - Return to Work interviews and engagement. - Internal mediation. - Withholding of Policies already identified. - Failure to make reasonable adjustments by various Supervisors. - July 2012, Further to my return to work the management of me by Sgt PADMORE and A/Sgt KHOT was such that it only served to deliberately increase friction within the team and provided further uncertainty to the stability of my role at that time. - June 2013, I was informed that I would be (7) subject to a move, by Superintendent Andrew SHIPMAN, that was wholly disproportionate to the moves of only 2 other Officers involved in 	<ul style="list-style-type: none"> 2 - continuing act? 3 - out of time 5 - continuing act? 6 - continuing act? 7- when was move? -out of time? <p>Further and better particulars of the alleged campaign of bullying (1), alleged campaign to discredit (2), alleged obstruction of resolution process (3), are required, in each case to identify who was involved, specific actions or omissions alleged and when. (6 is partly particularised below)</p>
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	<p>this process. I was initially asked to consider a local move for the claimed reason of providing me with breathing space. Upon declining this I was told I was going to be moved anyway and that it was a temporary move to be reviewed in conjunction with the handling of the Stage 2 Resolution process meaning that the two processes were being inappropriately linked together. The management and parameters of this temporary move have been altered without my knowledge or involvement and remain unfinalised causing considerable uncertainty and stress in the workplace.</p> <p>- 8 Attempts to engage with both Supervision and HR over the obstructed Whistleblower stance were repeatedly met with refusals or claims of no knowledge of the matters by those individuals or that the matters were obstructed pending a PSD investigation.</p>	
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Date	Disclosure content	To Whom	Sct43B Provision and Detriment	(Respondent)
3. 02/09/12	<p>Identification of (3) <u>false and manipulated Occupational Health Referral documents submitted by my Supervision</u> for the purposes of concealing improper Police actions to date in the provision of information which was neither accurate or relevant.</p> <p>Those identified in this conduct were: Sgt Delroy PADMORE and A/Sgt Renee KHOT.</p>	<p>- Insp Vanessa EYLES (WMP) Disclose verbally.</p> <p>- PC Richard CHANT - (WMP / Federation) Disclosed electronically & verbally for progression to Senior Management</p>	<p>I raised concerns, direct to my employer, of this ongoing conduct as:</p> <ul style="list-style-type: none"> - that a criminal offence has been committed, is being committed or is likely to be committed - 43B(a) - a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject under Police Regulations and Data Protection Act - 43B(b). - the health or safety of any individual has been, is being or is likely to be endangered – 43B(d). - that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed – 43B(f). <p>- January 2012 onwards, In engagement with them my diagnosed Depression was disclosed by me to both Sgt PADMORE and A/Sgt KHOT. (6) Neither offered support or engagement in the workplace.</p> <p>- Instead dialogue and Return To Work Processes, which would have addressed the health impacts upon me, were deliberately withheld.</p> <p>- Occupational Health referrals were submitted containing false and inaccurate details of my health and welfare, so effectively falsifying my Medical and Employee record in doing so. The Referral contents were withheld from me.</p> <p>- I identified this abused process and sought to engage with A/Sgt KHOT to address this, who refused any engagement. It was later identified that Insp EYLES was involved in the Occupational Health Referral submitted by A/Sgt KHOT.</p> <p>- These inaccurate documents remain unaltered.</p>	<p>Were these concerns (3) disclosed to named individuals?</p> <p>If so, do these amount to a PIDs? 3 – is it 43B(d)? <i>Claimant to specify</i></p> <p>Did alleged detriment (act or omissions 6) occur?</p> <p>Does alleged detriment amount to a detriment?</p> <p>If alleged detriment (6) occurred, was the cause the alleged disclosure (3)?</p> <p>Are there any timing issues? 6 – Continuing act?</p>



Date	Disclosure content	To Whom	Sct43B Provision and Detriment	(Respondent)
4. 29/10/12	<p>Disclosure that Weoley Ward Police Community Support Officers and Police Officers were (4) <u>deliberately disregarding designated protocols and standing orders regarding existing</u> Patrol strategies, resulting in an almost non-existent Policing presence on the Weoley Ward area, whilst assigned to Operation SAVVY. This Operation required solo patrol at designated Hot-Spots.</p> <p>Instead, PCSOs were double crewing to keep each other company and in this process Police Officers were also leaving their designated areas of responsibility to keep PCSOs company despite a standing order that this practice was not allowed resulting in a lack of Officer presence. This caused a greatly increased vulnerability and risk towards members of the public, members of West Midlands Police and businesses/property within the Weoley Ward area.</p> <p>Those identified in this conduct were: PC Dan HEWITT, PC Samantha KAY, PCSO Stacey EVANS, PCSO Kieron RONAN, PCSO Sarah SWIFT, PCSO Tina ROSE and PSCO Kevin HATHAWAY.</p>	<p>- Sgt Cary COPUS (WMP) Disclosed verbally.</p> <p>- Insp Vanessa EYLES (WMP) Disclosed verbally</p> <p>- PC Richard CHANT (WMP / Federation) Disclosed verbally and electronically.</p>	<p>I raised concerns, direct to my employer, of this ongoing conduct as:</p> <ul style="list-style-type: none"> - a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject under Police Regulations and Police Staff Regulations- 43B(b). - the health or safety of any individual has been, is being or is likely to be endangered – 43B(d). - that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed – 43B(f). <p>- The identified (1/2/6?) deliberate failure to adhere to Policies in this matter became an extension of the existing ongoing campaign to escalate my isolation and vulnerability.</p> <p>- This conduct was undertaken with the knowledge and consent of my Supervision as Sgt COPUS gave the order for the adherence of solo patrols by PSCOs yet then refused to enforce that order upon non compliance.</p> <p>- It directly resulted in a (1/2/6 or new 9?) disproportionate work level expectation placed against me on the basis that I would often be the only available Police Officer for the entire designated area.</p> <p>- The escalation of the isolation and vulnerability in conjunction with the additional workload pressures resulted in additional, yet avoidable, increases in stress levels.</p> <p>- A/Sgt KHOT personally confirmed to me that Sgt COPUS was operating his own interpretation of the existing patrol strategy at a local level and this was allowing for inconsistent conduct regarding patrol towards me.</p>	<p>Is disclosure (4) not the same as disclosure (1).</p> <p>Were these concerns (4) disclosed to named individuals (CC, VE)?</p> <p>If so, do these amount to a PID? 4 – is it 43B(b) or (d)? <i>Claimant to specify</i></p> <p>Did alleged detriments (act or omissions 1, 2, 6, 9) occur?</p> <p>Do alleged detriments amount to detriments?</p> <p>If alleged detriments occurred, was the cause the alleged disclosure (4)?</p> <p>Are there any timing issues? 1/2/6 -ongoing acts New 9? – out of time?</p> <p>Can Claimant clarify if alleged detriments fall within existing allegation identified above (1/2 or 6) or are new alleged detriments?</p>



Date	Disclosure content	To Whom	Sct43B Provision and Detriment	(Respondent)
5. 12/12/12	<p>5) Disclosure of A/Sgt KHOT involvement in insurance Fraud by way of providing false information of location of damage to her vehicle, stating that the damage occurred in a private car park instead of the public location and claiming a partial rebate on the basis of providing an address that she was known to not yet live at, for financial gain.</p> <p>Those identified in this conduct were: A/Sgt Renee KHOT.</p>	<p>- Insp Vanessa EYLES (WMP) Disclosed verbally.</p> <p>- PC Richard CHANT (WMP / Federation) Disclosed verbally and electronically for the provision to Senior Supervision</p>	<p>I raised concerns, direct to my employer, of this ongoing conduct as:</p> <ul style="list-style-type: none"> - a criminal offence has been committed, is being committed or is likely to be committed - 43B(a) - a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject - 43B(b). - information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed – 43B(f). <p>- Upon discussing the identification of this possible offence with Insp EYLES she instead bluntly warned me that (10) raising any such matter further would be held against me and that perception of me was the most important factor within the workplace.</p> <p>- Insp EYLES stated that she would not allow any further investigation into the matter and again referred to perception to my colleagues of me in light of the existing investigation process and the difficulties I was experiencing as a result from my colleagues.</p> <p>- I believed I was subject to a very thinly veiled (10) threat against identifying any wrongdoing linked to the workplace as the workplace isolation and hostility was now, in turn, being identified and used as a threat against me, regardless of the impact to my health caused to date or of the severity and nature of concerns raised.</p>	<p>Were these concerns (5) disclosed to named individual (VE)?</p> <p>If so, do these amount to PIDs? Presumably 5 is 43B(a)?</p> <p>Did alleged detriment (10 - act or omission) occur?</p> <p>Did alleged detriment 10 amount to a detriment, if it occurred?</p> <p>If so, was the cause of 10 the alleged disclosure 5?</p> <p>Are there any timing issues? 10 – one off act - out of time</p>
6. 16/06/13 17/06/13	<p>Disclosure of the details and circumstances surrounding Police wrongdoing towards me in the (6a) <u>conducting of unlawful detention abuses and breaches to the Mental Health Act on 15/06/13</u> further to leaving work for identified reasons of Stress exacerbating a diagnosed case of Depression, stemming from the</p>	<p>- Insp Dan LOWE (WMP) - PC Scott THOMSON (WMP / Federation) Disclosed verbally.</p> <p>- A/Ch Insp Richard HARRIS & Kim LENNARD (WMP)</p>	<p>I raised concerns, direct to my employer, of this ongoing conduct as:</p> <ul style="list-style-type: none"> - a criminal offence has been committed, is being committed or is likely to be committed - 43B(a) - a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject under Police Regulations, Mental Health Act 1983 and PACE 1984– 43B(b). - a miscarriage of justice is likely to occur - 43B(c). - the health or safety of any individual has been, is being or is likely to be endangered – 43B(d). 	<p>Were these concerns (6a and 6b) disclosed to named individuals (DL,RH, KL, SW,SI, RL, DH, M and JP)?</p> <p>If so, do these amount to PIDs? Presumably 6a is 43B(a) 6b? <i>Claimant to specify</i></p>



27/06/13	hostile an unmanaged workplace.	Disclosed verbally.	- that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed – 43B(f).	Did alleged detriments (acts or omission - 1, 2, 6 11) occur?
25/09/13	Identified that WMP Officers were acting in a manner to be complicit in (6b) <u>concealing the unlawful detention</u> and abuse of the Mental Health Act incident towards me on 15/06/13 further to my stance of Whistleblower.	- PC Scott THOMSON (WMP / Federation) Disclosed verbally and electronically.	- Further to the (1/2/6?) ongoing campaign of isolation and harassment the impact upon me caused my general health to deteriorate and I became unable to remain in that working environment in the absence of support/guidance. I addressed this with Sgt COPUS stating I was removing myself from Duty with a view of obtaining a Doctors appointment for appropriate support.	Do alleged detriments (1/2/6 and 11) amount to detriments if they occurred? If so, was the cause of 1,2 ,6, 11 the alleged disclosure (6a and 6b)?
31/10/13 Onward	Those identified in this conduct were: Sgt Cary COPUS, Sgt Christopher SURRIDGE, Insp Christopher GITTINS, PC Angus NAIRN and PC RUDDICK regarding the initial detainment process. A/Ch Insp Richard HARRIS, Kim LENNARD and Sgt Chris JONES further to initial disclosure.	Disclosed verbally and electronically to escalate to Senior Supervision.	(6) Sgt COPUS offered no support mechanism or attempted to provided any reasonable workplace adjustments in light of this. - Further to leaving (11) I was subject to a Sct136 Mental Health Act detention that bore no reflection to any proportionate, necessary or legal action under the current circumstances.	Are there any timing issues? 1/2/6 -ongoing acts 11 – one off act - out of time
19/03/14		- A/Sgt Simon WILLIAMS (WMP). Insp Simon INGLIS (WMP). Richard LEESE (WMP). Insp Darren HENSTOCK (WMP). Ch Insp MINOR (WMP). Disclosed verbally in a series of meetings.	- Further to that process I met with Supervision and identified Police wrongdoing in that abused process and identified I considered this action to be a continece of the campaign against me due to the Whistleblower stance. - This allegation of police wrongdoing was not recorded or investigated accordingly and identified evidence was instead deliberately lost. - This detrimentally impacted my sense of isolation and vulnerability and drastically increased stresses upon me.	Can Claimant clarify if alleged detriments, other than 11 fall within existing allegation identified above (1/2 or 6) or are new alleged detriments?
6. (Cont)		Jonathan PLATT (WMP PSD) Disclosed verbally during a witness interview.	- I subsequently found that this process facilitated the provision of false and malicious information to my personnel and medical records as a direct result. - I was marginalised and subsequently told that this matter would be investigated as part of the complaint by Gemma LAMB, (5) whereupon the existing obstructed Resolution processes would only then be restarted as the Police investigation took precedent and there was no appropriate complaint process to address this Police wrongdoing. - (6) In the months that followed I was given no positive engagement, no Occupational Health support and no provision for Counselling despite the stated impact upon my health and absence	



for health reasons.

- I was subject to an extended period of uncertainty as my ill-health absence was not managed or considered, which resulted in the half pay process being initiated in. I was excluded from that process and so was forced to return to work by way of financial penalty.

- (6) My actual Return to Work was also not managed and I was withheld the existing Return to Work interview and documentation so further preventing appropriate engagement and support.

- (6) There were no reasonable adjustments to that return to work, despite assurances received to the contrary.

- Upon my return I was told that consideration to disciplinary action against me would not be considered due to the particulars surrounding my absence. I was informed, a month later, that PSD had only now decided that there would be no Disciplinary action against me resulting in considerable instability and uncertainty at how my return to work was being monitored, managed and manipulated.

- (7) The managing of this temporary placement was altered, without my knowledge or involvement, in terms of time period and considerations for review. This is still outstanding resulting in considerable instability and uncertainty surrounding my current placement. Repeated efforts have been made to address the management of my temporary move, but without any engagement or success.



<p>7. 11/02/14 19/03/14</p>	<p>I was tasked to locate an individual that had breached the terms of their Sex Offender Order by way of failing to provide an identified address within 72hrs. Acting upon information received this individual was located, arrested and taken to a Custody Suite. Required documentation revealed that there had been no such Breach and so no offence had been committed and that the intelligence provided was incorrect. This update was provided to the Duty Inspector and the information was then double checked and confirmed. (7) <u>Despite the updated information the Duty Inspector refused to authorise the release of the Person in Custody and instead asked me, twice, to amend my stated arrest reason for other offences that had also not been committed,</u> which I refused. Duty Inspector instead ordered the ongoing Custody until being dealt with the following day, at which point the individual was released as he had not committed any such offence, as already identified to the Duty Inspector twice. Those identified in this conduct was: Insp Christopher GITTINS.</p>	<p>I raised concerns, direct to my employer, of this ongoing conduct as: - A/Sgt Simon WILLIAMS (WMP) - Jonathan PLATT (WMP PSD) - a criminal offence has been committed, is being committed or is likely to be committed - 43B(a) - a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject under Police Regulations, PACE 1984 and Data Protection Act – 43B(b). - a miscarriage of justice is likely to occur - 43B(c). - that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed – 43B(f). - (12a) I was twice asked to falsify my reason for arrest to allow the ongoing custody of that person, which I refused, as it was unlawful . - I disclosed this matter to A/Sgt Simon WILLIAMS who then (12b) failed to take appropriate action in light of the information and documentation presented to him. - (12c) I was acutely aware that I was being deliberately linked to an unlawful detention, which increased the stresses upon me and increased my sense of vulnerability within the workplace. - It became apparent that, regardless of the content of any disclosure, that I was to remain isolated and obstructed (1/2/6). - I further disclosed this significant incident with WMP Professional Standards Department due to lack of action by A/Sgt WILLIAMS (12b) yet no formal investigation was undertaken.</p>	<p>Were these concerns (7) disclosed to named individuals (SW and JP)? If so, do these amount to PIDs? Presumably it is 43B(b) Did alleged detriments (acts or omissions 1, 2, 6, 12) occur? Do alleged detriments amount to detriments, if they occurred? <i>It is not accepted that alleged detriments 12 a and b are detriments</i> If so, was the cause of the alleged detriments the alleged disclosure (7)? <i>It cannot be said that a failure to investigate a disclosure is a detriment resulting from the disclosure itself</i> Are there any timing issues? 1/2/6 -ongoing acts 12 – one off acts – all out of time</p>
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<p>8. 09/11/13 19/03/14</p>	<p>Disclose details of Sgt Chris JONES (8) possible Fraudulent conduct in claiming funds via the Police Federation for identified legal advice, which was then not obtained without reason or excuse. Efforts were undertaken to instead mislead me into believing that the legal advice had been obtained and was unsuccessful. There appeared to be a sense of formality and familiarity to the execution of this conduct.</p> <p>Those identified in this conduct was: Sgt Christopher JONES.</p>	<p>- A/Sgt Simon WILLIAMS (WMP) Disclosed verbally.</p> <p>- Jonathan PLATT (WMP PSD) Disclosed verbally.</p> <p>I raised concerns, direct to my employer, of this ongoing conduct as:</p> <ul style="list-style-type: none"> - a criminal offence has been committed, is being committed or is likely to be committed - 43B(a) - a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject to under Police Regulations- 43B(b). - a miscarriage of justice is likely to occur - 43B(c). - that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed – 43B(f). <p>- 13In my dealings with West Midlands Police Federation I became aware that Sgt Chris JONES had (new 13 or part of 1/2/6?) undertaken steps to deliberately mislead my Representative, and me as a consequence, into believing that unsuccessful legal advice had been obtained, as per documentation and verbal updates to me. This resulted in an extended period of isolation, worry and stress placed upon me and identified a possible Fraudulent offence.</p> <ul style="list-style-type: none"> - This allegation was disclosed to A/Sgt Simon WILLIAMS as Police wrongdoing but (new 13 or part of 1/2/6?) the matter was not progressed without reason. - I took the opportunity to raise this allegation with WMP PSD, further to lack of investigation of police wrongdoing to date, who also (new 13 or part of 1/2/6) refused to progress it stating it was a matter for the Federation. - I contacted the Police Federation of England and Wales who detailed that all Police Officers remain the responsibility of the local Chief Constable, a responsibility that can not be disassociated due to Federation involvement - I raised this with A/Sgt WILLIAMS but it was (new 13 or part of 1/2/6) still not progressed. - This process separately deliberately obstructed reasonable and timely advice and also obstructed any timely Claim arising from it. It transpired that whilst deliberately withholding advice and guidance from me (new 13 or part of 1/2/6) Sgt JONES was instead working closely with WMP Senior Supervision in order to facilitate disciplinary action against me utilising Mental Health concerns. 	<p>Were these concerns (8) disclosed to named individuals (SW and JP)?</p> <p>If so, do these amount to PIDs? Presumably it is 43B(b)</p> <p>Did alleged detriments (acts or omissions -1, 2, 6, 13) occur</p> <p>If so, do alleged detriments (13, 14 and 15) amount to detriments, if they occurred?</p> <p><i>13 and 15- yes but it is not accepted that alleged detriments 14 a, b and c are detriments</i></p> <p>If so, was cause of the alleged detriments was the alleged disclosure 8?</p> <p><i>It cannot be said that a failure to investigate a disclosure is a detriment resulting from the disclosure itself</i></p> <p>Are there any timing issues?</p> <p>1/2/6 -ongoing acts 13 – out of time</p>
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Date	Disclosure content	To Whom	Sct43B Provision and Detriment	(Respondent)
9. 05/02/15 25/02/15	<p>Disclose that (9a) <u>documentary evidence, relevant to a formal Police investigation, further to a formal complaint from Gemma LAMB, is being deliberately disregarded by WMP resulting in an abused and improper investigation process, whilst deliberately disregarding false and malicious medical & employment documentary entries. (9b) This documentation would also evidences that Officers have provided false statements and accounts in the course of that Police investigation, including under Caution, and deliberately used abused Police powers to target me further to the Whistleblower process which remains obstructed.</u></p> <p>Those identified in this conduct were: Sgt Cary COPUS, Sgt Christopher SURRIDGE, PC Angus NAIRN and PC RUDDICK and members of WMP PSD.</p>	<p>- Sgt Mat CROWLEY (WMP) Disclosed electronically and elevated to Ch Insp Nicola COURT (WMP)</p> <p>- Sgt Andrew HODGETTS (WMP) & Sgt Jen PULLINGER. Disclosed verbally.</p>	<p>I raised concerns, direct to my employer, of this ongoing conduct as:</p> <ul style="list-style-type: none"> - a criminal offence has been committed, is being committed or is likely to be committed - 43B(a) - a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject under Police Regulations and Data Protection Act- 43B(b). - a miscarriage of justice is likely to occur - 43B(c). - that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed – 43B(f). <p>-14 In this process a member of the public, Gemma LAMB, raised a complaint against WMP Police regarding the impact of Police wrongdoing towards her property and to herself.</p> <ul style="list-style-type: none"> - I had awareness, and access, to Independent third party documentation which I detailed to A/Sgt WILLIAMS as it related to the subject of that Police investigation. I was informed that the documentation would likely form part of the external complaint process. - The execution of that investigation was such that actions were undertaken by the investigating Officers to actively disregard information or documentation that would evidence Police wrongdoing and so conceal that wrongdoing. - I again raised the existence of conflicting evidence to Police accounts. To date this remains unconsidered and un-actioned, without reason or excuse, resulting in an abused investigation process and catering for the continence of false and malicious entries on my personnel and medical records. - Further to having been repeatedly informed that the existing but (5) obstructed Resolution process would be restarted only at the finalisation of Gemma LAMB's complaint I have found that there has been no such attempt to conduct this and so the initial Whistleblower matters remain deliberately obstructed. 	<p>Were these concerns (9a&9b) disclosed to named individuals (MC, AH and JP)?</p> <p>If so, do these amount to PIDs? Presumably 9a is 43B(b) and 9b is 43B(a) and 43B(b)?</p> <p>Did alleged detriments (acts or omissions -14, 5, 3) occur?</p> <p>Do alleged detriments amount to detriments, if they occurred?</p> <p>If so, was the cause of the alleged detriment the alleged disclosure (9)? <i>It cannot be said that a failure to investigate a disclosure is a detriment resulting from the disclosure itself</i></p> <p>Are there any timing issues?</p>



