EMPLOYMENT TRIBUNALS

Claimant: Mr S Dillon

Respondent: Methodist Independent Schools Trust

Heard at: Manchester **On:** 10, 11, 12, September 2018
13 September 2018
(In Chambers)

Before: Employment Judge Ross
Ms J Williamson
Ms V Worthington

REPRESENTATION:

Claimant: Mr Gray Jones, Counsel
Respondent: Ms R Wedderspoon, Counsel

JUDGMENT

The judgment of the Tribunal is that:

1. The claimant's claim for unfair dismissal is not well founded and fails.

2. The claimant's claim for wrongful dismissal is not well founded and fails.

3. The claimant's claim that he was treated unfavourably because of something arising in consequence of his disability when he was dismissed by the respondent, pursuant to Section 15 of the Equality Act 2010, is not well founded and fails.

4. The claimant's claim that he was less favourably treated by the respondent when he was dismissed pursuant to Section 13 of the Equality Act is not well founded and fails.

REASONS

1. The claimant is a Maths Teacher. He was employed by the respondent from 1/9/2005 until he was dismissed for gross misconduct on 25/5/17. He appealed but his appeal was unsuccessful and he brought a claim to this Tribunal.

2. At the outset of the hearing we identified that his claims were for ordinary unfair dismissal pursuant to the Employment Rights Act 1996, wrongful dismissal and disability discrimination. The impairment relied upon Bilateral Vestibular Hypofunction/loss of Vestibular Function.

3. For the respondent it was conceded that the claimant was a disabled person within the meaning of Section 6 of the Equality Act by reason of this condition, but knowledge was disputed.

4. The claimant's claims were for direct discrimination (Section 13 of the Equality Act 2010) and discrimination arising from disability.(Section 15 Equality Act) The less favourable treatment for the direct discrimination claim was the dismissal. The unfavourable treatment for the s15 claim was also the dismissal. The "something arising in connection with disability" for the s15 claim was the claimant's absence from work on sick leave.

5. We hear from the claimant and his wife. For the respondent we heard from the dismissing officer and headteacher Mr Lockwood and the appeal officer, Mr Drake, a governor.

6. The issues were identified at a Case Management Hearing before Employment Judge Porter on 29 November 2017 and were as follows.

Unfair Dismissal

(a) Did the respondent have a potentially fair reason to dismiss the claimant? The respondent relies on misconduct as the reason for the claimant's dismissal.

(b) Did the respondent genuinely believe that the claimant was responsible for the conduct alleged.

(c) Did the respondent have reasonable grounds for that belief having carried out a reasonable investigation?

(d) Did the respondent follow a fair procedure? Was the dismissal within the band of reasonable responses of a reasonable employer.

(e) In the event that any claim was successful should compensation be reduced under the Polkey principle and/or contributory conduct.

Wrongful Dismissal

(a) Was the respondent entitled to dismiss the claimant without notice or payment in lieu of notice.

Disability Discrimination

Section 13

(a) Did the respondent treat the claimant less favourably than it treats or would treat others because of the protected characteristic of disability by dismissing him?

Appropriate Comparator

(a) The claimant relies on a hypothetical comparator.

Section 15 Discrimination

(b) Did the respondent treat the claimant unfavourably because of something arising on consequence of a claimant's disability by dismissing him? The something arising was the claimant's sickness absence. If yes, can the respondent show that the claimant's dismissal was a proportionate means

7. In the event that any claim was successful should compensation be reduced under the Polkey principle and/or contributory conduct.
8.

The relevant Law

9. British Home Stores -v- Burchell is relevant to the unfair dismissal claim. The claimant's representative also referred to John Lewis Plc -v- Coyne UKEAT 581/99, Ivey Genting Casinos (UK) Limited -v- Crockford 2017 UKSC67 and Gondalia -v- Tesco Stores Limited UKEAT 0320/14. The respondent's representative relied on British Home Stores -v- Burchell 1980 ICR 303, Sainsbury's Supermarkets -v- Hitt 2003 ICR 111, Taylor -v- OCS Group Limited 2006 ICR 1602 and Tayeh -v- Barchester Health Care Limited 2013 EWCA Civ 29.