<p>9. (Cont)</p>	<p>- The Final Report produced by PSD into Gemma LAMBS complaint shows no involvement or consideration to the Police wrongdoing that I have identified and raised. In light of this it is clear that the (3) failure to instigate and adhere to the existing WMP policies of Bullying, Discrimination, Whistleblowing were done so deliberately and to my detriment.</p> <p>- The repeated update that my allegations would be investigated within the scope of Gemma LAMB's complaint were false and malicious in their intent to thwart a formal investigation process, to my detriment. The conducting of this action has rendered any appropriate investigation into those identified allegations unmanageable due to time and evidence now deliberately lost. Conversely, the documentation regarding that obstructed Whistleblower process now shows only an outcome of significant questions placed against me on a personal and professional level that were never addressed by Human Resources.</p> <p>- The Independent Police Complaints Commission have identified to me, in writing, that the inability to be considered a complainant against my Force does not preclude me from being allowed to raise allegations of Police wrongdoing. Despite this there has been a series of actions by WMP to deliberately obstruct my inclusion in this available and appropriate process, as per the Whistleblower processes to date.</p> <p>- In February 2015 I have formally identified the existence and content of the disregarded documentation to Supervision. This matters was passed to Ch Insp Nicola COURT as the person of appropriate authority. To date there has been no engagement and no investigation has commenced. I have not been updated as to the rationale regarding this despite requests and the still obstructed Whistleblower process leaving my professional and personal reputation in tatters.</p>	
<p>10. 5/2/2015</p>	<p>On 05/02/15 10a.) I raised to WMP deliberate abuse of its investigation process and 10b.) concealment of Police abuses to date, causing an</p> <p>Sgt Matt CROWLEY Ch Insp Nicola COURT Sgt Jen PULLINGER Sgt Andrew HODGETTS</p> <p>The nature of the disclosure was such to identify:</p> <ul style="list-style-type: none"> - that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject to. 43B(b). - That a miscarriage of justice is likely to occur. 43B(c) 	<p>Were these concerns (10a&10b) disclosed to named individuals?</p>



<p>Appropriate Authority to be identified. Appropriate Authority failed to engage resulting in inappropriate / oppressive demands for access to my Medical Records, without supporting dialogue. I provided details of the allegation / concern of Police abuse towards Mental Health and to deliberately abused PSD investigations disclosed to WMP in this process, yet was deliberately.</p> <p>I further disclosed this at a Home Visit on 25/02/2015 to WMP Supervision. This was repeated in further detail at a Home Visit on 04/06/2015, in which independent third party evidence was produced to those Officers present. I progressed this obstructed disclosure to WMP Senior Supervision, on 26/06/2015, by identifying the previous disclosure, and the presentation of independent evidence, and the prevention of recording allegations / concerns of police abuses. This was further supplied to WMP PSD.</p>	<p>Insp Darren HENSTOCK Jonathan PLATT Ch Insp Brian CARMICHAEL Ch Supt Chris TODD</p>	<p>- The health or safety of any individual has been, is being or is likely to be endangered. 43B (d). - that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed. 43B (f).</p> <p>Detriment:</p> <ul style="list-style-type: none"> - WMP deliberately caused the retention of false and malicious acts of discrimination to remain on Police documentation, and be retained by third party organisations caused by WMP disclosures in that process, due to the obstruction to full investigation processes. - WMP continue to cause the retention of false and inaccurate information against my medical and employment records, that may be disclosable in future. - WMP undertook these continued actions, and failures, as a deliberate campaign of victimisation to undermine and discredit me having come forwards with Public Interest Disclosures to date, including this. - WMP have continued in a course of conduct of deliberately obstructing from me any existing processes in which allegations of Police abuse and corruption can be recorded and investigated, as per existing policies. - WMP have continued in a course of conduct of deliberately obstructing the specific Policy relating to internal Resolutions until such a time as when available evidence has been caused to have been deliberately lost by WMP inactions to date and by deliberate referral to incomplete, or corrupt, investigation processes. <p>This ongoing and deliberate campaign of victimisation and isolation has directly caused significant increases to stress and anxiety, which has exacerbated my existing Depression during a period of deliberately withheld Occupational Health support and withheld internal Mediation. This necessitated an increase of medication and the necessity of external Mental Health support to</p>	<p>If so, do these amounts to PIDs? Did alleged detriments occur? Do alleged detriments amount to detriments, if they occurred? If so, was the cause of the alleged detriment the alleged disclosure (10)? It cannot be said that a failure to investigate a disclosure is a detriment resulting from the disclosure itself Are there any timing issues?</p>
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combat the deterioration to my health and welfare caused by the victimisation suffered.

Respondent's attempt to group alleged detriments:-

It appears that many of the alleged detriments are alleged to have resulted from different alleged disclosures or as a result of discrimination – can the Claimant be clearer on cause?

<u>Ref No</u>	<u>Summary of alleged detriment</u>	<u>Particulars of alleged detriment provided</u>
<u>1</u>	<u>Campaign of isolation and bullying</u>	<p>1a - “colleagues undertook a campaign on isolation and bullying, with the knowledge and involvement of <u>Supervision</u>”</p> <p>1b – “campaign of isolation and harassment was allowed to continue”</p> <p><i>No further details supplied- further particulars of actions and omissions, dates and persons allegedly involved required</i></p>
<u>2</u>	<u>Sought to discredit personally and professionally</u>	<p>2a “sought to discredit me personally and professionally to counter the whistleblowing stance”</p> <p>2b- “escalation of efforts to discredit me on a personal and professional level by...addressing [resolution] as a team dispute” [date]</p> <p><i>No other details supplied - further particulars of actions and omissions, dates and persons allegedly involved required</i></p>
<u>3</u>	<u>Failure to identify or initiate appropriate policies and procedures</u>	<p>3a –Whistleblower policy not identified or initiated in response to disclosure 1&2</p> <p>3b – Bullying policy not identified or initiated in response to disclosure 1 &2</p> <p>3c – Resolution policy not identified in response to disclosure 2</p> <p>“Sgt PADMORE, A/Sgt KHOT and Sgt COPUS repeatedly failed to apply existing WMP policies and procedures towards me”</p> <p><i>No other details supplied - further particulars of actions and omissions, dates and persons allegedly</i></p>



		<i>involved required</i>
<u>4</u>	<u>Failure to respond to request for supporting documentation regarding investigation</u>	<p>I requested further supporting information regarding the allegations about me, both personally and professionally, from Human Resources but <u>received no response</u> whatsoever.</p> <p><i>No other details supplied - further particulars of actions and omissions, dates and persons allegedly involved required</i></p>
<u>5</u>	<u>Obstruction of Resolution</u>	<p><u>5a - The Resolution was appealed in May 2013 upon which it was deliberately obstructed from that point to the present day</u></p> <p><u>5b - I was subsequently informed that the obstructed Resolution process could only be restarted upon completion of the complaint by Gemma LAMB as it would address the allegations raised by me to date despite the two being separate entities</u></p> <p>(after section) - I was marginalised and subsequently told that this matter would be investigated as part of the complaint by Gemma LAMB, whereupon the existing obstructed Resolution processes would only then be restarted as the Police investigation took precedent and there was no appropriate complaint process to address this Police wrongdoing.</p> <p><i>No other details supplied - further particulars of actions and omissions, dates and persons allegedly involved required</i></p>
<u>6</u>	<u>Failure to provide support or guidance</u>	<p>“Sgt PADMORE, A/Sgt KHOT and Sgt COPUS repeatedly failed to apply existing WMP policies and procedures towards me so to prevent provision of support or guidance to me, to my detriment, whilst seeking to influence and thwart the investigation process at that time and increase the stresses upon me and increase the isolation and vulnerability that I was subject to.</p> <p>Such obstructed support includes: - Appropriate Occupational Health referrals; Appropriate Occupational Health counselling; Return to Work interviews and engagement; Internal mediation; Withholding of Policies already identified; Failure to make reasonable adjustments by various Supervisors; July 2012 - Further to my return to work the management of me by Sgt PADMORE and A/Sgt KHOT was such that it only served to deliberately increase friction within the team and provided further uncertainty to the stability of my role at that time.”</p>



“January 2012 onwards, In engagement with them my diagnosed Depression was disclosed by me to both Sgt PADMORE and A/Sgt KHOT. Neither offered support or engagement in the workplace.

- Instead dialogue and Return To Work Processes, which would have addressed the health impacts upon me, were deliberately withheld.
- Occupational Health referrals were submitted containing false and inaccurate details of my health and welfare, so effectively falsifying my Medical and Employee record in doing so. The Referral contents were withheld from me.
- I identified this abused process and sought to engage with A/Sgt KHOT to address this, who refused any engagement. It was later identified that Insp EYLES was involved in the Occupational Health Referral submitted by A/Sgt KHOT.
- These inaccurate documents remain unaltered.”

“I became unable to remain in that working environment in the absence of support/guidance. I addressed this with Sgt COPUS stating I was removing myself from Duty with a view of obtaining a Doctors appointment for appropriate support. Sgt COPUS offered no support mechanism or attempted to provided any reasonable workplace adjustments in light of this.”

After section – “In the months that followed I was given no positive engagement, no Occupational Health support and no provision for Counselling despite the stated impact upon my health and absence for health reasons.

- I was subject to an extended period of uncertainty as my ill-health absence was not managed or considered, which resulted in the half pay process being initiated in. I was excluded from that process and so was forced to return to work by way of financial penalty.”

“My actual Return to Work was also not managed and I was withheld the existing Return to Work interview and documentation so further preventing appropriate engagement and support.

- There were no reasonable adjustments to that return to work, despite assurances received to the contrary.
- Upon my return I was told that consideration to disciplinary action against me would not be considered due to the particulars surrounding my absence. I was informed, a month later, that PSD had only now decided that there would be no Disciplinary action against me resulting in considerable instability and uncertainty at how my return to work was being monitored, managed and manipulated.”



<p><u>7</u></p>	<p><u>Moved</u></p>	<p>“June 2013 I was informed that I would be subject to a move, by Superintendent Andrew SHIPMAN, that was wholly disproportionate to the moves of only 2 other Officers involved in this process. I was initially asked to consider a local move for the claimed reason of providing me with breathing space. Upon declining this I was told I was going to be moved anyway and that it was a temporary move to be reviewed in conjunction with the handling of the Stage 2 Resolution process [meaning that the two processes were being inappropriately linked together]”</p> <p>“The management and parameters of this temporary move have been altered without my knowledge or involvement and remain unfinalised.”</p> <p>“The managing of this temporary placement was altered, without my knowledge or involvement, in terms of time period and considerations for review. This is still outstanding resulting in considerable instability and uncertainty surrounding my current placement. Repeated efforts have been made to address the management of my temporary move, but without any engagement or success.”</p>
<p><u>8</u></p>	<p><u>Obstruction of Whistleblowing “stance”</u> <u>We are unclear as to exactly what this means but believe it may mean an alleged failure to deal properly with the matter he allegedly raised as PID’s? Can Claimant please confirm</u></p>	<p>Attempts to engage with both Supervision and HR over the obstructed Whistleblower stance were repeatedly met with refusals or claims of no knowledge of the matters by those individuals or that the matters were obstructed pending a PSD investigation</p> <p><u>No other details supplied - further particulars of actions and omissions, dates and persons allegedly involved required</u></p>
<p><u>9</u></p>	<p><u>Disproportionate work expectations</u></p>	<p>“It directly resulted in a disproportionate work level expectation placed against me on the basis that I would often be the only available Police Officer for the entire designated area”.</p> <p>“A/Sgt KHOT personally confirmed to me that Sgt COPUS was operating his own interpretation of the existing patrol strategy at a local level and this was allowing for inconsistent conduct regarding patrol towards me.”</p>
<p><u>10</u></p>	<p><u>Threats made</u></p>	<p>Upon discussing the identification of this possible offence with Insp EYLES she instead bluntly warned me that raising any such matter further would be held against me and that perception of me was the most important factor within the workplace.</p> <p>- Insp EYLES stated that she would not allow any further investigation into the matter and again referred to perception to my colleagues of me in light of the existing investigation process and the difficulties I was</p>



		<p>experiencing as a result from my colleagues.</p> <p>- I believed I was subject to a very thinly veiled threat against identifying any wrongdoing linked to the workplace as the workplace isolation and hostility was now, in turn, being identified and used as a threat against me, regardless of the impact to my health caused to date or of the severity and nature of concerns raised.</p>
<u>11</u>	<u>Sectioned under Mental Health Act</u>	<p>I was subject to a Sct136 Mental Health Act detention that bore no reflection to any proportionate, necessary or legal action under the current circumstances.</p> <p>I subsequently found that this process facilitated the provision of false and malicious information to my personnel and medical records as a direct result.</p> <p>- I was marginalised and subsequently told that this matter would be investigated as part of the complaint by Gemma LAMB,</p>
<u>12</u>	<u>Involved in an allegedly unlawful detention</u>	<p>I was twice asked to falsify my reason for arrest to allow the ongoing custody of that person, which I refused, as it was unlawful .</p> <p>- I disclosed this matter to A/Sgt Simon WILLIAMS who then failed to take appropriate action in light of the information and documentation presented to him.</p> <p>- I was acutely aware that I was being deliberately linked to an unlawful detention, which increased the stresses upon me and increased my sense of vulnerability within the workplace.</p> <p>I further disclosed this significant incident with WMP Professional Standards Department due to lack of action by A/Sgt WILLIAMS yet no formal investigation was undertaken</p>
<u>13</u>	<u>Dealt with badly by Police Federation</u> <u>No jurisdiction – this is not a complaint</u> <u>against the Respondent</u>	<p>In my dealings with West Midlands Police Federation I became aware that Sgt Chris JONES had undertaken steps to deliberately mislead my Representative, and me as a consequence, into believing that unsuccessful legal advice had been obtained, as per documentation and verbal updates to me. This resulted in an extended period of isolation, worry and stress placed upon me and identified a possible Fraudulent offence.</p> <p>- This allegation was disclosed to A/Sgt Simon WILLIAMS as Police wrongdoing but the matter was not progressed without reason.</p> <p>- I took the opportunity to raise this allegation with WMP PSD, further to lack of investigation of police wrongdoing to date, who also refused to progress it stating it was a matter for the Federation.</p>



		<ul style="list-style-type: none">- I contacted the Police Federation of England and Wales who detailed that all Police Officers remain the responsibility of the local Chief Constable, a responsibility that can not be disassociated due to Federation involvement- I raised this with A/Sgt WILLIAMS but it was still not progressed.- This process separately deliberately obstructed reasonable and timely advice and also obstructed any timely Claim arising from it. It transpired that whilst deliberately withholding advice and guidance from me Sgt JONES was instead working closely with WMP Senior Supervision in order to facilitate disciplinary action against me utilising Mental Health concerns.
14	<u>Failure to consider information I provided in relation to G Lamb's complaint?</u>	<p>In this process a member of the public, Gemma LAMB, raised a complaint against WMP Police regarding the impact of Police wrongdoing towards her property and to herself.</p> <ul style="list-style-type: none">- I had awareness, and access, to Independent third party documentation which I detailed to A/Sgt WILLIAMS as it related to the subject of that Police investigation. I was informed that the documentation would likely form part of the external complaint process.- The execution of that investigation was such that actions were undertaken by the investigating Officers to actively disregard information or documentation that would evidence Police wrongdoing and so conceal that wrongdoing.- I again raised the existence of conflicting evidence to Police accounts. To date this remains unconsidered and un-actioned, without reason or excuse, resulting in an abused investigation process and catering for the continence of false and malicious entries on my personnel and medical records.- Further to having been repeatedly informed that the existing but obstructed Resolution process would be restarted only at the finalisation of Gemma LAMB's complaint I have found that there has been no such attempt to conduct this and so the initial Whistleblower matters remain deliberately obstructed.- The Final Report produced by PSD into Gemma LAMB's complaint shows no involvement or consideration to the Police wrongdoing that I have identified and raised. In light of this it is clear that the failure to instigate and adhere to the existing WMP policies of Bullying, Discrimination, Whistleblowing were done so deliberately and to my detriment.- The repeated update that my allegations would be investigated within the scope of Gemma LAMB's complaint were false and malicious in their intent to thwart a formal investigation process, to my



		<p>detriment. The conducting of this action has rendered any appropriate investigation into those identified allegations unmanageable due to time and evidence now deliberately lost. Conversely, the documentation regarding that obstructed Whistleblower process now shows only an outcome of significant questions placed against me on a personal and professional level that were never addressed by Human Resources.</p> <ul style="list-style-type: none"> - The Independent Police Complaints Commission have identified to me, in writing, that the inability to be considered a complainant against my Force does not preclude me from being allowed to raise allegations of Police wrongdoing. Despite this there has been a series of actions by WMP to deliberately obstruct my inclusion in this available and appropriate process, as per the Whistleblower processes to date. - In February 2015 I have formally identified the existence and content of the disregarded documentation to Supervision. This matters was passed to Ch Insp Nicola COURT as the person of appropriate authority. To date there has been no engagement and no investigation has commenced. I have not been updated as to the rationale regarding this despite requests and the still obstructed Whistleblower process leaving my professional and personal reputation in tatters.
<p><u>Miscellaneous?</u> <u>Claimant to confirm if these fall within above allegations or form new/separate complaints</u></p>		<p>The identified (1/2/6?) deliberate failure to adhere to Policies in this matter became an extension of the existing ongoing campaign to escalate my isolation and vulnerability.</p> <ul style="list-style-type: none"> - This conduct was undertaken with the knowledge and consent of my Supervision as Sgt COPUS gave the order for the adherence of solo patrols by PSCOs yet then refused to enforce that order upon non compliance.



Date	Act Complained of	Perpetrator	Prohibited Conduct	(Respondent)
1. Period to 23/01/12 and onwards	<p>1a) <u>Deliberate obstruction to provision of timely and reasonable Occupational Health access</u> as the request for this was withheld for a period of almost three weeks and was only actioned upon a GP appointment made during Duty time and a formal request via email.</p> <p>2a) <u>Sgt PADMORE was directly critical of me</u> not identifying the perceived initial commencement date or time of the Depression as though it had a defined commencement point such as a physical injury occurrence even though he himself identified his awareness of my ongoing Depression at that time, as per his Occupational Health Referral contents. This made engagement with him over my Depression very difficult as I felt Depression was viewed by him as merely a weakness.</p> <p>Despite identifying the effects upon my health in the form of concentration lapses, periods of fatigue, headaches, inconsistent eating and sleeping routines and sense of general ill health and low moods I found 3a) <u>Sgt PADMORE was not receptive to any request of workplace amendments/adjustments</u> to take the factors surrounding my health into account as Occupational Health referral was all that was considered.</p> <p>Instead 2b) <u>Sgt PADMORE facilitated a hostile and confrontational working environment</u>, including a team meeting to accommodate the group mentality and hostility that Sgt PADMORE himself then claimed was misdirected and inappropriate, which considerably magnified the impact of ill-health upon me. <u>On the 28/01/12 I emailed the WMP Bullying policy to team members to address such conduct.</u> 4) <u>This was not progressed by Sgt PADMORE or A/Sgt KHOT.</u></p> <p><u>Further engagements regarding the impact to my health 1b) were not responded to by way of appropriate further referrals for support, counselling or 3b) reasonable adjustments despite</u></p>	<p>-Sgt Delroy PADMORE (WMP) -A/Sgt Renee KHOT (WMP)</p>	<p>-Direct Discrimination. -Failure to make reasonable adjustments.</p>	<p>Did Claimant have a disability at this time? Was Respondent aware at this time?</p> <p>Claimant to specify if each of allegations 1,2, 3 and 4 is alleged to be direct discrimination, a failure to make reasonable adjustments or both.</p> <p>If direct - details of comparator?</p> <p>If a failure to make reasonable adjustments, Claimant to specify a) what pcj was applied, or what physical feature or absence of aid placed him at a disadvantage and b) what adjustment should have been made</p> <p>Did the alleged acts or omissions at 1, 2, 3, 4 occur (further and better particulars may be required)</p> <p>If any acts or omissions occurred, do they amount to a) direct disability discrimination (s13) ie, do they amount to less favourable treatment and if so was the treatment because of the alleged disability (1, 2, 3, 4) and/or b) a failure to make reasonable adjustments (s20/21) (1, 2, 3, 4),</p>



accepting the content of information provided.	Out of time issues.
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<u>Date</u>	<u>Act Complained of</u>	<u>Perpetrator</u>	<u>Prohibited Conduct</u>	<u>(Respondent)</u>
2. 23/01/12 Onwards	<p>During my ill-health absence I attended Occupational Health in which we discussed the contents of Sgt PADMOREs referral form. I stated I believed that matters will now escalate and I feared being targeted by Supervision as a result of the personal relationship to Senior Supervision by one of my colleagues adding that I was not well enough to deal with that situation at that time. Kevin SAMMONS accepted my views about the position I was faced with and continued Counselling for my Depression and stress. Upon meeting David ILES the focus moved from my health and welfare to the workplace wrongdoing and he identified that I should request a meeting with HR, Senior Supervision and Federation to disclose the wrongdoing in the workplace. I replied with my concerns this would result in targeting of me and that I was not well enough to endure it at that time, to which I was asked to consider it for discussion at the next appointment, which I agreed to.</p> <p>5) <u>Within minutes of leaving Occupational Health I received an email copy of his recommendation for this meeting to Supervision in spite of my concerns about the process and impact to my health.</u></p> <p>I felt isolated and extremely vulnerable as a direct result. This became a significant cause of stress and worry to me to the point where I became suicidal at the prospect of being forced from my career and facing financial ruin as a result and a suicide attempt was made.</p> <p>I disclosed this to A/Sgt KHOT upon my return to work, 11/07/12, who then submitted an Occupational Health referral regarding this. Despite addressing the specific nature and timing of this as several months earlier and that any suicidal feelings had not returned I found that 6a) <u>the Occupational Health referral did not reflect the nature and content of my disclosure and instead painted a very different and alarming picture of me. In doing so significant concerns were unfairly and inaccurately placed against my Mental Health at that time. I was only aware of its contents upon speaking with the Force Dr and found the whole process</u></p>	<p>-Sgt Delroy PADMORE (WMP)</p> <p>- David ILES (WMP Occ Health)</p> <p>- A/Sgt Renee KHOT (WMP)</p>	<p>-Direct Discrimination.</p> <p>-Failure to make reasonable adjustments.</p> <p>-Victimisation.</p>	<p>Did Claimant have a disability at this time? Was Respondent aware at this time?</p> <p>Claimant to specify if each of allegations 3, 5 and 6 is alleged to be direct discrimination, a failure to make reasonable adjustments, victimisation, or all.</p> <p>If direct - details of comparator?</p> <p>If a failure to make reasonable adjustments, Claimant to specify a) what pcp was applied, or what physical feature or absence of aid placed him at a disadvantage and b) what adjustment should have been made</p> <p>If Victimisation – what was the protected act?</p> <p>Did the alleged acts or omissions at 3, 5 and 6 occur (further and better particulars may be required – see below)</p> <p>If any acts or omissions occurred, do they amount to a) direct disability discrimination (s13) ie, do they amount to less favourable treatment and if so was the treatment because of the alleged disability (3, 5 and 6) and/or b) a failure to make reasonable adjustments</p>



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<p>to be extremely distressing as my Mental Health was effectively being manipulated and re-written.</p> <p>Despite her own Occupational Health referral contents 3c) <u>I was offered no reasonable adjustments to my workplace environment or positive support by Supervision at that time.</u> This was also despite identifying the effects upon my health, as per those identified to Sgt PADMORE the previous day, and I found that 3c) <u>A/Sgt KHOT was in no way receptive to any request of workplace amendments/adjustments to take the factors surrounding my health into account.</u></p>	<p>(s20/21) (3, 5 and 6) and/or c) Victimisation (s27) was there a detriment because of a protected act (3, 5, and 6) ,</p> <p>Out of time issues -see below.</p>
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<u>Date</u>	<u>Act Complained of</u>	<u>Perpetrator</u>	<u>Prohibited Conduct</u>	<u>(Respondent)</u>
<p>3. Spring 2012</p>	<p>During a home visit whilst absent due to stress exacerbating Depression</p> <p>7a) <u>Sgt PADMORE openly challenged the validity and nature of my diagnosed Depression as well as the treatment of it with prescribed medication and the validity of that medication prescribed.</u></p> <p>26/09/12 This caused significant humiliation, marginalisation, embarrassment and discomfort as his stance and conduct was conducted in the presence of my wife and myself in our own home.</p> <p>8) <u>It was abundantly clear that the Mental Health impact was not being taken seriously at all and was itself being targeted despite informing him of the ongoing day to day effects upon my health and welfare.</u></p> <p>9) <u>I raised this conduct, and the conduct of colleagues to date, with Insp Sarah BOOTH of WMP PSD, but received no update or feedback of positive action or support.</u></p>	<p>-Sgt Delroy PADMORE (WMP)</p> <p>-Insp Sarah BOOTH (WMP)</p>	<p>-Direct Discrimination. -Harassment.</p>	<p>Did Claimant have a disability at this time? Was Respondent aware at this time?</p> <p>Claimant to specify if each of allegations 7, 8 and 9 is alleged to be direct discrimination, harassment or both.</p> <p>If direct - details of comparator?</p> <p>If harassment – who was the alleged harasser</p> <p>Did the alleged acts or omissions at 7, 8 and 9 occur (further and better particulars may be required – se below)</p> <p>If any acts or omissions occurred (7, 8 or 9), do they amount to a) direct disability discrimination (s13) ie, do they amount to less favourable treatment and if so was the treatment because of the alleged disability and/or b) harassment (s26/21) i.e. did the alleged harasser engage in unwanted conduct related</p>



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			<p>to the alleged disability and did that conduct have the purpose or effect of violating the Claimants dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the Claimant and, if so, was it reasonable for the conduct to have that effect .</p> <p>Out of time issues – see below.</p>
<p>4. 10/07/12 onwards</p>	<p>Upon my return 10) <u>the Return to Work Policy was withheld from me by Sgt PADMORE who instead 7b) quizzed me about the exact nature of Depression as an illness and the effects upon my health compared to 'normal' health impacts such as feeling tired and bad moods. This process was belittling, humiliating, and upsetting.</u></p> <p>Sgt PADMORE then 3d) <u>offered me the opportunity to consider going absent with ill-health despite having identified no reasonable adjustments to address the health impacts in the workplace. I was 3e) withheld support throughout my illness and no adjustments to my working environment were made as I had requested consideration to a move to a more suitable working environment to reduce the stress impact to my Depression and the impactful sense of isolation and vulnerability.</u></p> <p>I was 11) <u>initially restricted to office duties, as awaiting a training input, and was met with threats of being moved by Sgt PADMORE whilst he withheld work from me. This was in conflict with Sgt PADMORE having already identified his own previous considerations of Counselling or a Care Plan towards me to Occupational Health.</u></p> <p>Prior to my return to work 3f) <u>I received no information from Sgt PADMORE of any levels of reasonable adjustment to the nature and location of my working environment, any positive action of support such as Counselling and no identification of any positive action such as c/f 4) the implementation of the Bullying or Discrimination policy that had been withheld to date.</u></p>	<p>-Sgt Delroy PADMORE (WMP)</p> <p>- Direct Discrimination. - Harassment. - Failure to make reasonable adjustments. -Victimisation.</p>	<p>Did Claimant have a disability at this time? Was Respondent aware at this time?</p> <p>Claimant to specify if each of allegations 3 (4?), 7, 10 and 11 are alleged to be direct discrimination, harassment, failure to make reasonable adjustments, or victimisation, or all.</p> <p>If direct - details of comparator?</p> <p>If a failure to make reasonable adjustments, Claimant to specify a) what pcip was applied, or what physical feature or absence of aid placed him at a disadvantage and b) what adjustment should have been made</p> <p>If Victimisation – what was the protected act?</p> <p>If harassment – who was the alleged harasser</p> <p>Did the alleged acts or omissions at 3, 4, 7, 10 and 11 occur (further and better</p>



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		<p>particulars may be required)</p> <p>If any acts or omissions occurred (3, 4, 7, 10, 11), do they amount to a) direct disability discrimination (s13) ie, do they amount to less favourable treatment and if so was the treatment because of the alleged disability and/or</p> <p>b) harassment (s26/21) i.e. did the alleged harasser engage in unwanted conduct related to the alleged disability and did that conduct have the purpose or effect of violating the Claimants dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the Claimant and, if so, was it reasonable for the conduct to have that effect .</p> <p>c) a failure to make reasonable adjustments (s20/21) and/or</p> <p>d) Victimisation (s27) was there a detriment because of a protected act (3, 5, and 6) ,</p> <p>Out of time issues.</p>
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<u>Date</u>	<u>Act Complained of</u>	<u>Perpetrator</u>	<u>Prohibited Conduct</u>	<u>(Respondent)</u>
5. 10/07/12 to 15/06/13	<p>12) I was subject to ongoing derogatory references towards Mental Health sufferers by colleagues, in my presence with terminology including “NUTTER”, “FREAKS”, “MAD”, “LOSERS”, “PSYCHOS”</p> <p>13) I raised this with Sgt PADMORE and A/Sgt KHOT who failed to take appropriate action to prevent further instances of this. There was 4 b) no reference to WMP Bullying or Discrimination policies. Instead Sgt PADMORE 3g) asked me to tolerate the lack of understanding of Depression within the workplace by colleagues. A/Sgt KHOT would voice her sympathy to me and refer to the current</p>	<p>-PCSO Stacey EVANS (WMP)</p> <p>-PCSO Tina ROSE (WMP)</p> <p>-PC Sam KAY (WMP)</p> <p>-PC Dan HEWITT (WMP)</p> <p>-Sgt Delroy PADMORE</p>	<p>-Direct Discrimination.</p> <p>-Harassment.</p> <p>-Victimisation.</p>	<p>Did Claimant have a disability at this time?</p> <p>Was Respondent aware at this time?</p> <p>Claimant to specify if each of allegations 3, 4, 12 and 13 are alleged to be direct discrimination, harassment, victimisation, or all.</p>



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	<p>Whistleblower matters as though it was an accepted link, 3h) <u>whilst failing to take any positive or supportive action.</u> (WMP) -A/Sgt Renee KHOT</p> <p>Throughout this period there had been 3i) <u>no alleviation of the health impacts upon me that I had already identified to Supervision, yet nothing was addressed</u> resulting in a difficult workplace environment. (WMP)</p>		<p>If direct - details of comparator?</p> <p>If Victimisation – what was the protected act?</p> <p>If harassment – who was the alleged harasser</p> <p>Did the alleged acts or omissions at 3, 4, 12, and 13 occur (further and better particulars may be required)</p> <p>If any acts or omissions occurred (3, 4, 12, 13), do they amount to a) direct disability discrimination (s13) ie, do they amount to less favourable treatment and if so was the treatment because of the alleged disability and/or</p> <p>b) harassment (s26/21) i.e. did the alleged harasser engage in unwanted conduct related to the alleged disability and did that conduct have the purpose or effect of violating the Claimants dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the Claimant and, if so, was it reasonable for the conduct to have that effect, and/or</p> <p>c) Victimisation (s27) was there a detriment because of a protected act</p> <p>Out of time issues.</p>
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<p>6. 10/07/12 to 15/06/13</p>	<p>I was 14a) <u>repeatedly allocated solo patrol</u> during periods of ill health and fatigue due to diagnosed Depression whilst colleagues were not subject to the same constraints and 3j) <u>failure to offer support or guidance</u>. The physical impacts of my Depression magnified my sense of isolation and vulnerability stemming from my working role and disproportionate workload overseen by Sgt COPUS, <u>who would not address this</u>.address what – sense of isolation or alleged disproportionate workload ? is this a separate allegation? This was raised with successive Supervisors, but disregarded. A/Sgt KHOT even conducting a 'straw poll' on 05/09/12 to identify which team members were not willing to work with me. On the handful of occasions in which colleagues were tasked with working with me I was met with those 15) <u>colleagues refusing to work with me</u>, calling in sick and even telling me in person that they felt it was a punishment to them. I found this very distressing. On 09/12/12 A/Sgt KHOT specifically identified to me that I was being 14b) <u>subject to a disproportionate patrol strategy</u> compared to other Officers.</p>	<p>-Sgt Delroy PADMORE (WMP) -A/Sgt Renee KHOT (WMP) -Sgt Cary COPUS (WMP)</p>	<p>-Direct Discrimination. -Failure to make reasonable adjustments. -Victimisation.</p>	<p>Did Claimant have a disability at this time? Was Respondent aware at this time? Claimant to specify if each of allegations 3 14, 15 are alleged to be direct discrimination, failure to make reasonable adjustments, victimisation, or all. If direct - details of comparator? If a failure to make reasonable adjustments, Claimant to specify a) what pcg was applied, or what physical feature or absence of aid placed him at a disadvantage and b) what adjustment should have been made If Victimisation – what was the protected act? Did the alleged acts or omissions at 3,14, and 15 occur (further and better particulars may be required) If any acts or omissions occurred (3, 14, 15), do they amount to a) direct disability discrimination (s13) ie, do they amount to less favourable treatment and if so was the treatment because of the alleged disability and/or b) a failure to make reasonable adjustments (s20/21) and/or</p>
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			<p>c) Victimization (s27) was there a detriment because of a protected act</p> <p>Out of time issues.</p>
<p>7. 23/09/12</p>	<p>I was subject to a specific targeted 16a) <u>comment</u> of “WELL, WITH BOOT LACES THAT LONG IF HE SUDDENLY DEVELOPS DEPRESSION THEN I SUPPOSE HE CAN ALWAYS GO OFF SOMEWHERE QUIET AND JUST HANG HIMSELF” to the 16b) <u>open laughter</u> of all colleagues present. I raised this incident with A/Sgt KHOT and Insp EYLES who both 3k) <u>did nothing to address it, offer support or 4) instigate the Bullying or Discrimination policies of WMP.</u></p> <p>17) This was reviewed as part of the Resolution matter, but not addressed.</p>	<p>-PCSO Tina ROSE (WMP) -Weoley Ward NHT -A/Sgt Renee KHOT (WMP) -Insp Vanessa EYLES (WMP) - Ch Insp Phil HEALEY (WMP)</p> <p>-Direct Discrimination. -Harassment. -Victimization.</p>	<p>Did Claimant have a disability at this time? Was Respondent aware at this time?</p> <p>Claimant to specify if each of allegations 3, 16 and 17 are alleged to be direct discrimination, harassment, victimisation, or all.</p> <p>If direct - details of comparator?</p> <p>If Victimization – what was the protected act?</p> <p>If harassment – who was the alleged harasser</p> <p>Did the alleged acts or omissions at 3, 16 and 17 occur (further and better particulars may be required)</p> <p>If any acts or omissions occurred (3, 4, 12, 13), do they amount to a) direct disability discrimination (s13) ie, do they amount to less favourable treatment and if so was the treatment because of the alleged disability and/or b) harassment (s26/21) i.e. did the alleged harasser engage in unwanted</p>