10. So far as the discrimination case is concerned the relevant cases are Shamoon -v- Chief Constable of the Royal Ulster Constabulary 2003 UKHL1, Nagarajan -v- London Regional Transport 1999 IRLR 542, CLFIS (UK) Limited -v- Reynolds 2015 EWCA Civ 439, Basildon and Thorrock NHS Foundation Trust and Weerasinghe UKEAT/039714, IPC Media Limited -v- Millar 2013 IRLR 707, Pnaiser and NHS England 2016 IRLR 174, Hardy and Hansons Plc -v- Lax 2005 ICR1565, Allonby -v- Accrington and Rossendale College 2001 ICR 1189, Hensman -v- Ministry of Defence UKEAT 0067 of 14, Gallop -v- Newport City Council 2013 EWCA 2014 IRLR 211, Rayner -v- Turning Point and Others UKEAT 0397 – 10 and Hall -v- Chief Constable of West Yorkshire Police UKEAT 0057/15.

Facts

11. We find the following facts. The respondent is an educational independent day and boarding school for pupils aged 11 to 18. Mr Lockwood told us that at the relevant time there were approximately 750 pupils, 100 academic teaching staff plus support staff.

12. The claimant who was a Maths Teacher had a contract of employment at pages 47-51 of the bundle. The contract states at paragraph 2.3 "the teacher is expected at all times to uphold the ethos, aims and objectives of the school and to do nothing which will offend the Christian character and objectives of the school as illustrated by the mission statement, a copy of which is appended at Appendix 2".

13. The relevant disciplinary procedure for academic staff is found at pages 63 to 68. The respondent's management of sickness absence and ill health policy is found at pages 638 to 645.

14. The claimant was absent from work on sick leave from 29/8/14 to 26/4/15.

15. The claimant was diagnosed as suffering in September 2014 with Labyrinthitis. He was then diagnosed with right sided Cholesteatoma which required an operation to be excised which took place in Jan 2015. He remained absent from work unti and was eventually diagnosed with Vestibular Dysfunction see pages 503 to 509.

16. He is noted to have profound loss of hearing in his right ear from 2014.

17. In a medical report dated 27 May 2018 obtained from Mr Kelly, Consultant, Ear Nose and Throat Surgeon by the respondent for the purposes of these proceedings Mr Kelly confirms that because of the condition of Vestibular Dysfunction alone the claimant is a disabled person within the meaning of the Equality Act.

18. This report was obtained for the purpose of these proceedings after the claimant's dismissal and appeal had taken place.

19. We find that on 2/11/2016 the claimant was called to an informal capability meeting with the Headteacher Mr Lockwood, see pages 69 to 70. We find that Mr Lockwood had received a complaint from parents of Y11 pupils who were taught by Mr Dillon. The concerns are set out in the minutes of the capability meeting at page 69. The claimant signed the minutes of the meeting.

20. It was not disputed that during the course of the meeting Mr Lockwood raised the issue of the claimant's hearing problem. (At that time the claimant had a profound hearing loss in his right ear). At that stage the claimant was awaiting a right bone bridge implant to be fitted in his skull to give him hearing in that ear.

21. The claimant said his hearing did not affect his performance and explained he was awaiting to have an implant fitted to enable information to be sent from his impaired ear to his working ear.

22. The outcome of the meeting was confirmed by letter of 9/11/2016, see pages 71 to 72. Additional support was provided to the claimant. He was also informed that someone would sit in on some of his lessons to support and monitor the students' behaviour and also that other classes in addition to Year 11 would be observed.

23. The claimant attended a formal capability meeting on 12/1/2017, see pages 73 to 78.

24. There was no dispute that the claimant received a written warning about his performance following that meeting (although a copy of it is not in the bundle). The claimant appealed against the warning, see page 81A. The same day the claimant informed Mr Lockwood that he was having an operation to insert a hearing aid. Mr Lockwood informed the claimant that in these circumstances the appeal process would be put on hold until he returned to work. There is no dispute that at this stage the claimant indicated to Mr Lockwood that he anticipated being absent from work for two weeks. See page 81B.

25. Mr Lockwood confirmed the outcome of his meeting with the claimant on 23/1/2017 by letter of 24/1/2017. See page 81C.

26. The claimant underwent the operation on 25/1/2017, see discharge summary page 330. The claimant was certified unfit to work for two weeks from 25/1/2017-8/2/17 because of ENT surgery at the hospital, see page 252A.

27. On 4/2/2017 the claimant informed the respondent at page 247 that he was feeling dizzy and nauseous: "it's looking doubtful that I will be fit to return this side of half term".

28. We find that the respondent reminded the claimant of the need to provide copies of his fit notes to his employer (6/2/2017 page 250) and they enquired whether he would be able to do the half term grades for his classes or whether they should provide a covering sentence to parents. The claimant explained "I am not well enough to do these at the moment." He said he would "hope to return after half term at some point".

29. On 10/2/2017 the claimant obtained a fit note from his GP which stated "post-op recovery" for the period 8/2/2017 to 22/2/2017.

30. On 17 February 2017 Mrs Atack informed the Deputy Head responsible for organising cover, Mr Wright, and the Head of Maths, Ms C Knott, in response to an enquiry about "any news on Shaun's likely return date" (p254) that "I am afraid he didn't come back to either my emails or voicemails. I asked him to let me know for the purposes of arranging cover, pretty poor really. I guess we have to assume that he is not going to be back on 20 February and arrange cover".(p253) Ms Atack is the respondent's HR Manager. The same day, 17 February 2017 Ms Knott said she

had received a text from the claimant saying he was currently signed off until 23 February. (p253)

31. The school's half term period was Monday 13- Friday17 February 2017.

32. We find that the claimant was not returning emails and calls made by Ms Atack. We rely on the email at page 255 dated 21 February 2017.It states the claimant "thinks he is going to be off for another couple of weeks but has committed to call me tomorrow to confirm". Ms Atack states "He apologised for not returning my email and calls but only when I said I wasn't getting any response from him".

33. On 21 February 2017 at page 256 the claimant emailed stating he attached a "copy of my second sick note". P256a. The sick note was dated 10 February 2018 for the period 8 February to 22 February. It gave the reason for absence as post op recovery. In the email of 21 February, the claimant told Ms Atack "I am currently not well enough to return to work and will receive a sick note from my GP continuing for 2 weeks from the end of the one attached."

34. The following day the claimant spoke to his GP and obtained a fit note dated 22/2/2017 for the period 22/2/17 to 8/3/17. The reason for absence was again "post op recovery". He sent a copy of this fit note to the respondent by email on 26 February 2017.

35. The Tribunal has had regard to the file notes of the conversations of Ms Atack with Mr Dillon, see page 120 to 121. In a telephone conversation on 28/2/2017 the claimant confirmed he was "currently not driving". He was reminded of the importance of keeping the respondent updated and being contactable. On 6/3/17 Ms Atack contacted the claimant again seeking to arrange a home visit.

36. The Tribunal relies on the respondent's management of sickness absence and ill health policy which confirms the requirement of staff to report absence at the earliest opportunity, page 649 and the absence review policy. The informal absence review policy states at page 640 that this applies when an employee has had "ten or more working days absence during the preceding twelve months". The policy states "the Headmaster, Deputy Headmaster or Operations Director must inform the employee that this stage in the procedure has been triggered. This could be by home visit with the employee's agreement".

37. By 6/3/17 the claimant had been absent from work for six weeks. The claimant emailed Ms Atack on 7/3/17 page 259 declining the home visit because it was "premature" and "may cause me more distress over and above that which I am already experiencing". On 8/3/2017 Ms Atack said she understood the position and that she would contact the claimant the following week, see page 260. The claimant supplied a further sick note dated 7/3/2017 for the period 7/3/2017 to 21/3/2017 stating "post op recovery".

38. On 19 March 2017 at 19.36 the claimant emailed Ms Atack stating "later this week I will post a sick note covering two weeks from the expiration of the current one". The current sick note was due to expire on 21/3/17. On 22/3/2017 the claimant's GP provided a further fit note for the period 22/3/17 to 19/4/17, a period of

four weeks saying the claimant was unfit for work by reason of "post op recovery".p262a

39. The Tribunal accepts the evidence of Mr Lockwood and the file note at page 120 that Ms Atack left voicemails for the claimant on 21 March, 22 March, 23 March see page 120.

40. The Tribunal finds Ms Atack wrote to the claimant on 23 March 2017 at pages 79 to 80 and she explains "I have been trying to contact you since 6 March to get an update on how you are recovering from your operation. She raised her concerns "I have not yet received your most recent sick note and I concerned that you are not responding to my calls". She also raised the fact the claimant had declined a home visit. She reminded the claimant "when your operation was arranged we understood that you anticipated that the recovery time would be fairly short in the region of two weeks. However, your current sick note would take you up to over ten weeks absence and we would therefore like to understand more about your current health and anticipated recovery time. Your rolling twelve-month absence is now twelve weeks and you have been absent on five separate occasions". She requested access to the claimant's medical records in order that they could write to the claimant's Consultant for a report to understand the claimant's fitness and likely return to work, any reasonable adjustments and so the respondent can plan appropriate cover for his absence. She said she would like to meet the claimant on 28/3/17 to talk about the claimant's recovery. The letter was sent by Recorded Delivery (see page 81).