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		<p>conduct related to the alleged disability and did that conduct have the purpose or effect of violating the Claimants dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the Claimant and, if so, was it reasonable for the conduct to have that effect, and/or</p> <p>c) Victimisation (s27) was there a detriment because of a protected act</p> <p>Out of time issues.</p>
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<p>8. 10/07/12 to 15/06/13</p>	<p>My initial isolation due to my Whistleblower stance evolved to target my Depression as my 18 and 16) <u>isolation would be accompanied with comments to Mental Health/Depression perception. Comments included “YOU NEVER KNOW KNOW WHAT HE (I) MIGHT DO BECAUSE PEOPLE WITH DEPRESSION DON’T KNOW THEMSELVES”, “ANYTHING IS POSSIBLE” and references to being a “RISK”. I was also subject to comments about “MAKING UP” Depression and “USING” it.</u> <u>These views/comments were reflected in the Resolution report 17/05/13.</u> Whereas few would state this 18) <u>it became a point of humour to others present, which was humiliating and upsetting. Such conduct was referred to Supervision but 3l) no action was undertaken and I was merely left to tolerate such conduct despite the 3m) withheld Counselling, withheld mediation, 4) withheld Bullying and Discrimination policies and 3n) withheld consideration of a move to a more appropriate working location or varied working hours due to the ongoing identified health implications.</u></p> <p>-PCSO Tina ROSE (WMP) -PCSO Stacey EVANS (WMP) -PC Samantha KAY (WMP) -pc Dan HEWITT (WMP) -A/Sgt Renee KHOT (WMP) -Sgt Cary COPUS (WMP) -Insp Vanessa EYLES (WMP)</p>	<p>-Direct Discrimination. -Failure to make reasonable adjustments. -Victimisation.</p>	<p>Did Claimant have a disability at this time? Was Respondent aware at this time?</p> <p>Claimant to specify if each of allegations 3 4, 18 are alleged to be direct discrimination, failure to make reasonable adjustments, victimisation, or all.</p> <p>If direct - details of comparator?</p> <p>If a failure to make reasonable adjustments, Claimant to specify a) what pcj was applied, or what physical feature or absence of aid placed him at a disadvantage and b) what adjustment should have been made</p> <p>If Victimisation – what was the protected act?</p> <p>Did the alleged acts or omissions at 3, 4, and 18 occur (further and better particulars may be required)</p> <p>If any acts or omissions occurred (3, 4, 18), do they amount to a) direct disability discrimination (s13) ie, do they amount to less favourable treatment and if so was the treatment because of the alleged disability and/or b) a failure to make reasonable adjustments (s20/21) and/or c) Victimisation (s27) was there a detriment because of a protected act</p> <p>Out of time issues.</p>
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<p>9. 21/01/13 onwards</p>	<p>After attending a GP appointment and further to the ongoing Whistleblower process Sgt COPUS instructed me to contact Insp EYLES in order to begin the provision of support to me. I felt as though a weight had been lifted from me as I had received no support to date. I contacted Insp EYLES and this was confirmed, although the priority appeared to be the transfer my existing allegation onto the correct form, so it was more a matter of bureaucracy.</p> <p>Further to completing this I found that, despite assurances received, 30) <u>there was no actual support offered to me</u> so I remained isolated, unsupported and treated with indifference to the ongoing daily impacts upon my health and welfare. The 19) false offer of support was a matter of considerable distress and upset in itself.</p>	<p>-Sgt Cary COPUS (WMP) -Insp Vanessa EYLES (WMP)</p>	<p>- Direct Discrimination. - Harassment. - Victimisation.</p>	<p>Did Claimant have a disability at this time? Was Respondent aware at this time?</p> <p>Claimant to specify if each of allegations 3, and 19 are alleged to be direct discrimination, harassment, victimisation, or all.</p> <p>If direct - details of comparator?</p> <p>If Victimisation – what was the protected act?</p> <p>If harassment – who was the alleged harasser</p> <p>Did the alleged acts or omissions at 3 and 19 occur (further and better particulars may be required)</p> <p>If any acts or omissions occurred (3, 19), do they amount to a) direct disability discrimination (s13) ie, do they amount to less favourable treatment and if so was the treatment because of the alleged disability and/or b) harassment (s26/21) i.e. did the alleged harasser engage in unwanted conduct related to the alleged disability and did that conduct have the purpose or effect of violating the Claimants dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the Claimant and, if so, was it reasonable for the conduct to have that effect, and/or c) Victimisation (s27) was there a detriment because of a protected act</p> <p>Out of time issues.</p>
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<p>10. 19/05/13</p>	<p>Further to investigating a neighbour dispute I was called into the briefing room by Sgt COPUS who proceeded to seek clarification from me of the mental Health state of one party involved by asking "WELL, HOW MAD IS HE". It was explained to me that this was on the basis that that individual too suffered with Depression and had previously felt suicidal.</p> <p>20) <u>The inappropriate nature of this request was demeaning and humiliating. I raised this matter with Insp EYLES who 3p and 4) offered no support or positive action via the WMP Bullying or Discrimination policies.</u></p> <p>Such conduct was clearly to be accepted.</p>	<p>- Sgt Cary COPUS (WMP) - Insp Vanessa EYLES (WMP)</p> <p>- Direct Discrimination. - Harassment. - Victimisation.</p>	<p>Did Claimant have a disability at this time? Was Respondent aware at this time?</p> <p>Claimant to specify if each of allegations 3,4 and 20 are alleged to be direct discrimination, harassment, victimisation, or all.</p> <p>If direct - details of comparator?</p> <p>If Victimisation – what was the protected act?</p> <p>If harassment – who was the alleged harasser</p> <p>Did the alleged acts or omissions at 3 4 and 20 occur (further and better particulars may be required)</p> <p>If any acts or omissions occurred (3, 4, 20), do they amount to a) direct disability discrimination (s13) ie, do they amount to less favourable treatment and if so was the treatment because of the alleged disability and/or b) harassment (s26/21) i.e. did the alleged harasser engage in unwanted conduct related to the alleged disability and did that conduct have the purpose or effect of violating the Claimants dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the Claimant and, if so, was it reasonable for the conduct to have that effect, and/or c) Victimisation (s27) was there a detriment because of a protected act</p> <p>Out of time issues.</p>
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Date	Act Complaind of	Perpetrator	Prohibited Conduct	(Respondent)
11. 15/06/13 onwards	<p>Further to attending Duty I informed Sgt COPUS that I could no longer remain in the workplace due to the ongoing impact of Stresses upon my Depression exacerbating the already identified daily health and welfare implications that I endured. The magnification of my health impacts primarily stemmed from the 21) ongoing campaign of bullying, isolation and harassment from colleagues, including in the presence of Supervision for extended periods yet refused to act, and by 3q and 4) Supervisions ongoing mismanagement of both my health and working environment including the recent refusal to support any move from the LPU regardless of the impact upon my health to date at a time in which Supervision themselves recognised the need for 'breathing space' from the environment I was subject to. In doing so 22) <u>a local move was arranged which would not address this</u> in a process that was inappropriately linked to the existing Resolution.</p> <p>I stated I would attend the next available GP appointment for support. Sgt COPUS voiced no concern or consideration to my workplace treatment, or its impact upon my health, and instead provided further information to compound the sense of isolation and vulnerability I was subject to in the workplace by identifying I was being targeted by Senior Supervision further to coming forward with concerns.</p> <p>Despite this engagement and information 23) <u>I was subsequently subject to a Sct136 Mental Health Act police detention, which was an abused process towards me. Sgt COPUS stated my detainment was due to my having Depression, which was more severe the previous year alluding to my suicidal intent at one time, which was of no bearing on that day or recently.</u></p> <p>I was publicly paraded by Police and treated with no consideration towards my health or welfare resulting in considerable humiliation, distress and upset.</p> <p>Officers involved then 24) <u>undertook steps to conceal their actions and conduct directed to me solely as a Mental Health sufferer.</u></p> <p>Supervision would not engage with me further regarding this matter and 3r) <u>there was no provision of Counselling, Occupational Health support,</u></p>	<p>-PC Angus NAIRN (CMPG). -PC RUDDICK (CMPG) -Sgt Cary COPUS (WMP) -Sgt Christopher SURRIDGE (WMP) -Insp Christopher GITTINS (WMP) -A/Ch Insp Richard HARRIS (WMP)</p>	<p>-Direct Discrimination. -Discrimination arising from disability. -Harassment. -Victimisation. -Failure to make reasonable adjustments.</p>	<p>Did Claimant have a disability at this time? Was Respondent aware at this time?</p> <p>Claimant to specify if each of allegations 3 21, 22, 23 are alleged to be direct discrimination, discrimination arising from disability, harassment, failure to make reasonable adjustments, or victimisation, or all.</p> <p>If direct - details of comparator?</p> <p>If a failure to make reasonable adjustments, Claimant to specify a) what pcw was applied, or what physical feature or absence of aid placed him at a disadvantage and b) what adjustment should have been made</p> <p>If Victimisation – what was the protected act?</p> <p>If harassment – who was the alleged harasser</p> <p>Did the alleged acts or omissions at 3, 21, 22, 23 occur (further and better particulars may be required)</p> <p>If any acts or omissions occurred (3, 21, 22, 23), do they amount to a) direct disability discrimination (s13) ie, do they amount to less favourable treatment and if so was the treatment because of the alleged disability</p>



<p><u>Mediation or other managed considerations to my absence to facilitate a return to work despite my repeated requests.</u> In light of the heavy weight placed against my Mental Health by West Midlands Police 3s) <u>there was no attempt to address the appropriateness of my current role, working hours or location to address these considerations.</u></p>		<p>and/or b) discrimination arising from disability i.e. do they amount to less favourable treatment and if so was the treatment because of something arising as a consequence of the Claimant's alleged disability; c) harassment (s26/21) i.e. did the alleged harasser engage in unwanted conduct related to the alleged disability and did that conduct have the purpose or effect of violating the Claimants dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the Claimant and, if so, was it reasonable for the conduct to have that effect . d) a failure to make reasonable adjustments (s20/21) and/or e) Victimisation (s27) was there a detriment because of a protected act (3, 5, and 6) , Out of time issues.</p>
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<u>Date</u>	<u>Act Complained of</u>	<u>Perpetrator</u>	<u>Prohibited Conduct (Respondent)</u>
12. 28/06/13 onwards	<p>Senior Supervision 25a) commenced intentions for the purposes of <u>initiating formal action</u> to have my position of Constable reviewed, citing reasons of Mental Health, that were neither brought to my attention or addressed within the organisation at that time and so this action was punitive in its nature given an identified 3t) <u>failure to engage in or adopt any reasonable adjustments to address those ongoing health concerns up to, and beyond, that point.</u> I was 3t) <u>withheld any engagement, support or the conducting of any reasonable duty of care whilst this punitive action was being planned and the 3t) appropriateness of my current role and location was not addressed</u> under these circumstances.</p>	<p>- A/Ch Insp Richard HARRIS (WMP) - Kim LENNARD (WMP HR Manager) - Insp Brian CARMICHAEL (WMP PSD)</p>	<p>Comments as above re 3 and 25 - Direct Discrimination. - Harassment. - Victimisation. - Failure to make reasonable adjustments.</p>



13. 02/10/13 onwards	During my ill-health absence WMP Supervision worked to 25b) <u>initiate UPP</u> against me whilst having 3u) <u>withheld any reasonable contact, support or duty of care</u> during, and beyond, that time point. In doing so the lack of engagement to date was internally identified and was addressed by way of requesting Supervisory dialogue to then be able to evidence action in Stage 1 of the proposed process against me. It was only then received contact from A/Sgt WILLIAMS.	- A/Ch Insp Richard HARRIS (WMP) - Kim LENNARD (WMP HR Manager) - Sgt Chris JONES (WMP & Federation)	Comments as above re 3 and 25 - Direct Discrimination. - Failure to make reasonable adjustments. -Victimisation.
14. 09/2013 Onward	Due to my ill-health absence I became subject to the Half Pay process. Whilst aware of the approach of this process 26a) <u>I had no information about when or what the process entailed</u> . I found that I received scant information from WMP Federation, although the scant information provided was vague and conflicting. Upon then receiving contact from A/Sgt WILLIAMS I was 26b) <u>further provided with incorrect information</u> on 23/10/13. Despite my repeated requests for a managed return to work I 3v) <u>received no information or engagement regarding any reasonable adjustments</u> , which were still serving to prevent that return to work. Despite no reasonable adjustments and my deliberate removal from the Half Pay process I was then subject to that Half Pay process to my detriment. As a direct result I returned to work by way of financial penalty as opposed to any managed return to work with reasonable adjustments. I was subsequently informed that the withheld money would be returned but it was not. This was all despite the actions against me at that time by WMP Supervision.	- PC Scott THOMSON (WMP) - A/Sgt Simon WILLIAMS (WMP) - Insp Simon INGLIS (WMP) - A/Ch Insp Richard HARRIS (WMP) - Kim LENNARD (WMP HR Manager) - Richard LEESE (WMP HR Manager) - Sgt Chris JONES (WMP & Federation)	Comments as above re 3 and 26 - Direct Discrimination. - Failure to make reasonable adjustments. -Victimisation.

<u>Date</u>	<u>Act Complained of</u>	<u>Perpetrator</u>	<u>Prohibited Conduct (Respondent)</u>	
15. 31/10/13 onwards	A home visit was conducted on 31/10/13 by A/Sgt WILLIAMS and Richard LEESE (HR Manager) in which the circumstances of my absence was discussed and the ongoing impact to my health. It was proposed to me that to facilitate a managed return to work a move would not be considered to a suitable other location but that I would be offered a series of monthly engagement with Occupational Health and a weekly series of meeting with A/Sgt WILLIAMS and Insp INGLIS to ensure constant communication to address any	- A/Sgt Simon WILLIAMS (WMP) - Richard LEESE (WMP HR Manager) - Insp Simon INGLIS (WMP)	- Direct Discrimination. - Failure to make reasonable adjustments.	Comments as above re 3



	<p>issues of concern or health impact. I agreed to this as it was a significant step forward to date yet 3w) <u>upon my return to work on 8/11/13 I found that there was no such format in place.</u></p> <p>The Occupational Health appointment was a one off appointment to address the phased hours upon my return, and that was not pre-booked. The Supervisory meetings were without prior notice and so precluded any friend or Rep being present and were to address internal administration procedures. Issues identified and raised by me were disregarded.</p> <p>There was no identified Return to Work process involving me.</p>			
16. 09/11/13 Onward	<p>During periods of low mood 27a) <u>I would often be accused of "negativity" by my Supervisor with disregard to effects of diagnosed Depression upon me.</u> I was repeatedly warned about the effects of others 'perception' of any my perceived negativity at work, which would likely be held against me by colleagues and Supervision. This first happened on my second day back at work and continued from that point despite periods of low mood being out of my control. As a result I felt that Supervision were forcing me to conceal or play-down the health impacts of Depression to me at work as previously.</p> <p>The ongoing reference to negativity and perception was elevated to several instances in which I was called into Sgt WILLIAMS office to be issued with advice/warnings further to the conducting of my duties even as far as suggesting a possible neglect Of Duty. These interactions were overly critical of me referring merely to instances of possible perceptions of others and negativity, despite all available information to the contrary and despite A/Sgt WILLIAMS being unable to identify or qualify anything further than a perception of possible negativity or perceptions, with nothing more tangible. 27b) <u>These processes were undertaken at the last minute and without involvement of a Rep which was overbearing and grossly unfair.</u></p>	<p>- A/Sgt Simon WILLIAMS (WMP)</p>	<p>- Direct Discrimination. - Harassment. - Failure to make reasonable adjustments. - Victimisation.</p>	<p>Comments as above re 27</p>
17. 31/10/13 to Present	<p>During the home visit on 31/10/13 and further to my return to work I repeatedly sought to address the significant discomfort and distress caused by ongoing workplace rumours surrounding the malicious circumstances of my Depression and Sct136 MHA detainment. 28) <u>I</u></p>	<p>- PC Diane BOSTOCK (WMP) - Members of WMP (WMP) - A/Sgt Simon WILLIAMS</p>	<p>- Direct Discrimination. - Direct Discrimination by Perception.</p>	<p>Comments as above re 28, 29 and 30</p>



	<p><u>was told that this would not be addressed.</u></p> <p>I was subject to 29) <u>ongoing open comments and speculation within the workplace</u> that I was only 'using the Mental Health Card' to get away with what I had done. This included the alleged stealing of a Police vehicle and the alleged open threat to Supervision to kill myself utilising several different methods.</p> <p>I found this accepted conduct to be humiliating, distressing and it made my working environment very uncomfortable on a daily basis, yet it was not acted upon until a colleague was placed in a position to directly challenge that conduct a year after my return to work.</p> <p>c/f 28) Supervision eventually addressed the challenged incident but 4) without any reference to the Bullying or Discrimination Policy. It was forced to remain low key and was dragged out for over a month period. Sgt WILLIAMS agreed 30) <u>that Pc Diane BOSTOCK undertook that malicious conduct regarding me, and did so further to her earlier tirade towards me in the workplace further to her damaging my vehicle at work, as a result of her perception of me over my Mental Health issues and malicious rumours surrounding it. This was never addressed.</u></p>	<p>(WMP) - Richard LEESE (WMP HR Manager)</p>	<p>- Harassment.</p>	
<p>18. 15/06/13 to Present</p>	<p>16/18) I was regularly referred to as the "FORCE NUTTER", "MAD", and similar on an almost daily basis by a colleague, which appeared to be conducted as a source of amusement when others were present resulting in making me feel uncomfortable and humiliated.</p> <p>This conduct was repeatedly raised with A/Sgt WILLIAMS who did 4) <u>not initiate the implementation of the Bullying or Discrimination Policies</u>, but instead stated that this is PC THOMSON's normal behaviour and <u>to merely ignore</u> it despite having repeatedly identified the effects upon my health to A/Sgt WILLIAMS in the form of concentration lapses, periods of fatigue, headaches, inconsistent eating and sleeping routines and sense of general ill health and low moods, which was 3x) <u>deliberately discounted</u> by him.</p> <p><u>16/18) Previous such comments included referencing my detention events 'He should have known not to believe you FFS, they thought</u></p>	<p>- PC Scott THOMSON. - A/Sgt Simon WILLIAMS</p>	<p>- Direct Discrimination. - Harassment. - Failure to make reasonable adjustments. -Victimisation.</p>	<p>Comments as above re 3, 4, 16, 18</p>



	<p><u>you were mad' and in terms of my weight fluctuation "I cant call you a fat cunt any-more and people will have to stop the fat jokes".</u></p>	
19. 23/10/13 Onwards	<p>In attending Occupational Health contact with the Force Dr, and Counsellor, I found that 6b) <u>this process was made deliberately difficult and uncomfortable due to WMP deliberately withholding pertinent information</u> within the organisation regarding my alleged Mental Health concerns and so prevented me from addressing it in any way.</p> <p>I had formally raised this with Supervision and HR but was told that all information was being withheld on the orders of PSD due to external complaint by Gemma LAMB.</p> <p>6c) <u>Although I was engaging with Occupational Health I was being deliberately prevented from doing so in a meaningful or positive manner due to the withheld relevant information.</u> As such 1 and 3y) <u>Occupational Health were actively being prevented from identifying reasonable workplace adjustments.</u></p> <p>Conversely, when Occupational Health would identify the impasse and issues stemming from the workplace 3z) <u>Supervision would take no steps to address these considerations</u> rendering the two way process of Occupational Health irrelevant.</p> <p>Supervision would not engage with me regarding these matters.</p>	<ul style="list-style-type: none"> - A/Ch Insp Richard HARRIS (WMP) - Kim LENNARD (WMP HR Manager) - Insp Simon INGLIS (WMP) - Richard LEESE (WMP HR Manager) - Sgt Simon WILLIAMS. <ul style="list-style-type: none"> - Direct Discrimination. - Failure to make reasonable adjustments. - Victimisation.
		Comments as above re 1, 3, 6



<p>20. 06/2011 Onwards</p>	<p>I was subject to successive ill-health absences over several years which were invariably followed by a return to work in which 10) <u>the required Return To Work Process withheld from me.</u> This withholding of this process prevented meaningful engagement, support and prevented the identification of reasonable adjustments in light of identified day to day impacts upon my health. I sought to address this concerning pattern of conduct by approaching the Supervisor, following that absence, and voluntarily providing details of my absences, causes of them, effects to my health and impacts of the working environment and mismanagement 3) <u>but found that I would not be engaged with further.</u> <u>I raised that these provisions were being withheld from me yet none were actioned.</u> Likewise, there was no follow up from HR, or other department, in light of any failure to complete the Return to Work meeting and documentation process. <u>Likewise 31) Supervision have not engaged with me to undertake the identified yearly Personal Development Review throughout this period, to my detriment.</u> This has also been a deliberately overlooked workplace consideration and policy. This has prevented training opportunities or any development of my role or capabilities.</p>	<p>- Sgt Delroy PADMORE (WMP) - Direct Discrimination. - A/Sgt Renee KHOT (WMP) - Failure to make reasonable adjustments. - Sgt Cary COPUS (WMP) - A/Sgt Simon WILLIAMS.</p>	<p>Comments as above re 3,10, 31</p>
<p>21. 06/12 Onwards</p>	<p>WMP Supervision had repeatedly deliberately withheld any information of actions towards me regarding allegations placed against my Mental Health or towards the Whistleblower process which remains obstructed. This has prevented me from seeking suitable advice, treatment and prevented progression of any Claim, or other Legal action, as I simply had no information with which to proceed matters. This position changed for the first time with the provision of the PSD Final Report, received on 09/01/15, although only provided limited information in relation to the specific complaint of Gemma LAMB. It provided an opportunity to then be able to engage with Birmingham and Solihull Mental Health NHS Foundation Trust, which progressed to a formal meeting on <u>22/05/15</u> in which the PSD Final Report was reviewed by them and was entirely dismissed</p>	<p>- PC Angus NAIRN (CMPG). - Direct Discrimination. - PC RUDDICK (CMPG) - Failure to make reasonable adjustments. - Sgt Cary COPUS (WMP) - Sgt Chris SURRIDGE (WMP) - Harassment. - Insp Chris GITTINS (WMP) - Victimisation. - A/Ch Insp Richard HARRIS (WMP) - Kim LENNARD (WMP HR Manager) - Sgt Chris JONES (WMP & Federation) - Insp Brian CARMICHAEL (WMP PSD) - Jonathan PLATT (WMP PSD)</p>	<p>Is 22/5/15 alleged trigger date? Comments as above re 24 and 26</p>