41. The claimant responded by email on 26/3/2017 attaching a copy of his fit note issued on 22/3/18 and changing the date of the suggested home visit to Thursday 30 March.

42. Ms Atack then telephoned the claimant and it was agreed there would be a home visit the following day on 28 March 2017. The Tribunal finds notes of the meeting are at page 122 and 122 of the bundle.

43. The Tribunal finds the following discussion points are noted: the claimant was reluctant to provide a consent to medical records because it wasn't done before when he was absent for 6 months with balance problems. In terms of recovery the notes record: "implant, can now hear from right ear." It is noted the claimant complaints of "disturbed balance system". His symptoms are "being unsteady on feet, don't leave house much, unstable, can't do simplest of tasks, reading, watching tv all very difficult. Spend long periods of time just sitting. Consultant encourages him to get out more". He also explained that he had spoken to the Secretary about the Balance Clinic nearly three weeks earlier and had spoken with his GP last week. He explained he had not physically seen the GP and the contact had been via phone. He was asked about when he thought it was likely he would be able to return to work or a phased return, he said "I am seeing changes but small and on a weekly basis, can't drive yet. Was off six months last time when I previously had balance problems and feel the same this time and that was six months". The claimant confirmed he had the respondent's absence policy.

44. We find that in response to the question from Ms Atack what are you thinking about a likely return to work or phased return the claimant does not give a direct reply. Rather, he suggests he is likely to be off for six months "was off six months last time when I previously had balance problems and feel the same this time and after six months". The claimant did not dispute he made these comments.

45. We find that there was a telephone conversation between the claimant and Ms Atack on 29 March 2017 where the claimant refused consent for the respondent to access his medical records in order that they can write to a Consultant to report to understand his fitness and likely return to work date. The claimant did not dispute he refused consent at this stage. p123

46. We find Ms Atack wrote to the claimant by a letter dated 31 March 2017, page 84 to 85.

47. We find she identified the school's concern about the impact of the claimant's continuing absence on the students and staff in the school and explains that as they do not have information regarding the likely length of his absence they are unable to make appropriate plans to cover his lessons. She urged him to reconsider and asked him to sign the consent forms and return them by 13 April 2017. She also reminded him of the need to keep in regular contact, nothing that during the week commencing 20 March she had called on three consecutive days and had no response.

48. She raised concern that the GP was repeatedly signing the claimant unfit for work without having seen the claimant. At this stage the claimant's sick notes stated "post op recovery". She also expressed her concern that although the claimant said he had seen his Consultant four weeks previously he had not heard anything further and had not chased for an update.

49. On 10 April 2017 the claimant attended consultation with his Consultant Professor Raine.p314.

50. The claimant completed a consent form for access to medical records on 11 April 2017, the email is at page 263 where the claimant now says, "having now met with my Consultant I am happy to allow access to my medical records". The consent form is at page 88 to 89. In fact, on page 88 it is ambiguous but at page 89 it clearly gives consent for the doctor to provide a report.

51. The claimant also on 11 April, see page 264 said that the Consultant had referred him to the Balance Clinic within the ENT at Bradford Royal Infirmary and that he was booked in for mid-May.

52. Ms Atack responded on 18 April-p264. She said she would appreciate it if the claimant could send the signed Access to Medical Records form back ASAP if he had not already done so.

53. She indicated she was slightly confused as when "we met face to face you said you had already spoken and suggested to your Consultant that you needed to

go to the Balance Clinic and you were awaiting an appointment. We even discussed that you would call the Clinic to chase this up?".

54. On 21 April 2017 the claimant informed the respondent that his sick note will be delayed "due to his GP being away from surgery until today (Friday)". P265 He supplied a fit note stating, "post op recovery" which is issued on 21/4/17 to cover the period 19/4/17 to 18/5/17.

55. We find that Ms Atack regularly contacted the claimant, usually on a Monday or a Wednesday. On 24 April 2017 we find she contacted the claimant for an update. He said he had "no appointment yet for the Balance Clinic but he was hoping for it to be mid-May". He said he was "not yet driving" and also said that he felt better than he did last month. He also stated he hoped to return before the end of term although he couldn't say when. He said he would call Ms Atack the following Tuesday to update her. We find he didn't. p123-4. We find on Wednesday 3 May she tried calling him four times. See page 124.