<p>as a lawful Mental Health Act process as it bore no relevance to Police actions towards me or to NHS involvement in my Detention and subsequent Mental Health Act Assessment.</p> <p>The formal identification that an abused Mental Health Act process had been used against me has resulted in considerable upset and distress and it has only served to evidence the ongoing targeted abuse towards me from the workplace and the efforts undertaken to date to conceal the abuses towards my diagnosed Depression.</p> <p>It also identifies that false and malicious entries do exist in my medical records and personnel records (24 and 26) due to the abusive actions of WMP towards me throughout this process.</p> <p>Supervision will not engage with me further regarding this matter.</p>	
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<u>Date</u>	<u>Act Complained of</u>	<u>Perpetrator</u>	<u>Prohibited Conduct (Respondent)</u>	
22. 06/2011 Onwards	<p>I have engaged with a series of Supervisors of various rank and experiences, several Occupational Health Staff, local and force Human Resources staff and found that, whereas my Depression has often been mocked, belittled and targeted (16 and 18), I have at no time been subject to any request for assessment or further investigation (3) into my identified Depression over a period of these years. There has been no identified request for Medical Notes in reference to my Depression and its treatment. I have repeatedly engaged with Occupational Health and even sought further engagement, which was not facilitated by Supervision (3) despite requests for support and intervention and despite repeatedly highlighting the failures in Mental Health considerations towards me. I have voluntarily offered to participate in Occupational Health engagement for the specific provision of a formal report in this matter, which has yet to be undertaken as no reasonable enquiries have been made to date, on the part of West Midlands Police concerning my Depression (3).</p> <p><u>Conversely, throughout the period to date my Depression, and the medication for it, has been recognised and given reasonable adjustment by way of Occupational Health determined varied hours due to associated daily periods of fatigue and by an ongoing process</u></p>	<ul style="list-style-type: none"> - PC Angus NAIRN (CMPG). - PC RUDDICK (CMPG) - Sgt Cary COPUS (WMP) - Sgt Chris SURRIDGE (WMP) - Insp Chris GITTINS (WMP) - A/Ch Insp Richard HARRIS (WMP) - Kim LENNARD (WMP HR Manager) - Sgt Chris JONES (WMP & Federation) - Insp Brian CARMICHAEL (WMP PSD) - Jonathan PLATT (WMP PSD) 	<ul style="list-style-type: none"> - Direct Discrimination. - Failure to make reasonable adjustments. - Harassment. - Victimisation. 	Comments as above re 1, 3, 16, 18, 23, 24



22. (Cont)	<p>of regular reviews with the Force Dr in relation to my Depression*c/f with 1 and 3, which I still am subject to due to no improvement or identified necessity to cease these reviews. Occupational Health are currently stating I am unfit for work due to the identified stresses impacting upon my Depression. There has been a distinct void between the necessity and involvement of Occupational Health compared to necessity and involvement of Supervision as it repeatedly appears that Supervision considers that Occupational Health referral addresses the diagnosed and established Depression that I suffer. It appears that this relinquishes any sense of responsibility from Supervision to address the day to day effects upon me, or of the impacts and particular stresses of the working environment and its mismanagement by way of identifying and implementing any reasonable adjustments (3). This resulted in an ad-hoc approach without any identified accountability, engagement or responsibility attributed to Duty of Care within my workplace stemming from Supervision, especially in light of Police action in relation to Sct136 Mental Health Act detention (23) resulting in a formal Mental Health Act assessment which recognised, and documented, the Depression exacerbated by Stress. This was raised with Sgt Cary COPUS who had identified my Depression as part of his own justification of my detention under the Mental Health Act. I believe that due to the likelihood of legal action that WMP have then adopted a stance of denying any such Mental Health Act action against me (24) and why they continue to refuse to acknowledge the Mental Health Act assessment of me so as to facilitate a stance of claimed ignorance. This is wholly in keeping with being repeatedly informed that all information regarding my Sct136 MHA detainment, and actions against me, were being withheld (24) upon the identified direction from the Professional Standards Department, including to West Midlands Police's own Occupational Health Department. It appears that Supervisions actions evidence a process in which significant weight is placed against the Depression whilst on other</p>	
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occasions its existence is almost overlooked and disregarded (3) as a factor, to my ongoing detriment.	
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<u>Date</u>	<u>Act Complained of</u>	<u>Perpetrator</u>	<u>Prohibited Conduct (Respondent)</u>	
23. 11/12/15 onwards	<p>The ongoing failure to address outstanding health matters resulted in absence from 11/12/14, to date, due to ongoing workplace stress exacerbating Depression.</p> <p><u>3) I received a home visit on 25/02/15 and the lengthy arrangement process for that visit considered only the availability of Sgt Andrew HODGETTS, as opposed to welfare considerations, identification of support or Duty of Care towards me.</u></p> <p>During that home visit I, again, detailed the difficult working environment and its ongoing impact to my Depression, yet it was suggested that I return to work and remove workplace issues from the act of returning to work itself. This was an exact repeat of the home visit advice on 31/10/13. <u>3) I was given no active support, guidance or the possibility of any reasonable adjustments during that home visit.</u> The only suggestion, to which I welcomed, was a contact plan for Sgt HODGETTS to telephone me at least once per set of shifts. <u>3) This has not been acted upon once since that home visit, serving to magnify my ongoing sense of isolation and marginalisation to date. I have since been informed that Sgt HODGETTS has openly admitted in the workplace that he has no intention of adhering to the agreed contact plan.</u></p> <p><u>3) A Case Conference was conducted on 26/03/15, supposedly to address and remove barriers to my return to work. Further to that Case Conference, and despite the extensive information disclosure to date, I received no update that addressed any such barriers or facilitates any managed or meaningful return to work or any possible reasonable adjustments.</u></p> <p>Despite no reasonable adjustments being considered or implemented I am instead now subject to the Half Pay policy yet again and will doubtless be forced to return to work by way of financial penalty whereupon the process of detrimental impact</p>	<p>- Sgt Jen PULLINGER (WMP)</p> <p>- Sgt Andrew HODGETTS (WMP)</p> <p>- Ch Insp Nicola COURT (WMP)</p>	<p>- Direct Discrimination.</p> <p>- Failure to make reasonable adjustments.</p> <p>- Harassment.</p> <p>- Victimisation.</p>	Comments as above re 3



	<p>towards the further deterioration to my health will start afresh. I have asked for feedback to the considerations at the home visit, Case Conference and Supervisory Half Pay submission, yet have received none to date.</p> <p>Throughout this period I have positively engaged with Occupational Health in the form of <u>Counselling</u>. This has provided an alleviation of some of my health implications, but on the immediate to short term only and I am left feeling that the provision of Counselling and remaining medicated ongoing is all that is being considered.</p>		
<p>24. 11/12/20 14</p>	<p>During ill-health absence, since 11/12/2014, due to work related stresses, WMP have actively and repeatedly obstructed any process that would facilitate my return to work process by a continuing conduct of isolation and withheld dialogue and engagement, which deliberately caused the prevention of any appropriate Reasonable Adjustments.</p> <p>WMP Occupational Health and its Supervision have repeatedly and openly identified the need to progress the Reasonable Adjustments process, yet continues to obstruct this over an extended period of time.</p> <p>The Reasonable Adjustments process has been identified to date in the course of Home Visits conducted on 25/02/2015 and 04/06/2015 by WMP supervision, and further referred to in WMP documentation and in the course of dialogue to date, and included a raft of potentially identified Reasonable Adjustments to facilitate a return to work due to my Mental Health considerations.</p> <p>WMP deliberately disregard any considered application to the Equality Act in this process by way of openly identifying the need to progress matters but then actively preventing any such progression and deliberately withholding any potential duty of care towards me by wilfully preventing the existing policy of welfare visits / engagements since the last Home Visit of 04/06/2015. This has been significantly impacted by the prevention of Occupational Health engagement and support, to my detriment.</p>	<p>Sgt Jen PULLINGER Sgt Andrew HODGETTS Insp Darren HENSTOCK Dr Haider BHOGADIA</p> <p>- Direct Discrimination. - Failure to make reasonable adjustments. - Victimisation.</p>	<p>If direct - details of comparator?</p> <p>If Victimisation – what was the protected act?</p> <p>Did the alleged acts or omissions at 3 and 19 occur (further and better particulars may be required)</p> <p>The Respondent has actively engaged with the Claimant regarding proposed reasonable adjustments to assist the Claimant once he returns to work. To date, the Claimant has yet to be signed fit to return to work; therefore the reasonable adjustments have yet to be implemented.</p> <p>It is denied that the Respondent has obstructed the Claimant's access to occupational health or his return to work, as alleged.</p>
<p>25.</p>	<p>In direct conflict with withheld implementation of Reasonable</p>	<p>Sgt Jen PULLINGER</p> <p>- Direct Discrimination.</p>	<p>If direct - details of comparator?</p>



Case No: 1301587/2015
ANNEX 1
Schedules of Complaints - DD schedule

8/6/2015	<p>Adjustments I was subject to the Regulation 28- (Half Pay procedure), as of 08/06/2015. During the following 5-month period I repeatedly challenged the implementation of Half Pay towards me in the face of the withheld Reasonable Adjustments process actively preventing my return to work, but was ignored and retained on Half Pay whilst being subject to misleading and withheld information regarding the Half Pay process, despite DR BHOGADIA, Force Medical Advisor, identifying that the progression was normal protocol in his submitted Health Report of 13/08/2015, yet he failed to progress this action.</p> <p>This ongoing, and avoidable, abuse of policy directly forced my family and myself to endure financial hardship due to the abused Regulation 28 process as it was falsely internally documented that were not a factor in that process. Upon Reasonable Adjustments being specifically internally identified by WMP, they continued to isolate me from this process or to promptly act upon this withheld and false information.</p> <p>These circumstances directly caused me to become bankrupt resulting in irreparable damage to my Credit Reference Agency files, for life, and will impact upon my availability and costs of credit as a direct result. It has also caused additional limitation to potential future employment.</p> <p>This directly and significantly detrimentally impacted upon my health and welfare throughout a period in which WMP has withheld appropriate support and dialogue, causing additional and avoidable stress and anxiety that are known to detrimentally impact my Depression.</p>	<p>Sgt Andrew HODGETTS Insp Darren HENSTOCK Ch Supt Chris TODD Dr Haider BHOGADIA</p>	<ul style="list-style-type: none"> - Failure to make reasonable adjustments. - Victimisation. 	<p>If Victimisation – what was the protected act?</p> <p>All long term absence where the individual is retained on full pay is reviewed on a regular basis by a Regulation 28 pay panel.</p> <p>The Claimant was reduced to half pay in June 2015 as it was considered he did not fulfil the necessary criteria for full pay and was later paid back pay for this period of time once he was returned to full pay in October 2015. The Claimant continues to be retained on full pay.</p>
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Respondent's attempt to group allegations of discrimination:-

Ref	<u>Summary of allegation</u>	<u>Respondents Additional Comments</u>
1	<u>Obstruction of access to occupational health</u>	<p><u>See section 1 for limited details - further and better particulars of alleged obstruction may be required as it appears from comments in section 22 (see below) that this allegation is historical only and therefore the allegation is out of time.</u></p> <p><u>Note comments in section 22 "throughout the period to date my Depression, and the medication for it, has been recognised and given reasonable adjustment by way of Occupational Health determined varied hours due to associated daily periods of fatigue and by an ongoing process of regular reviews with the Force Dr in relation to my Depression, which I still am subject to due to no improvement or identified necessity to cease these reviews....There has been a distinct void between the necessity and involvement of Occupational Health compared to necessity and involvement of Supervision as it repeatedly appears that Supervision considers that Occupational Health referral addresses the diagnosed and established Depression that I suffer"</u></p>
2	<u>Criticism by Sqr Padmore and his facilitation of Hostile working environment</u>	<u>See section 1 for limited details - further and better particulars of alleged behaviour may be required but as Sgt Padmore's involvement with the Claimant ended in September 2012 the allegation appears to be out of time</u>
3	<u>Failure to provide support of make reasonable adjustments</u>	<u>Various examples cited throughout schedule allegedly to present day.</u>
4	<u>No progression of appropriate polices (bullying and harassment and discrimination)</u>	<u>See section 1, 4, 7, 8, 10, 17, 18</u> <u>What do these complaints mean?</u>
5	<u>OH disclosure against Claimants express instruction</u>	<u>See section 2 for limited details - it appears this was a discreet one off act and therefore the allegation is out of time.</u>
6	<u>Manipulation of OH records</u>	<u>See section 2, 19 and 21</u>
7	<u>Sgt Padmore challenged validity of diagnosis and medication</u>	<u>See sections 3 and 4 for limited details - further and better particulars of alleged behaviour may be required but as Sgt Padmore's involvement with the Claimant ended in September 2012 the allegation appears to be out of time</u>



<u>8</u>	<u>Mental health impact not treated seriously and targeted</u>	<u>See section 3 –no details provided. Is this a separate allegation (in which case further and better particulars will be required) or does it encompass a number of the other allegations?</u>
<u>9</u>	<u>Concerns about conduct of colleagues raised with Sarah Booth but no action taken</u>	<u>See section 3 for limited details. – Further and better particular required as it appears this may be out of time.</u>
<u>10</u>	<u>Return to work policy withheld</u>	<u>See section 4 and 20 for limited details - Further and better particular required as it appears this may be out of time.</u>
<u>11</u>	<u>Duties restricted and “threats” of moves made</u>	<u>See section 4 for limited details – unclear why this, if it occurred, is viewed as a negative by the Claimant rather than as support/a reasonable adjustment given that he complains in section 11 that supervision were “mismanaging “ matters by refusing to support a move.</u>
<u>12</u>	<u>Derogatory references made toward mental health sufferers</u>	<u>See section 5 – dates and alleged perpetrators and witnesses needed.</u>
<u>13</u>	<u>Concerns about conduct of colleagues raised with Sgt Padmore and A/Sgt Khot but no action taken</u>	<u>See section 5 – Further and better particular required as it appears this may be out of time.</u>
<u>14</u>	<u>Subjected to unfair patrol allocation</u>	<u>See section 6 - Further and better particular required as it appears this may be out of time.</u>
<u>15</u>	<u>Colleagues refused to work with the Claimant</u>	<u>See section 6 - Further and better particular required as it appears this may be out of time</u>
<u>16</u>	<u>Subjected to targeted comments and ridicule about mental health</u>	<u>See section 7 and 8 - date and alleged perpetrator and witnesses needed.</u>
<u>17</u>	<u>Resolution failed to address matters [what matters?]</u>	<u>See section 7 – Further and better particulars of allegation required</u>
<u>18</u>	<u>Isolated due to mental health issues</u>	<u>See section 8 - Further and better particulars of allegation required (how and when isolated)</u>
<u>19</u>	<u>False offers of support made (does this differ from (3) failure to support?)</u>	<u>See section 9 –What support was offered falsely?</u>
<u>20</u>	<u>Inappropriately requested to assess mental health of another individual</u>	<u>See section 10 – One off act ? Out of time?</u>
<u>21</u>	<u>Ongoing campaign of bullying and harassment (does this differ</u>	<u>See section 11 –no details provided. Is this a separate allegation (in which case further and better</u>



	<u>from 16 and 18)</u>	<u>particulars will be required) or does it encompass a number of the other allegations?</u>
<u>22</u>	<u>Moved</u>	<u>See section 11 - date of move? Out of time.</u>
<u>23</u>	<u>Detained under Mental Health Act</u>	<u>See section 11 - date of alleged detention? One off act - Out of time?</u>
<u>24</u>	<u>Deliberate concealment of alleged detention under mental health act</u>	<u>See section 11 - further and better particulars of how allegedly concealed required.</u>
<u>25</u>	<u>Formal Action (UPP) commenced against Claimant</u>	<u>See sections 12 and 13 - further and better particulars required - specifically when was formal action initiated, by who and for what and when was outcome given - out of time?</u>
<u>26</u>	<u>Failure to provide adequate information regarding drop to half pay</u>	<u>See section 14 - further and better particulars of why it is alleged that the information provided was lacking. In any event, out of time?</u>
<u>27</u>	<u>Accused of Negativity and without adequate representation or warning of such criticisms</u>	<u>See section 16 for limited details - further and better particulars of when and where accusations were made and any witnesses. Out of time?</u>
<u>28</u>	<u>Failure to address concerns about rumours circulating regarding alleged detention under mental health act</u>	<u>See section 17 for limited details. further and better particulars of what rumours were circulating, how the Claimant sought to address this, and when and by whom the Claimant was told that this would not be addressed. - out of time?</u>
<u>29</u>	<u>Accused of "using the mental health card"</u>	<u>See section 17 for limited details - further and better particulars required of who made these accusations, to whom and when and any witnesses - and of when and how supervision "eventually addressed this". potentially out of time.</u>
<u>30</u>	<u>Malicious Conduct by PC Diane Bostock</u>	<u>See ref at section 17 - no details provided - further and better particulars of alleged malicious conduct required (what conduct is alleged, when and where and any witnesses etc)</u>
<u>31</u>	<u>Failure to carry out PDR's</u>	<u>See section 20 - when was last PDR undertaken and when should it be carried out and by whom?</u>



ANNEX 2: LIST OF ISSUES

Limitation

1. Whether any of the complaints are out of time?
2. If so, whether time is extended under the relevant jurisdiction?

DISABILITY

Preliminary issue of disability

3. The Claimant contends that he was disabled by way of his depression at all material times. The Respondent accepts that the Claimant was disabled within the meaning of the Equality Act 2010 (**EqA**) by his depression, but only from 30 January 2012.
4. As to the requisite knowledge of the disability (and, where necessary, its effects), the Respondent reserves his position of each and every alleged protagonist pending determination by the Tribunal.

Direct disability discrimination (s.13)

5. For DD1-25 at Appendix 2 herein, the Claimant contends that he was treated less favourably than an actual comparator was, or a hypothetical comparator: (**Utilising Near Comparators**) **Brian ROBINSON, Kelly MORRIS, Sarah LITTLE**, would have been treated because of his disability (or perceived disability for DD17), in circumstances where there are no material difference.

Discrimination arising from disability (s.15)

Unfavourable treatment because of something arising in consequence of C's disability

6. For DD11 at Appendix 2 herein, the Claimant contends that he was treated unfavourably because of something arising, **being prevented from being booked Off-Duty, being unlawfully Sectioned under Sct136 MHA 1983, subjected to forced medical assessment and denied dignity** in consequence of his disability.



Proportionate means of achieving a legitimate aim

7. If so, the Respondent contends that the treatment is a proportionate means of achieving a legitimate aim [DETAILS]¹².

Failure to make reasonable adjustments (s.21)

Provisions, criterion or practices (PCPs)

8. For DD1-2, 4, 6, 8, 11-15, 16 and 18-25 at Appendix 2 herein, the Claimant contends that the Respondent applied the following PCP(s):

- 8.1. 1. (DD1, 2, 4, 6, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 23, 24, 25) Requirement to attend work at a certain level or face disciplinary, financial threat or possible dismissal (Fitness for duty: Police Regulation 2012. Police Officers when on duty or presenting themselves for duty are fit to carry out their responsibilities)
2. (DD1, 2, 11, 12, 13, 14, 15, 19, 21, 22, 23, 24, 25) Requirement to disclose information to Line Manager to enable Occupational Health referral policy.
3. (DD 1, 2, 4, 6, 8, 11, 12, 15, 19, 20, 22, 25) Requirement to undertake a designated shift pattern, including late hours.
4. (DD 15, 20) Requirement to engage with Line Manager to conduct Return to Work process.
5. (DD 1, 4, 6, 8, 11, 20, 22) Requirement to comply with Line Managers interpretation and allocation of the Respondents Patrol strategy.
6. (DD 1, 2, 4, 6, 8, 11, 15, 17, 18, 20, 22,) Requirement to identify and instigate conduct in conflict with Respondents Bullying Policy
7. (DD 4, 8, 11, 12, 13, 16, 18, 21, 22, 23, 24, 25) Requirement to identify and instigate conduct in conflict with Respondents Discrimination Policy.
8. (DD 1, 2, 4, 11, 12, 16, 17, 19, 20, 22) Requirement to comply with Respondents reallocation of Policing role and/or location.
9. (DD 11, 12, 21, 23) Requirement to be subject to the Respondents Disciplinary procedures (Conduct Matter).

¹² To be confirmed upon clarification of the Claimant's case



10. (DD 20) Requirement to engage with Line Manager to conduct Respondents PDR/EDR process.

11. (DD 1, 2, 4, 6, 11, 12, 13, 14, 15, 16, 18, 19, 20, 22, 23, 24, 25) Requirement to engage with the Respondents Reasonable Adjustments Policy.

Substantial disadvantages

9. The Claimant contends that the PCP(s) put him at the following substantial disadvantage(s) in comparison to persons who are not disabled:

9.1. 1. The Respondent subjected the Claimant to endure an attendance expectation that was not at all achievable or realistic to the Claimant in the absence of reasonable adjustments to assist in alleviating the Claimants known health issues within the workplace. This caused the Claimant considerable humiliation, distress, vulnerability and anxiety during a time of known ill-health that rendered coping with those health impact factors near impossible in a disproportionate manner to colleagues not suffering with Depression or Anxiety.