56. However, meanwhile also on 24 April 2017 Mr Wright, the Deputy Head responsible for arranging staff cover was approached by an employee to report that s/he had seen the claimant in Otley Town Centre with his son. The employee reported the claimant was walking in a natural manner "striding along as though in good health". A statement was taken from the employee see page 128.

57. We find that this information was relayed to the Head Teacher Mr Lockwood who sought advice from his solicitors and decided to instruct covert surveillance given the circumstances of this case.

58. We find Covert Bridge Group carried out surveillance on the claimant on 29 April, 30 April and 1 May 2017. The surveillance report is at pages 96 to 112. The respondent was also provided with two dvds, one detailed showing all the covert surveillance and a shortened half hour version showing Mr Dillon's activities.

59. The Tribunal viewed second DVD in the presence of the parties.

60. In summary, the first occasion the claimant is showing carried out gardening tasks at the rear of his property. The detailed account is contained in Mr Lockwood's statement at paragraph 49. On 30 April the claimant was undertaking gardening tasks, he was also viewed lent over the bonnet of a vehicle. The third occasion 1 May 2017 at pages 106 to 112 shows the claimant driving for approximately nine miles from his home to a garden centre. It shows the claimant walking unaided across the car park and in the garden centre. It also shows the claimant lifting a plant pot, a bag of soil, placing it into a trolley, manoeuvring the trolley, pushing it through the garden centre, pushing it out of the garden centre and unloading plants (two and a large bag of soil) from the boot of the vehicle. He then got into the driver's seat of the vehicle.

61. An email summary from the surveillance company to Ms Atack summarised what was on the DVD at page 130.

62. By the time this case reached Tribunal it was conceded that there was an inaccuracy in the original written report from the surveillance company. The report suggested that the claimant had driven back from the garden centre to his home address. The claimant disputed that version of events and said that he had stopped in Waitrose and his wife had then driven the rest of the journey home. The respondent accepted the claimant's version of that part of the journey.

63. When the claimant raised his concerns, the respondent checked with the surveillance company who confirmed they had not viewed the claimant driving back Waitrose to his home address and a signed copy of the individual who completed the surveillance is in the bundle and then corrected the inaccuracy in the written report.

64. We find that Ms Atack called the claimant on 2 May 2017 at approximately 4.45 pm and covertly recorded the conversation. See page 237 to 238.

65. By the time of the disciplinary hearing a professional transcript was provided of this conversation, see page 378 to 386.

66. We find that Ms Atack asked the claimant how he was. He says, "not a huge improvement but its noticeable in terms of having more energy and being able to do things".

67. We find that based on Ms Atack's transcript and on the professional transcript the claimant is clearly asked by Ms Atack about driving. See page 238 on her transcript "so you are pretty much the same as last month, low energy, you are still not driving I assume? The reply is "No I've been in the car". She said, "you've been in the car but not driving?" he replies "Yes, it's still uncomfortable just being in the car but I might give it a try and my Consultant says it is important to do as much as you can".

68. On the professional transcript at page 380 it states

> "so, but pretty much the same err feeling better than you did last month. More energy. You are still not driving I assume?
>
> Reply: "No I've been in the car".
>
> Ms Atack "You've been in the car but not driving"?
>
> Claimant: (Indistinct) Yeah, it's still uncomfortable.
>
> Ms Atack "No"
>
> Claimant "But I might keep [training] {OR} [trying] for this as you know my Consultant says its important that you do as much as you can".
>
> Reply "Yeah".

69. Accordingly, we find that despite the fact the DVD shows the claimant had driven nine miles from home to the garden centre and then from the garden centre to Waitrose the previous day, 1 May, on 2 May he did not inform Ms Atack of this and in fact specifically denied driving when asked if he had.

70. We find at page 124 there is a typographical error because it refers to Wednesday 5 May whereas Wednesday is 3 May in 2017. The note states Ms Atack tried calling four times and left two messages on the claimant's voicemail to call her urgently and that she had sent an email. We find she had sent an email the previous evening on 3 May 2017 at 18.27 (see page 269). It attached an invitation to a disciplinary hearing on 9 May at 3.00 pm. The letter is at page 270 to 272. It alleges that the claimant has been dishonest and lied about his health telling the respondent that he was not fit for work when they believed that he is and give detailed facts on which they rely, it also suggests he has been fraudulently claiming sick pay.