2. The Respondent subjected the Claimant to endure a process that, on occasions, amounted to an interrogation of the Claimants Mental Health particulars in order to progress a simple referral or, on other occasions, failed to fully and accurately document a referral that facilitated an appropriate Occupational Health appointment. Each approach rendered the process humiliating and distressing at times of impactful ill health. This caused the Claimant considerable humiliation, distress, vulnerability and anxiety during a time of known ill-health that rendered coping with those health impact factors near impossible in a disproportionate manner to colleagues not suffering with Depression or Anxiety.

3. The Respondent subjected the Claimant to endure pre-determined working pattern that came into direct conflict with known fatigue factors to the Claimants health, which in turn exacerbated the Claimants ongoing ill-health causing it to deteriorate within the workplace. This caused the Claimant considerable humiliation, distress, vulnerability and anxiety during a time of known ill-health that rendered coping with those health impact factors near impossible in a disproportionate manner to colleagues not suffering with Depression or Anxiety.

4. The Respondent subjected the Claimant to endure a process that it was practice to then withhold from the Claimant, so causing additional humiliation and distress, whilst failing to identify or address the known health and welfare concerns of the Claimant. This prevented the Claimant access to any Reasonable Adjustments within the workplace at a time of impactful and significant ongoing ill-health and promoted only the further deterioration of the Claimants health within the



workplace. The Return to Work process was instead an opportunity for the Claimants supervision to belittle the impacts of the known Mental Health illness, on occasion, causing the Claimant considerable humiliation, distress, vulnerability and anxiety during a time of known ill-health that rendered coping with those health impact factors near impossible in a disproportionate manner to colleagues not suffering with Depression or Anxiety.

5. The Respondent subjected the Claimant, solely on his team, to endure regular and ongoing solo patrol during periods of ill-health which took the form of fatigue, loss of confidence, stress, anxiety and depressive periods impacting the Claimants abilities. This posed a risk to the Claimant and to the Claimants abilities to undertake duties fully, causing the Claimant considerable humiliation, distress, vulnerability and anxiety during a time of known ill-health that rendered coping with those health impact factors near impossible in a disproportionate manner to colleagues not suffering with Depression or Anxiety.

6. The Respondent obligated the Claimant to challenge and/or report matters of bullying, whilst fully aware that the bullying conduct was being undertaken with the knowledge of the same supervision that was obstructing the application of the bullying policy from the Claimant. This caused considerable humiliation, distress, vulnerability and anxiety to the Claimant during a time of known ill-health that rendered coping with those health impact factors near impossible in a disproportionate manner to colleagues not suffering with Depression or Anxiety.

7. The Respondent obligated the Claimant to challenge and/or report matters of discrimination, whilst fully aware that the discriminatory conduct was being undertaken with the knowledge of the same supervision that was obstructing the application of the discrimination policy from the Claimant. This caused considerable humiliation, distress, vulnerability and anxiety to the Claimant during a time of known ill-health that made coping with those health impact factors near impossible in a disproportionate manner to colleagues not suffering with Depression or Anxiety.

8. The Respondent subjected the Claimant to endure numerous threats of moves and to a temporary move in such a manner that it was not done in accordance with internal policies or procedures and was instead utilised as a punitive measure against the Claimant. This resulted in considerable stress, anxiety, vulnerability and distress to the Claimant throughout a time of known ill-health that made coping with those health impact factors near impossible in a disproportionate manner to colleagues not suffering with Depression or Anxiety.

9. The Respondent has subjected the Claimant to disciplinary proceedings that have been deliberately undertaken in a punitive manner, and in the absence of genuine or meaningful policy compliance. Likewise, the Claimant has been subject to an action plan, the full details of which were kept from the Claimant and varied without his knowledge or consultation. This caused the Claimant considerable stress, anxiety, vulnerability and distress at a time of ongoing known ill-health that made coping with those health impact factors near impossible in a disproportionate manner to colleagues not suffering with Depression or Anxiety.



10. The Respondent has subjected the Claimant to a PDR/EDR process that have been deliberately undertaken in a punitive manner, and in the absence of genuine or meaningful policy compliance so as to cause a barrier to work life progression, training or opportunities due to the Respondents own used practice of requiring recent PDR/EDRs to justify any such work life progression, training or opportunities. This often-cited reason for the failure to undertake the PDR/EDR with the Claimant was due to the Claimants ill-health absence, which should not otherwise be used to obstruct the PDR/EDR process. This caused the Claimant considerable stress, anxiety, vulnerability and distress at a time of ongoing known ill-health that made coping with those health impact factors near impossible in a disproportionate manner to colleagues not suffering with Depression or Anxiety.

11. The Respondent subjected the Claimant to endure a Reasonable Adjustments policy that was not properly implemented or offered workplace adjustments to assist in alleviating the Claimants known health issues within the workplace. The Respondent offered placebo adjustments in the form of offering amended hours that mirrored the Claimants allocated shift pattern, prevented the Claimant from driving police vehicles in such a manner that he was not authorised or trained to do in any event and finally to prevent the Claimant from using specialist equipment whilst then forcing the Claimant to patrol using an extendable baton and CS spray, both of which are specialist equipment. This caused the Claimant considerable humiliation, distress, vulnerability and anxiety during a time of known ill-health that rendered coping with those health impact factors near impossible in a disproportionate manner to colleagues not suffering with Depression or Anxiety.

Reasonable steps

10. The Claimant contends that the following steps were reasonable for the Respondent to have to take to avoid the disadvantage¹³:

- 10.1. 1. Conduct regular agreed review/engagement with Occupational Health for ongoing health review and assessment.
2. Conduct regular agreed meeting with supervision to identify and address workplace impact factors involving workplace, workload or conduct. This includes a two-way open-door policy should contact be required between meetings.
3. Conduct timely and meaningful mediation.
4. Conduct Disability/Health Risk Assessment
5. Conduct referral to Force Disability Advisor.

¹³ A permissible request by the Respondent - *Latif v Project Management Institute* [2007] IRLR 579, EAT



6. Conduct appropriate and personalised phased return to work.
7. Consider an agreed appropriate potential move to a more suitable workplace/role.
8. Consider initial non-client facing role, to be reviewed ongoing.
9. Consider an agreed initial move to a location with an element of noise reduction, reasonable personal space, reduced Police contact or crowding and an appropriate 'quiet' place.
10. Identify and implement an agreed identifiable workload, or type.
11. Consider an appropriate identified colleague/buddy for workload support or advice. This may include an external individual or organisation to fulfil this role.
12. An identified WRAP (Wellness and Recovery Action Plan) that would be drawn up and anything relevant will be disclosed/discussed with Supervision, as appropriate.
13. Conduct a 6-monthly pattern of Depression Review further to returning to full time hours, as this was most recently extended to a 12-monthly period.
14. Implement and adhere to Respondents Discrimination Policy to Claimant, and review where it was abused or failed to date.
15. Implement and adhere to Respondents Return to Work process to Claimant, and review where it was abused or failed to date.
16. Implement and adhere to Police Conduct Regulations to the Claimant, and review where it was abused or failed to date.
17. Implement and adhere to Respondents yearly PDR/EDR process to the Claimant, and review where it was abused or failed to date.
18. Implement and adhere to Respondents Bullying Policy to the Claimant, and review where it was abused or failed to date.
20. Implement and adhere to Respondents Whistleblowing/Misconduct reporting to the Claimant, and review where it was abused or failed to date.
21. Implement and adhere to Respondents Reasonable Adjustment Policy, and review where it was abused or failed to date.



22. Implement and adhere to Respondents Resolution Policy, and review where it was abused or failed to date.

23. Implement and adhere to Respondents Sickness Absence Management Policy, and review where it was abused or failed to date.

11. The Respondent contends that the suggested reasonable steps were not reasonable and/or that he took all reasonable steps.

Disability-related harassment (s.26)

12. For DD3-5, 7, 9-12, 16-18 and 21-23 at Appendix 2 herein, the Claimant contends that:

12.1. The conduct as alleged occurred;

12.2. It was unwanted;

12.3. It was related to the Claimant's disability;

12.4. It had the:

12.4.1 purpose of violating the Claimant's dignity or creating the prescribed environment; or

12.4.2 effect of violating the Claimant's dignity or creating the prescribed environment taking into account:

(i) the Claimant's perception;

(ii) the other circumstances of the case; and

(iii) whether it is reasonable for the conduct to have that effect.

Victimisation (s.27)

Protected act(s)

13. The Claimant contends that he did the following protected acts:



- 13.1. 1. See DDA 1 – Raised to Sgt PADMORE & A/Sgt KHOT.
2. See DDA 2 – Raised to David ILES and A/Sgt KHOT
3. See DDA 3 – Raised to Insp BOOTH
4. See DDA 5 – Raised with Sgt PADMORE and A/Sgt KHOT
5. See DDA 6 – Raised with Sgt PADMORE, A/Sgt KHOT & Sgt COPUS
6. See DDA 7 – Raised with A/Sgt KHOT, Insp EYLES and Ch Insp HEALY
7. See DDA 8 – Raised with Sgt COPUS, A/Sgt KHOT and Insp EYLES
8. See DDA 10 - Raised with Insp EYLES
9. See DDA 11 – Raised with Sgt COPUS, A/Ch Insp HARRIS
10. See DDA 14 - Raised with A/Sgt WILLIAMS, Richard LEESE & Insp INGLIS
11. See DDA 15 – Raised with A/Sgt WILLIAMS, Richard LEESE & Insp INGLIS
12. See DDA 17 – Raised with A/Sgt WILLIAMS, Richard LEESE
13. See DDA 18 – Raised with A/Sgt WILLIAMS
14. See DDA 19 - Raised with A/Sgt WILLIAMS, Richard LEESE, Insp INGLIS, Dr BHOGADIA and Wendy NEALE.
15. See DDA 19 – Sgt PADMORE, A/Sgt KHOT, Sgt COPUS and A/Sgt WILLIAMS.
16. See DDA 21 – Insp Carmichael, Jonathon PLATT, A/Ch Insp HARRIS and Ms Kim LENNARD.
17. See DDA 22 – Raised with Sgt COPUS, Ms LENNARD and A/Ch Insp HARRIS
18. See DDA 23 – Raised with Sgt Jen PULLINGER, Sgt HODGETTS and Insp Nicola COURT



19. See DDA 24 - Raised with Sgt Jen PULLINGER, Sgt HODGETTS, Darren HENSTOCK, Dr BHOGADIA and Sgt OREILLY.

20. See DDA 25 – Raised with Sgt Jen PULLINGER, Sgt HODGETTS, Insp HENSTOCK, Ch SUPT TODD, Dr BHOGADIA. Later raised to Pauline Maguire, The Chief Constable and with Supt Andrew Nicholson and Sgt Mark OREILLY

Acts of victimisation

14. For DD2, 4-14, 16, 18, 19 and 21-25 at Appendix 2 herein, the Claimant contends that the Respondent subjected him to those alleged detriments because he had done a protected act.



PROTECTED DISCLOSURE DETRIMENT

Protected disclosures

For detriments before 25 June 2013

15. The Claimant contends that he made the disclosures of information found at Appendix 1 herein, which in his reasonable belief tended to show one or more of the qualifying conditions within s.43B Employment Rights Act 1996 (**EqA**), to his employer in good faith.

For detriments on or after 25 June 2013

16. The Claimant contends that he made disclosures of information found at Appendix 1 herein, which in his reasonable belief were made in the public interest and tended to show one or more of the qualifying conditions within s.43B Employment Rights Act 1996 (**EqA**), to his employer.
17. The Claimant further contends that, for the purposes of remedy, he made those disclosures in good faith.

Protected disclosure detriments

18. The Claimant contends that he was subjected to the detriments (whether acts or deliberate failures to act) at Appendix 1 herein, done on the ground that the Claimant had made the identified protected disclosures.



OTHER MATTERS

Chagger

19. The Respondent contends that [DETAILS].

Contribution

20. The Respondent contends that the Claimant contributed to his circumstances [DETAILS].

James Arnold
Outer Temple Chambers
Temple

5 June 2017



APPENDIX 1 – SCHEDULE OF PROTECTED DISCLOSURES & DETRIMENTS

Protected Disclosure 1 & Detriment 1

PD1 - repeated wilful neglect of duty by Weoley Ward Police Officers and PCSOs

21. The Claimant informed Police Sergeant (PS) Delroy Padmore in a series of meetings from June 2011 onwards, Inspector Vanessa Eyles in a meeting in June 2012 onwards, PC Richard Chant of the Police Federation to escalate to Chief Superintendent Emma BARNETT both electronically and orally on 1 July 2012 and Acting/PS Renee Khot on 11/07/2012 onwards of repeated wilful neglects of duty by Weoley Ward Police Officers and PCSOs. The alleged neglects of duties consisted of failures to conduct patrols, offer support and assistance, attend community engagements, and conduct Offender Management policies as well as to obstruct provision of information internally and to partner agencies. All as identified in the Claimant's Public Interest Disclosure Schedule at 1.

Det. 1 – campaign by colleagues of isolation, bullying and discrediting

20. Done on the ground of PD1, the Claimant was identified as a whistle-blower to his colleagues who then undertook a campaign of isolation, bullying and utilised abusive mental health comments abuse as part of that campaign, supervision sought to discredit him personally and professionally, the Whistleblowing policy was not identified or initiated and the grievance process was deliberately obstructed. All as identified in the Claimant's Public Interest Disclosure Schedule at 1.

Protected Disclosure 2 & Detriment 2

PD2 – wilful neglect of duty by the supervision of Weoley Ward NHT, by suppressing disclosure of the conduct in PD 1

21. The Claimant informed Inspector Vanessa Eyles in a meeting in June 2012 and electronically on 18 June 2012 ([676]), and to PC Richard Chant of the Police Federation to escalate to Chief Superintendent Emma BARNETT both electronically and orally on 1 July 2012 and Acting/PS Renee Khot on 11/07/2013 and ongoing of wilful neglect of duty by the supervision of Weoley Ward NHT by: (i) suppressing disclosure of the conduct in



PD1 and (ii) PS Padmore using his presence and influence upon the Weoley Ward team members to promote unity in suppressing allegations and effective investigations into the whistle-blowing process. All as identified in the Claimant's Public Interest Disclosure Schedule at 2.

Det 2 – campaign by supervision of isolation, bullying and discrediting

22. Done on the ground of PD2, Inspector Eyles stated that she would not consider PS Padmore as part of the Claimant's allegation. The Claimant was identified as a whistle-blower to his supervision who undertook a campaign of isolation and bullying, supervision sought to discredit him personally and professionally. The Whistleblowing policy was not identified or initiated, the Resolution policy was not adhered to and the Bullying policy was not initiated. The grievance process was deliberately obstructed and support not given, and the Claimant informed that the resolution process would only be restarted upon the completion of the complaint raised by Gemma Lamb. Support such as appropriate Occupational Health referrals and counselling, Return to Work interview and engagements and internal mediation were not applied by Sergeants Padmore, Khot and Copus or Insp EYLES. In July 2012, management of the Claimant by PS Padmore and Acting/PS Khot deliberately increased the friction within the team. In June 2013, the Claimant was subjected to a temporary move by Superintendent Andrew Shipman, upon the Claimant refusing a request to move upon the Respondent refusing to instigate their own previously offered move, without reason. The parameters of the move were altered without the Claimant's knowledge or involvement. Both supervisors and HR refused to engage with the Claimant's attempts to engage with them. All as identified in the Claimant's Public Interest Disclosure Schedule at 2. Further,

Protected Disclosure 3 & Detriment 3

PD3 – supervision submitted false and manipulated Occupation Health documents to Occupational Health

23. On 2 September 2012, the Claimant informed Inspector Eyles orally, and PC Chant of the Police Federation orally and electronically, that PS Padmore and Acting/PS Khot had submitted false and manipulated Occupation Health documents [to Occupational Health], as identified in the Claimant's Public Interest Disclosure Schedule at 3.

Det. 3 – lack of support, encouragement, dialogue and Return to Work processes



24. Done on the ground of PD3 (Not PD3) it was PD1 & PD2), from January 2012 onwards¹⁴, no support or encouragement was offered by PS Padmore or Acting/PS Khot, and dialogue and Return to Work processes were deliberately withheld. Occupational Health records were submitted containing false and inaccurate details of the Claimant's health and welfare, and the contents withheld from him¹⁵. The false documents remain unaltered and the Claimant later became aware that Insp EYLES was involved in that process. All of the above as identified in the Claimant's Public Interest Disclosure Schedule at 3.

Protected Disclosure 4 & Detriment 4

PD4 – Weoley Ward PCSOs and Police Officers deliberately disregarding designated protocols and standing orders regarding existing patrol strategies

25. On 29 October 2012, the Claimant informed PS Cary Copus and Inspector Eyles orally and PC Chant of the Police Federation orally and electronically that Weoley Ward PCSOs and Police Officers were deliberately disregarding designated protocols and standing orders regarding existing patrol strategies and an implemented Policing Operation, resulting in an almost non-existent policing presence on the Weoley Ward area. Instead, PCSOs were double-crewing, and police officers were leaving their area of responsibility to keep PCSOs company, despite standing Orders to the contrary from Supervision. All as identified in the Claimant's Public Interest Disclosure Schedule at 4.

Det. 4 – continued campaign of isolation and bullying, together with additional and disproportionate workload

26. Done on the ground of PD1, PD2, PD3 and PD4, the campaign of isolation and bullying continued, together with an additional and disproportionate workload for the Claimant, resulting in increased stress levels. The Claimant would often be the only available police officer for the entire designated area. All as identified in the Claimant's Public Interest Disclosure Schedule at 4.

Protected Disclosure 5 & Detriment 5

PD5 – Acting/PS Khot involved in insurance fraud

¹⁴ [CAUSATION] Det 3 is before PD3 until 2 September 2012

¹⁵ [CAUSATION] The submission of the false records appears to have occurred before PD3, since PD3 is the complaint about the false submission.



27. On 12 December 2012, the Claimant informed Inspector Eyles orally, and PC Chant of the Police Federation orally and electronically, that Acting/PS Khot had committed insurance fraud by providing false information of the location of damage to her vehicle **and falsely claiming a partial financial refund of the insurance premium paid**. All as identified in the Claimant's Public Interest Disclosure Schedule at 5.

Det. 5 – warned off further investigation into fraud, and threatened it would be held against him

28. Done on the ground of PD5, Inspector Eyles warned the Claimant on **12 December 2012** that raising any such matter further would be held against him and that she would not allow any further investigation into the matter. All as identified in the Claimant's Public Interest Disclosure Schedule at 5.

Protected Disclosure 6 & Detriment 6

PD6 – police wrong-doing surrounding C's detention, and abuses & breaches of, the Mental Health Act 1983

29. On:

29.1. 16 June 2013 orally to Inspector Dan Lowe;

29.2. 17 June 2013 orally to Acting/Chief Inspector Richard Harris and Kim Lennard;

29.3. 27 June 2013 orally and electronically to PC Scott Thomson of the Police Federation;

29.4. 31 October 2013 onwards, orally in a series of meetings, to Acting Sergeant Simon Williams, Inspector **Simon INGLIS**, Richard Leese, Inspector Darren Henstock, Chief Inspector Minor; and

29.5. 19 March 2014, orally in a witness interview, to Jonathan Platt of Professional Standards Department;

the Claimant informed the above that there had been an unlawful detention in breach of the Mental Health Act 1983 and/or that the Respondent's police officers had been



complicit in concealing the unlawful detention under, and abuses of, the Act. All as identified in the Claimant's Public Interest Disclosure Schedule at 6.

Det. 6 – detention under the Mental Health Act 1983 / allegations of police wrong-doing were not investigated and evidence lost

30. Done on the ground of PD6 (Not PD6) PD1, PD2, PD3 & PD4, the Claimant was unlawfully detained under the Mental Health Act 1983¹⁶, there was an abuse of process under the Act, the detention was disproportionate and unnecessary, the allegation of wrongdoing was not recorded or investigated and identified evidence was deliberately lost. The process facilitated the provision of false and malicious information to the Claimant's personnel and medical records, and despite being told it would be investigated as part of the Gemma Lamb complaint, it was not. There was no Occupational Health support in the following months, the Return to Work was not managed, no reasonable adjustments made, the Claimant was uncertain as to whether disciplinary action would be taken against him, and his temporary placement was mismanaged and the Claimant was subjected to Respondents Regulation 28 (Half Pay) due to his unaddressed absence. All as identified in the Claimant's Public Interest Disclosure Schedule at 6.

Protected Disclosure 7 & Detriment 7

PD7 – unlawful detention of individual alleged to have breached Sex Offender Order and request to falsify reason for arrest

31. On 11 February 2014 to Acting/PS Simon Williams and on 19 March 2014 to Jonathan Platt of Professional Standards Department, the Claimant informed them that, despite no breach of a Sexual Offences Order by an arrested individual, the individual was not released from custody by Inspector Christopher Gittins. Instead Inspector Gittins asked the Claimant twice to falsify his reasons for the arrest of the individual to include offences that had not been committed. All as identified in the Claimant's Public Interest Disclosure Schedule at 7.

¹⁶ [CAUSATION] the detention cannot be as a result of PD6, although it is accepted that the Claimant states in Det. 6 that his detention and abuse of process thereupon is considered "to be a continence (sic) of the campaign against me due to the Whistleblower stance" [C TO IDENTIFY WHICH PD LED TO DET. 6]



Det. 7 – no appropriate action taken / no formal investigation

32. Done on the ground of PD7, Acting/PS Williams failed to take the appropriate action [DETAILS] and/ or Professional Standards Department failed to undertake a formal investigation **causing Claimant to suffer increased stress and vulnerability in the workplace.** All as identified in the Claimant's Public Interest Disclosure Schedule at 7.

Protected Disclosure 8 & Detriment 8

PD8 – possible fraudulent conduct in claiming funds from Police Federation for legal advice

33. On 9 November 2013, orally to Acting/PS Williams, and on 19 March 2014 orally to Jonathan Platt of Professional Standards Department, the Claimant informed them that PS Christopher Jones had possibly committed fraud by claiming funds from the Police Federation to obtain advice which was then not obtained. All as identified in the Claimant's Public Interest Disclosure Schedule at 8.

Det. 8 – matter was not progressed / deliberately obstructed reasonably and timely advice and wrongful imprisonment claim

34. Done on the ground of PD8 (**Not PD8, it was PD6**), the Claimant's allegation regarding PS Jones was not progressed by PS Williams and (because the Claimant had been misled into thinking unsuccessful legal advice had been obtained), PS Jones deliberately obstructed reasonable and timely advice and also obstructed any timely claim arising from this matter¹⁷. Instead, PS Jones was working with senior supervisors (**A/Ch Insp Richard HARRIS**) to facilitate disciplinary action against the Claimant. All as identified in the Claimant's Public Interest Disclosure Schedule at 8.

Protected Disclosure 9 & Detriment 9

PD9 – deliberate disregarding of formal police investigation documentation / provision of false statements to the investigation

¹⁷ [CAUSATION]



35. On 5 February 2015, electronically to PS Mat Crowley (and elevated to Chief Inspector Nicola Court) and on 25 February 2015 orally to PS Andrew Hodgetts and Sgt Jen PULLINGER, the Claimant informed them that:

35.1. Formal police investigation documentation, from a formal complaint by Gemma Lamb, was being deliberately disregarded by the Respondent;

35.2. False and malicious medical and employment entries were also deliberately disregarded by the Respondent; and

35.3. PS Cary Copus, PS Christopher Surridge, PC Angus Nairn, PC Ruddick and member of Professional Standard Department provided false statements and accounts in the course of the police investigation.

All as identified in the Claimant's Public Interest Disclosure Schedule at 9.

Det. 9 – no action taken / resolution process would only be re-started after the finalisation of Gemma Lamb's complaint but was not / failure to instigate and follow Bullying, Discrimination and Whistleblowing policies

36. Done on the ground of PD9, Investigating Officers actively disregarded information or documentation that would evidence police wrong-doing, and in doing so, concealed it. The obstructed resolution process was not restarted after the finalisation of the Gemma Lamb complaint. There was a failure to instigate and follow Bullying / Discrimination / Whistleblowing policies. The complaints were not investigated as part of the Gemma Lamb complaint. In February 2015, Chief Inspector Nicola Court, as Appropriate Authority, failed to engage with the Claimant and failed to commence an investigation. All as identified in the Claimant's Public Interest Disclosure Schedule at 9.

Protected Disclosure 10 & Detriment 10

PD10 – deliberate abuse of investigation process

37. On 14/10/2014 the Claimant informed Jonathan Platt of PSD, on 5 February 2015 the Claimant informed PS Mat Crowley who escalated the matter to Chief Inspector Nicola Court, on 25 February 2015 the Claimant informed PS Jen Pullinger and Sgt Andrew HODGETTS, on 4 June 2015 the Claimant informed Inspector Darren Henstock and Sgt



Andrew HODGETTS including producing third party documentary evidence, on 26 June 2015 the Claimant informed Chief Superintendent Chris Todd and Sgt Andrew HODGETTS, on 19 August 2015 the Claimant informed Chief Inspector Brian Carmichael and/or of deliberate abuse of the investigation process, concealment of police abuses and prevention of recording allegations / concerns of police abuses. All as identified in the Claimant's Public Interest Disclosure Schedule at 10.

Det. 10 – retention of false and malicious acts of discrimination, to remain on police and third-party organisation documentation, inaccurate information recorded on medical and employment records / obstruction of existing processes and policies

38. Done on the ground of PD6 & PD10, the Respondent **deliberately caused the retention of false and malicious acts of discrimination and information** to remain on police and third-party organisation documentation, recorded inaccurate information on medical and employment records and obstructed existing processes and policies **from the Claimant, causing evidence to be lost**. All as identified in the Claimant's Public Interest Disclosure Schedule at 10.



APPENDIX 2 – SCHEDULE OF DISABILITY DISCRIMINATION DETRIMENTS

DD1 – deliberate obstruction to provision of timely and reasonable access to Occupational Health (s.13, s.21)

39. The Claimant's request for access to Occupational Health was withheld for a period of almost 3 weeks by PS Padmore (Not Acting/PS Renee Khot). PS Padmore was critical of the Claimant for not identifying the initial commencement date of his depression. PS Padmore was not receptive to workplace adjustments, and facilitated a hostile and confrontation working environment. The Claimant's 28 January 2012 e-mail of the Respondent's Bullying policy to other team members was not progressed by PS Padmore and later by Acting/PS Khot on 11/07/2012. There were no further referrals for support or counselling and no reasonable adjustments, despite accepting the content of the information provided by Claimant. All as identified in the Claimant's Discrimination Schedule at 1.

DD2 – Occupational Health ignore Claimant's concerns about targeting / inaccurate referral to Occupational Health / no reasonable adjustments or support (s.13, s.21, s.27)

40. From 23 January 2012, the Claimant was asked by Occupational Health to consider a meeting with HR, senior supervision and the Police Federation to disclose wrong-doing, as he was concerned that this would lead to targeting of him whilst too unwell to deal with this. Despite this, Occupational Health recommended such a meeting to his supervisors causing significant isolation and vulnerability to Claimant. Upon informing Acting/PS Khot on 11 July 2012 that he had made a suicide attempt several months earlier, and the suicidal feelings had not returned, Acting/PS Khot referred the Claimant to Occupational Health, but without reflecting the nature and content of his disclosure, instead making false and inaccurate claims about the Claimants Mental Health and state of mind. No reasonable adjustments were offered to the Claimant's workplace environment and there was no positive support from supervision. All as identified in the Claimant's Disability Discrimination Schedule at 2.

DD3 – diagnosis of depression challenged by PS Padmore during home visit / no action taken in respect of this challenge (s.13, s.26)



41. In Spring 2012, during a home visit by PS Padmore, he openly challenged the validity and nature of the diagnosis of the Claimant's depression, as well as the treatment of it and the validity of the medication **causing significant humiliation, marginalisation and discomfort**. The Claimant raised PS Padmore's conduct, **and the conduct of colleagues to date**, with Inspector Sarah Booth on 26 September 2012, but the Claimant received no update or feedback or support. It was not actioned. All as identified in the Claimant's Disability Discrimination Schedule at 3.

DD4 – Return to Work policy withheld from Claimant, quizzed about depression and its effects on health, no support or reasonable adjustments, threatened with move, information not provided (s.13, s.21, s.26, s.27)

42. Upon the Claimant's return to work on 10 July 2012 (and onwards), PS Padmore withheld the Return to Work policy from the Claimant, and instead quizzed him about him about the exact nature of depression and its effects upon the Claimant's health **in comparison to "normal" health impacts such as feeling tired or bad moods**. PS Padmore offered the Claimant the opportunity to go absent with ill-health instead of identifying reasonable adjustments in the workplace. No support was offered, and the Claimant was restricted to office duties. He was met with threats of being moved, and work was withheld from him. Prior to the Claimant's return to work, no information was provided by PS Padmore regarding reasonable adjustments, support, and the implementation of the Bullying or Discrimination policy. All as identified in the Claimant's Disability Discrimination Schedule at 4.

DD5 – subject to derogatory comments (s.13, s.26, s.27)

43. Between 10 July 2012 and 15 June 2013, PCSO Stacey Evans, PCSO Tina Rose, PC Sam Kay, PC Dan Hewitt used terms such as '*nutters*', '*freaks*', '*mad*', '*losers*' and '*psychos*' about mental health sufferers in the presence of the Claimant. PS Padmore and Acting/PS Khot failed to take any action to prevent this when raised with them by the Claimant **and failed to instigate the Discrimination or Bullying Policies. Sgt PADMORE instead asked Claimant to tolerate colleagues lack of understanding of Depression within the workplace**. All as identified in the Claimant's Disability Discrimination Schedule at 5.

DD6 – repeatedly allocated solo patrol / no support / no addressing the issue (s.13, s.21, s.27)



44. Between 10 July 2012 and 15 June 2013, Sergeants Padmore, Khot and Copus repeatedly allocated the Claimant solo patrol, during ill-health and while colleagues were not allocated such patrols. The Claimant's solo patrols and disproportionate workload were not addressed by PS Copus. On 05 September 2012 A/Sgt KHOT conducted a straw poll to Weoley colleagues, in the absence of the Claimant, to identify those refusing to work with him. Colleagues **openly refused** to work with the Claimant. **On 09/12/2012, A/SGT KHOT confirmed to Claimant that he was being subject to a disproportionate patrol strategy compared to colleagues.** All as identified in the Claimant's Disability Discrimination Schedule at 6.

DD7 – comment regarding bootlaces long enough to hang himself (s.13, s.26, s.27)

45. On 23 September 2012, the Claimant was targeted with the following comment by PCSO Tina Rose: *'Well, with bootlaces that long, if he suddenly develops depression, then I suppose he can always go off somewhere quiet and just hang himself.* All the other colleagues **present** laughed. Acting/PS Renee Khot and Inspector Vanessa Eyles did nothing to address this, offer support or instigate the Bullying or Discrimination policies. Chief Inspector Phil Healey reviewed this allegation as part of the Resolution matter, but it was not addressed. All as identified in the Claimant's Disability Discrimination Schedule at 7.

DD8 – inappropriate comments targeting Claimant's depression (s.13, s.21, s.27)

46. Between 10 July 2012 and 15 June 2013, the Claimant's depression was targeted with comments such as *'You never know what he might do because people with depression don't know themselves', 'Anything is possible'* and references to the Claimant being a *'risk'*. Other comments included about *'making up'* depression and *'using'* it (PCSO Tina Rose, PCSO Stacey Evans, PC Samantha Kay, PC Dan Hewitt). Supervision (Acting/PS Khot, PS Copus and Inspector Eyles) took no action, and counselling, mediation, and Bullying and Discrimination policies were withheld. A move to a more appropriate working location or varied working hours were not considered. All as identified in the Claimant's Disability Discrimination Schedule at 8.

DD9 – no support from Inspector Eyles / false offer of support (s.13, s.26, s.27)

47. From 21 January 2013, no support (other than the transfer of an existing **Whistleblower** allegation onto the correct form) was provided by Inspector Eyles. The offer made by PS



Copus of support from Inspector Eyles was false leaving the Claimant isolated, unsupported and treated with indifference. All as identified in the Claimant's Disability Discrimination Schedule at 9.

DD10 – derogatory comment about a party to a neighbour dispute (s.13, s.26, s.27)

48. On 19 May 2013, PS Copus asked the Claimant about the mental health state of a party to a neighbour dispute by stating 'Well, how mad is he?'. It was explained to Claimant that this question was due to the Claimants own Mental Health experiences. The matter was raised with Inspector Eyles, who offered no support and took no positive action. All as identified in the Claimant's Disability Discrimination Schedule at 10.

DD11 – sectioning under the Mental Health Act 1983 (s.13, s.15, s.21, s.26, s.27)

49. On 15 June 2013, the Claimant informed Sgt COPUS that he could no longer remain in the workplace due to the ongoing impact of stresses upon his Depression. Sgt COPUS voiced no concern to the Claimants workplace treatment upon his health (campaign of bullying, ongoing mismanagement by supervision of health and working environment, recent refusal to support any move from the LPU). The Claimant confirmed he would attend his GP for support on Monday. The Claimant was subsequently sectioned under the Mental Health Act 1983 and was informed by Sgt COPUS that it was due to the Claimant's depression being more severe the previous year, which had no bearing on that day, or recently. He was publicly paraded by the police, and the officers concerned took steps to conceal their actions and the conduct directed at the Claimant solely due to being a Mental Health sufferer. Supervision would not engage with the Claimant regarding this matter and there was no provision of counselling, Occupational Health support or mediation to facilitate a return to work. Despite the Respondents Mental Health allegations placed against the Claimant, there was no attempt to address the appropriateness of the Claimant's current role, working hours or location – PC Angus Nairn, PC Ruddick, PS Copus, PS Christopher Surridge, Inspector Christopher Gettins (Gittins) and Acting/Chief Inspector Richard Harris. All as identified in the Claimant's Disability Discrimination Schedule at 11.

DD12 – formal action (s.13, s.21, s.26, s.27)

50. From 28 June 2013, senior supervision (Acting/Chief Inspector Harris, MS. Lennard of HR, Inspector Brian Carmichael) intended to initiate formal action to have the Claimant's



position as a constable reviewed, for reasons of mental health, **which was kept from the Claimant**. This was despite a failure to make reasonable adjustments **and so punitive in nature**. No engagement or support was offered at the time, and there was no attempt to address the appropriateness of the Claimant's current role, working hours or location. All as identified in the Claimant's Disability Discrimination Schedule at 12.

DD13 – Unsatisfactory Performance Procedure (UPP) was initiated (s.13, s.21, s.27)

51. While the Claimant was absent through ill-health, supervision (Acting/Chief Inspector Harris, Ms. Lennard of HR and PS Chris Jones of the Police Federation) worked to initiate the UPP against the Claimant, having withheld any reasonable contact, support or duty of care. The lack of engagement was only identified and rectified due to Stage 1 of the UPP (contact **only** then being made by Acting/Sergeant Williams). All as identified in the Claimant's Disability Discrimination Schedule at 13.

DD14 – Subject to half-pay process (s.13, s.21, s.27)

52. During the Claimant's ill-health absence, he became subject to the **Regulation 28** half-pay process (despite being deliberately **removed** from the process), forcing the Claimant to return to work. The Police Federation provided scant information which was vague and conflicting, **which was provided by the Respondent to the Police Federation to pass to the Claimant as the Respondent would not engage with the Claimant at that time** [HOW PART OF RESPONDENT?]. Incorrect information was provided by Acting/Sergeant Williams on 23 October 2013. There was no information or engagement regarding any reasonable adjustments. **The Claimant was instead forced to return to work for reason of financial hardship penalty**. The withheld money was not returned to the Claimant, despite being informed that it would be. PC Scott Thomson, Acting/PS Williams, Inspector Simon Inglis, Acting/Chief Inspector Harris, Ms. Lennard of HR, Richard Leese HR Manager and PS Jones of the Police Federation. All as identified in the Claimant's Disability Discrimination Schedule at 14. **UPDATE: In February 2017, the Respondent did return this withheld pay to the Claimant as they determined that Regulation 28 was not correctly applied to the Claimant in this instance due to disregard of Reasonable Adjustments and DDA.**

DD15 – Monthly engagement meeting with OH, weekly meetings with supervisors (s.13, s.21))



53. At a home visit on 31 October 2013, A/Sgt Simon WILLIAMS and Richard LEESE (HR) offered the Claimant a series of monthly engagement meetings with Occupational Health and a series of weekly meetings with Acting/PS Williams and Inspector Inglis, to address concerns and health impact. Upon the Claimant's return to work on 8 November 2013, there was no such format in place. The Occupational Health visit was a one-off appointment, and the supervisory meetings were without prior notice, precluding a friend or Federation representative being present. Issues raised by the Claimant were disregarded. All as identified in the Claimant's Disability Discrimination Schedule at 15.

DD16 – accused of negativity (s.13, s.21, s.26, s.27)

54. From 9 November 2013 onwards, the Claimant was accused of 'negativity' by Acting/PS Williams, disregarding the effects of diagnosed depression. In subsequent meetings, the Claimant was issued with warning or advice about how his negativity was perceived by others and criticising my conducting of duties, including on 24 June 2014, there was a suggestion of a possible neglect of duty. Acting/PS Williams was overly critical of the Claimant, despite information to the contrary being provided by the Claimant, and Acting/PS Williams being unable to identify or qualify anything further. The meetings were last minute and without the involvement of a Police Federation Representative. All as identified in the Claimant's Disability Discrimination Schedule at 16.

DD17 – failure to address rumours surrounding depression / detention under Mental Health Act 1983 (s.13 (because of / because of perception), s.26)

55. From 31 October 2013, the Claimant's ongoing complaints of workplace rumours surrounding his depression and detention under the Mental Health Act 1983 were not addressed, causing significant discomfort, humiliation and distress. This appeared to be accepted conduct to the Claimant by colleagues. On 30 October 2014, the Claimant was advised that PC Diane Bostock had entered into malicious conversation with others about my mental health and detention, including that the Claimant was 'only using the mental health card to get away with what he had done.' This again included the alleged stealing of a police vehicle and threat to supervision to kill himself using several different methods, until such a time, almost a year after the Claimant's return to work that this particular incident was challenged by a colleague, that the Claimant informed A/Sgt WILLIAMS of on 03 November 2014. This issue was then dragged out over a month and without reference to



the Discrimination or Bullying policies. A/Sgt WILLIAMS confirmed to the Claimant that he believed this incident was linked to a previous incident of Damage to the Claimant's car on 09 July 2014, and an earlier tirade, on 10 July 2014, by PC Bostock were not addressed by the Respondent. All as identified in the Claimant's Disability Discrimination Schedule at 17.

DD18 – derogatory comments such as 'Force Nutter' and 'mad' (s.13, s.21, s.26, s.27)

56. The Claimant was regularly referred to as the 'Force Nutter' and 'mad' by PC Scott Thomson, almost on a daily basis, often in the presence of others. Acting/PS Williams failed to address the matter through the Bullying and Discrimination policies, but instead told the Claimant to ignore it and stated it was THOMPSONS normal behaviour. Previous comments included 'He should have known not to believe you FFS, they thought you were mad' and (in terms of the Claimant's weight fluctuation: 'I can't call you a fat cunt anymore and people will have to stop the fat jokes.' All as identified in the Claimant's Disability Discrimination Schedule at 18.

DD19 – information withheld from Occupational Health (s.13, s.21, s.27)

57. Contact with Occupational Health was made deliberately difficult and uncomfortable by the Respondent deliberately withholding pertinent information of the Claimants alleged Mental Health and personality disorder/problems and the facts and circumstances surrounding the Respondents detention of the Claimant under Sct136 MHA 1983. When this issue was raised with Supervision and HR, the Claimant was informed that all information was being withheld on the orders of PSD due to the external complaint by Gemma Lamb. Whilst engaging with Occupational Health the Claimant believed he was actively being prevented from identifying reasonable workplace adjustments. Supervision would take no action to address the impasse identified by Occupational Health. Acting/Chief Inspector Harris, Ms. Lennard, Inspector Inglis, Richard Leese HR Manager and PS Williams. All as identified in the Claimant's Disability Discrimination Schedule at 19.

DD20 – Return to Work process withheld from the Claimant / no annual PDRs (s.13, s.21)

58. From June 2011 onwards, the required Return to Work process was withheld from the Claimant upon his returns from ill-health absences by PS Padmore, Acting/PS Knot, PS



Copus and Acting/PS Williams, despite the Claimant attempting to engage with them. There was no follow-up from HR, or other department, despite a failure to complete the Return to Work meeting and documentation process. There have been no annual Personal Development Reviews (PDRs). This had been deliberately overlooked, and prevented any training opportunities or development. All as identified in the Claimant's Disability Discrimination Schedule at 20.

DD21 – withholding of information (s.13, s.21, s.26, s.27)

59. From June 2012 onwards, Supervision have deliberately withheld information of action taken towards the Claimant regarding allegations placed against his mental health or the whistle-blowing process by withholding all relevant information regarding the Respondent allegations to the Claimants alleged Mental State, Sct136 MHA 1983 detention process and the obstruction of all Resolutions submitted, until the provision of the PSD Final Report on 9 January 2015. The fact that the Birmingham and Solihull Mental Health NHS Foundation Trust dismissed the detention as a lawful Mental Health Act process as it bore no reflection to Police actions towards him or to the NHS involvement, Detention or Mental Health Act Assessment. The identification of an abused Mental Health Act 1983 detention process, identifies the existence of false and malicious entries in the Claimant's medical and personnel records, which the Respondent fails to address with the Claimant to date. PC Nairn, PC Ruddick, PS Copus, PS Surridge, Inspector Gittins, Acting/Chief Inspector Harris, Ms. Lennard, PS Jones, Inspector Carmichael and Mr. Platt undertook this process against the Claimant. All as identified in the Claimant's Disability Discrimination Schedule at 21.

DD22 – not been subject to request for assessment or further investigation into depression (s.13, s.21, s.26, s.27)

60. From June 2011 onwards, despite engaging with a series of supervisors, Occupational Health and HR, the Claimant was subject to having his Mental Health targeted and belittled by the Respondent, whilst the Claimant had not been subject to any request for assessment or further investigation into depression. There had been no request for medical notes into the Claimant's depression and its treatment, but has since been acted upon in April 2016. (The Claimant accepts that the depression has been recognised and he has been given reasonable adjustments by way of Occupational Health-determined varied hours, (The hours are standard shifts that cannot be extended when the Claimant works a late shift



only, not at all varied by Occ Health as this coincides with allocated shift times), despite the associated periods of fatigue) and by an on-going process of regular reviews with the Force doctor in relation to his depression). These Occupational Health Depression Reviews have not been conducted since 02 December 2014 and subsequent engagement with the Respondents Counsellor, Wendy NEALE resulted in the Claimant being shown as unfit for duty. These counselling sessions were stopped in June 2015 and have not restarted by the Respondent. Occupational Health have confirmed that they were subject to withheld information upon direction of the Respondents Professional Standards Department. PC Nairn, PC Ruddick, PS Copus, PS Surridge, Inspector Gittins, Acting/Chief Inspector Harris, Ms. Lennard, PS Jones, Inspector Carmichael and Mr. Platt. All as identified in the Claimant's Disability Discrimination Schedule at 22.

DD23 – home visit 25 February 2015 and Case Conference 26 March 2015 (s.13, s.21, s.26, s.27)

61. The Home Visit of 25 February 2015 focussed on the availability of PS Andrew Hodgetts and not the welfare considerations and identification of the Claimant. The Claimant was given no active support, guidance or the possibility of any reasonable adjustments during that home visit, and was instead informed to return to work and simply remove any consideration to workplace issues from the return to work itself, which reiterated this instruction also given to the Claimant in the course of the Home Visit of 31 October 2013. The contact plan, for PS Hodgetts to call the Claimant at least once per set of shifts was not acted upon, and the Claimant was subsequently informed that PS HODGETTS was stating to a colleague that he had no intention of complying with that contact plan. After a Case Conference on 26 March 2015, which was to address and remove barriers to the Claimant's return to work, no updates were received that addressed any such barriers or facilitated any managed or meaningful return to work. The Claimant has been subjected to the Half-Pay Policy again, without feedback despite a request. The only consideration is counselling, which the Respondent stopped in June 2015. All as identified in the Claimant's Disability Discrimination Schedule at 23.

DD24 – failure to implement identified reasonable adjustments (s.13, s.21, s.27)

62. From 11 December 2014 onwards, during a period of ill-health absence, PS Jen Pullinger, PS Andrew Hodgetts, Inspector Darren Henstock and Dr. Haider Bhogadia failed to implement reasonable adjustments identified at Home Visits on 25 February 2015, in which



the Claimant was informed that it was recognised that Reasonable Adjustments were required and were being investigated by the Respondent, and during a further home visit of 4 June 2015, when the Claimant was informed that the Reasonable Adjustments process was starting and would include: Disability Risk Assessment, referral to the Force Disability Advisor, consideration to an agreed move, a potential agreed change of role and a potential agreed change of hours and further referred to in documentation, including Sgt HODGETTS own suggested Reasonable Adjustments documents and Dr BHOGADIA's own Report of August 2015 in which he identified the pathway to Reasonable Adjustments for the first time. All as identified in the Claimant's Disability Discrimination Schedule at 24.

DD25 – Half-Pay procedure 8 June 2015 (s.13, s.21, s.27)

63. From 8 June 2015, PS Jen Pullinger, PS Andrew Hodgetts, Inspector Darren Henstock, Chief Superintendent Chris Todd and Dr. Haider Bhogadia subjected the Claimant to the Respondents Regulation 28 Half-Pay procedure, despite challenges by the Claimant in the 5-month period afterwards and the withholding of implementing the Respondents reasonable adjustments Policy, which has already been identified as required by the Respondents Officers. This resulted in the Claimant being subject to financial hardship that could not be addressed with creditors due to the particular circumstances inflicted by the Respondent, resulting in the Claimant becoming Bankrupt. Despite the identification of Reasonable Adjustments, and consideration of the Equality Act applying to the Claimant in the course of Medical Confidential Health Reports on 28/03/2012, 04/05/2012, 12/06/2012, 18/11/2013, 16/03/2014, 02/12/2014 and also in a meeting between the Respondents Force Dr and supervision in August 2015, the Claimant remained subject to Regulation 28 (Half Pay) resulting in financial hardship, which could not be addressed due to the particular nature of the Regulation 28 and the Respondents refusal to engage with the Claimant. All as identified in the Claimant's Disability Discrimination Schedule at 25. UPDATE: The Respondent reviewed this Regulation 28 (Half Pay) Process in October 2015 resulting in the return of that withheld money to the Claimant in October 2015. This overturning of the Regulation 28 decision was as a result of the failure to consider and implement Reasonable Adjustments and the Equality Act to the Claimant by the Respondent.



64. All other matters contained within the Disability Discrimination Schedule and Public Interest Disclosure Schedule remain relevant.



ANNEX 3: AGREED CHRONOLOGY

Date	Event
27/07/2002 21/07/2002	Claimant starts at Respondent as a Police Constable
09/01/2006 – Until present date	Claimant transferred to Neighbourhood Policing Team
26/05/2009 – 08/11/2009	Claimant off sick with stress.
06/04/2010 – 07/11/2013	Claimant transferred to Weoley Ward Neighbourhood Team (Northfield)
02/11/2010 – 05/11/2010	Claimant off sick with digestive disorder.
06/2011	Claimant allocated to Weoley Ward under Sergeant Padmore. Claimant raises allegations of neglect of duty and unprofessional conduct to Sergeant Padmore.
08/07/2011 – 11/07/2011	Claimant off sick (miscellaneous).
12/2011	Claimant requests Occupational Health referral
01/2012	Sergeant Padmore organises and conducts Team Meeting and completes Claimant's occupational health referral form.
30/01/2012 – 09/07/2012	Claimant off sick with depression.
06/2012	Claimant meets with Inspector Eyles to discuss allegations of neglect of duty and unprofessional conduct.
Spring 2012	Home visit conducted by Sergeant Padmore.
01/07/2012	Claimant progresses allegations with Chief Superintendent Emma Barnett via PC Chant
03/09/2013	Gemma Lamb submits first complaint against Respondent
05/09/2012 - 18/09/2012	Claimant off sick with anxiety.
21/01/2013	Inspector Eyles request Claimant submit a formal resolution to record his concerns.
04/02/2013	Claimant submitted Resolution 1.



Date	Event
04/02/2013 – 10/02/2013	Claimant off sick, believed to be suffering from tonsillitis.
17/02/2013 – 22/02/2013	Claimant off sick, reoccurrence of tonsillitis.
25/04/2013 – 13/05/2013	Claimant off sick with diagnosed Gout (Tested and Sick Note provided)
17/05/2013	Outcome to Resolution 1.
18/05/2013	Claimant appealed Resolution 1.
20/05/2013 – 27/05/2013	Claimant off sick with Tonsillitis
30/05/2013	Claimant attends Occupational Health for Depression Review
15/06/2013	Incident regarding Claimant's alleged detainment. Claimant subject to Mental Health Act Assessment at a designated Place of Safety.
17/06/2013	Claimant attends de-brief meeting at Bourneville Lane Station following incident on 17/06/2013.
June 2013	Claimant issued with disciplinary sanction following unauthorised absence on 15/06/2013
17/06/2013 – 07/11/2013	Claimant off with stress.
September 2013	Claimant subject to Regulation 28 process (half pay)
27/09/2013	Mrs Gemma Lamb submitted complaint to Respondent – referred to PSD
23/10/2013	Claimant attends Occupational Health appointment
27/10/2013	Mrs Gemma Lamb appealed PSD decision in respect of complaint.
31/10/2013	Home Visit to Claimant by Sergeant Williams and Richard Leese (HR).
07/11/2013	Respondent holds inter-department case conference regarding Claimant's current absence.
08/11/2013	Claimant transferred to Selly Oak Neighbourhood Team. Claimant commences Action Plan
29/01/2014	Claimant submitted Resolution 2.
02/02/2014	Claimant submitted Resolution 3.
18/02/2014	Claimant submitted Resolution 4.
15/04/2014	Outcome to Resolutions 2, 3 and 4 from Superintendent Javid (signed and



Date	Event
	agreed by Claimant).
19/09/2014 – 21/09/2014	Claimant off with digestive disorder.
25/10/2014	Claimant submitted Resolution 5.
25/10/2014	Claimant submitted Resolution 6.
04/12/2014	Claimant attend Occupational Health Depression Review with Dr Bhogadia
11/12/2014 – present	Claimant off with stress.
22/12/2014	PSD Investigation outcome to Mrs Gemma Lamb's complaint
15/01/2015	Mrs Gemma Lamb appeals PSD outcome
25/02/2015	Home Visit to the Claimant by Sergeant Jen Pullinger and Sergeant Hodgetts
03/03/2015	Claimant submitted ET1.
23/04/2015	Respondent submitted ET3.
22/05/2015	Claimant attends meeting with Director of Operations at Oleaster Place of Safety
24/03/2016	Final resolution outcome of Resolutions 5 and 6.
04/06/2015	Home Visit to the Claimant by Inspector Henstock and Sergeant Hodgetts
08/06/2015	Claimant subject to Regulation 28 half pay process
23/06/2015	Oleaster Place of Safety internal investigation into Claimant's alleged detention and Mental Health Assessment concludes
04/08/2015	Claimant files for bankruptcy
05/08/2015	Respondent holds Case Conference regarding Claimant
12/08/2015	Respondent holds Case Conference regarding Claimant
25/08/2015	Claimant attends meeting with Kate Jeffries, Date Department
23/10/2015	Claimant receives withheld pay and half pay process is halted
2016	Claimant submits intention to appeal resolutions to Peter Wilkinson
14/04/2016	Claimant's occupational health appointment with Dr Sampson
27/04/2016	Adjudication of Resolution 1.
19/08/2016	Claimant's psychiatric consultant appointment with Dr Briscoe
24/08/2016	Home Visit to the Claimant by Inspector O'Reilly
27/09/2016	Home Visit to the Claimant by Inspector O'Reilly
13/10/2016	Claimant attends occupational health follow up appointment with Dr



Date	Event
	Sampson
23/11/2016	Home Visit to the Claimant by Inspector O'Reilly
25/11/2016	Respondent directs Claimant to attend further Occupational Health referral appointment for 19/12/2016
02/12/2016	Respondent cancels Claimant Occupational Health appointment of 19/12/2016
20/01/2017	Home Visit to Claimant by Sergeant O'Reilly
02/02/2017	Chief Inspector Bill, WMP Appropriate Authority, declines meeting Claimant
08/02/2017	Claimant attends introductory meeting with Sergeant Galvin
24/02/2017	Respondent returns Regulation 28 withheld pay back to Claimant, from 2013
03/03/2017	Claimant attends meeting with Supt Matt Shaer and Sgt Galvin
07/03/2017	Respondent directs Claimant to attend further Occupational Health referral appointment for 10/03/2017
08/03/2017	ICO concludes Claimants complaint investigation into Respondents Data Protection Act breaches
09/03/2017	Respondent cancels Claimant Occupational Health referral of 10/03/2017
09/03/2017	Respondent confirms to Claimant intention to conduct 'Round Table Meeting' as first step to Reasonable Adjustments implementation



ANNEX 4: AGREED CAST LIST

Name/Rank	Involvement
Chief Superintendent Barnett	Claimant's Senior Supervisor at time of alleged protected disclosure in 2013 (Incorrect date. Should be 2011/12) (And at time of Claimants alleged detainment on 15/06/2013)
Dr Haider Bhogadia	Force Doctor for the Respondent who assessed the Claimant on behalf of the Occupational Health department from 2012 - 2014 onwards.
Inspector Sarah Booth	PSD Inspector (Investigated complaints from Gemma Lamb and involved in Claimant's alleged protected disclosures)
Police Constable Diane Bostock	Based at Bourneville Lane at time of alleged vehicle damage 2014.
Dr Briscoe	Reviewing Consultant 19/08/2016
Christine Brown	Occupational Health point of contact.
Acting Chief Inspector Brian Carmichael	Investigated complaints received from Gemma Lamb (And Claimant)
Police Constable Richard Chant	The Claimant's Police Federation representative between (June) 2012 and June 2013.
Sergeant Cary Copus	The Claimant's Sergeant from 28 September 2012 until June 2013 also involved with the Claimant's alleged detainment on 15 June 2013.
Chief Inspector Nicola Court	Claimant's Appropriate Authority between 2015 and 2016 (And Senior Supervisor)
Sergeant Crowley	Selly Oak Constituency Sergeant Workplace Risk Assessor
Detective Constable Dean	WMP PSD Officer conducting internal review of Gemma Lamb and Claimants complaints/allegations November 2015
Mary Elliffe	Director of Operations at Oleaster Place of Safety
Inspector Vanessa Eyles	Investigated Claimant's Resolution 1 informally before it was passed on to Inspector Phil Healy. -Claimants Inspector between 2012 until 11/2013



Name/Rank	Involvement
PCSO Stacey Evans	Worked with the Claimant in the Weoley Ward team at Bourneville Lane and Hillwood Road.
Sergeant Aleya Galvin	Claimants Sergeant & recipient of alleged disclosures and evidence on 03/03/17
Inspector Christopher Gittins	Involved with the incident on 15 June 2013 and second incident regarding Eric Buckley in 02/2014
Police Constable Gordon	Worked with the Claimant in the Weoley Ward team at Bourneville Lane and Hillwood Road.
Inspector Greasley	Claimant's Supervisor throughout 2011 and Spring 2012.
PCSP(PCSO) Hathaway	Worked with the Claimant in the Weoley Ward team at Bourneville Lane and Hillwood Road.
Jim Hanley	Health Bed Manager at Oleaster Place of Safety.
Acting Inspector Andrew Hodgetts	The Claimant's supervisor from March 2015 until October 2015. Involved with the Claimant's welfare and Regulation 28 pay panel. Claimants Welfare Officer January 2015 until August 2015
Chief Inspector Philip Healy	Investigating Officer of the Claimant's Resolution 1.
Inspector Darren Henstock	-Claimants Inspector between 2014 and 2016
Inspector Richard Harris	Involved with the Claimant in his capacity as Acting Chief Inspector at Bourneville Lane from June 2013.
Police Constable Daniel Hewitt	Worked with the Claimant in the Weoley Ward team at Bourneville Lane and Hillwood Road.
Chief Inspector Hobson	Duty FIM Involved in incident on 15/06/2013
Inspector Simon Inglis	Inspector from November 2013 until arrival of Insp Henstock in 2014.



Name/Rank	Involvement
Mr David Iles	Occupational Health adviser. Involved with the Claimant during 2012 to 2013.
Kate Jeffries	Data and Relationship Manager for the Respondent
Sergeant Chris Jones	Respondent's Police Federation Branch Secretary. Involved with the Claimant in 2013 (and 2014).
Superintendent Basit Javid	Investigating Officer of the Claimant's Resolutions 2, 3 and 4.
Police Constable Samantha Kay	Worked with the Claimant in the Weoley Ward team at Bourneville Lane and Hillwood Road.
Martin Keating	WMP Occupational Health Business Advisor involved with Claimant 2016 onwards.
PC Renee Khot	Worked with the Claimant in the Weoley Ward team at Bourneville Lane and Hillwood Road.
Mrs Gemma Lamb	Claimant's wife and Witness
Kim Lennard	Strategic HR Manager. Involved with the Claimant from June 2013 from a HR perspective.
Mr Richard Leese	HR Manager. -Involved with the Claimant from 10/2013 from a HR perspective (as per Kim Lennard) 2013 until 2014 (6-month contract).
Inspector Lowe	Welfare Officer to the Claimant from 16/05/2013 (16/06/2013)
Mrs Pauline Maguire	Line manager adviser within Shared Services. Involved with the Claimant as a welfare officer since October 2015 until present day.
Chief Inspector Marriott	Duty FIM Involved with incident on 15/06/2013



Name/Rank	Involvement
Chief Inspector Minor	Claimant's Chief Inspector and Appropriate Authority (involved from summer 2014)
Police Constable Morris	Worked with the Claimant in the Weoley Ward team at Bourneville Lane and Hillwood Road.
Police Constable Angus Nairn	West Mercia Officer allocated to Central Motorway Patrol Group who was involved with the incident on 15 June 2013.
Chief Superintendent Nicholson	PSD Senior Supervisor
Inspector Mark O'Reilly	Claimant's Welfare Officer from 08/2016 until present date.
Inspector Delroy Padmore	Claimants Sgt from June 2011 until September 2012
Investigation Case Worker Jonathan Platt	Case Worker for the Respondent's Professional Standards Departments ("PSD") and investigated Gemma Lamb's complaint regarding the Claimant's alleged detainment on 15 June 2013.
Sergeant Jen Pullinger	Selly Oak Constituency Sergeant.
PCSO Ronan	Worked with the Claimant in the Weoley Ward team at Bourneville Lane and Hillwood Road.
Police Constable Ruddick	West Mercia Officer allocated to Central Motorway Patrol Group who was involved with the incident on 15 June 2013.
PSCO Tina Rose	Worked with the Claimant in the Weoley Ward team at Bourneville Lane and Hillwood Road.
Superintendent Shipman	Claimant's Senior Supervisor at time of alleged protected disclosure in 2012/2013
Chief Constable Simms	Claimant's most senior Officer (until January 2016).
Sergeant Christopher SurrIDGE	Involved with the incident on 15 June 2013.



Name/Rank	Involvement
PSCO Swift	Worked with the Claimant in the Weoley Ward team at Bourneville Lane and Hillwood Road.
Chief Superintendent Chris Todd	Senior Supervisor of Claimant.
Police Constable Scott Thomson	Claimant's Police Federation representative from June 2013 until October 2013. -Selly Oak Ward colleague from November 2013 to date.
Dr Sampson	Respondent's Occupational health Doctor. Involved with Claimant from 04/2016 until 10/2016
Superintendent Matt Shaer	Senior Supervisor & recipient of disclosures and evidence on 03/03/17
Superintendent Smallwood	Claimant's Senior Supervisor. Initiated and varied Claimant's Action Plan from 08/11/2013 to present
Chief Inspector Mark Ward	Investigating Officer of the Claimant's Resolutions 5 & 6 in 2016.
Catherine Ward	WMP PSD Caseworker involved in Gemma LAMB and Claimants complaints/allegations 2015 onwards.
PSCO Whitehouse	Worked with the Claimant in the Weoley Ward team at Bourneville Lane and Hillwood Road.
Acting Sergeant Simon Williams	Sergeant and Welfare Officer for the Claimant in October 2013 until January 2015