71. We find that the claimant called Ms Atack back on 4 May 2017, see page 124.

72. By email of 5 May at 9.56 the claimant confirmed he was in receipt of the letter of 3 May and confirmed he will be attending the hearing with his wife.

73. The claimant sent an email to the respondent on 5 May 2017 at 13.41, page 279 attaching a letter to Mr Lockwood (see page 280) and some information which he obtained from the internet about Bilateral Vestibular Hypofunction. In his letter at page 280 (the Vestibular information is at page 281), the claimant said "loss of Vestibular Function on any level is severely debilitating. Outward appearances are deceptive and can give the impression the sufferer is functioning as normal". He explained he disliked going into busy places and stated he had "done a little driving recently with my wife accompanying me for reassurance".

74. We find that when the claimant was invited to the disciplinary hearing and at the date of the first disciplinary hearing on 12 May 2017 the respondent believed the claimant was absent from work as a result of "post op recovery" following an operation to insert a hearing device to enable him to hear in his right ear as this was the reason for absence noted on the GP fit notes.

75. We find the most recent sick note was dated 21 April 21017 and covered the period 19.4.17 to 18.5.17, see page 265A. It states "post op recovery" as the reason for absence.

76. We find that the claimant consulted his trade union representative. Mr Lloyd and Ms Atack had a conversation and we find this resulted in a change of date for the disciplinary hearing as requested by the claimant's representative, see page 297. The disciplinary hearing was re-scheduled to 12 May. The respondent also asked the claimant to send in some further information "if possible could you please provide all the hospital appointment letters relevant to your condition and the operation you had in January. These may include the original referrals sent to you for this procedure and the post-operative appointments you had with your Consultant".

77. On 9 May 2017 at 15.30, see page 298, Mr Lloyd wrote to Ms Atack to request a further postponement. He confirmed he had asked the claimant to provide

his complete medical records for disclosure to the school, evidence confirming he had been referred for Vestibular testing and confirmed the claimant agreed to be referred to the school's occupational health provider. It also raised concerns with the surveillance report namely that the claimant had not driven home from Waitrose.

78. On 9 May 2017 at page 300, the request for a postponement was refused. The respondent stated, "we do not feel his complete medical records will assist with the disciplinary hearing as Shaun has not actually met with his GP face to face since being off ill". The Tribunal reminds itself that at this point in time the respondent had only a fitness notes stating post op recovery was the reason for absence.

79. They stated, "we do not dispute the fact he had an operation and has been referred for Vestibular testing by Bradford ENT Department" but stated "we do not consider that fact to be relevant to the hearing". They then dealt with the surveillance records. The allegations against the claimant were re-stated. The respondent stated the issue with regard to medical evidence may be reviewed following the disciplinary hearing, see page 300 to 301.

80. By email of 11 May 2017 the union representative confirmed he and the claimant would attend the hearing.
81.

82. The claimant sent information to the respondent included emails between his wife and Gillian Cowan, Professor Raine's Secretary.The emails are at page 322 to 329. Confirmation of the original operation in January 2017 is at page 330 to 331 and confirmation of attendance on Professor Raine on 10 April is at page 332. He also sent witness statements from his wife, page 336, William Henderson, a colleague and friend at page 334, Liz Farley a colleague and friend at page 353 and Luke Dillon, the claimant's son at 354.

83. The claimant's representative also submitted a document in response to the allegations, page 344 and 349.

84. We find the disciplinary hearing took place on 12 May 2017. The minutes are at page 355 to 360. The claimant accepted in cross examination that the notes are broadly accurate. Notes were taken by Vanessa Bates, the respondent's Operations Director.

85. The claimant agreed he had an opportunity to state his case and he was represented by his trade union.

86. The hearing was adjourned to enable the claimant's union representative to hear the recording of the conversation on 2 May. Mr Lloyd stated that although Ms Atack's side of the conversation was very clear, the claimant's was less so, and he considered there were inaccuracies in the transcript. He suggested that the claimant thought Ms Atack was thinking in terms of the claimant driving to work, rather than driving in general when she asked him if he was driving. It was also suggested that the claimant "couldn't hear as he has hearing problems".

87. In the disciplinary hearing Mr Lockwood asked the claimant when he started driving "as in behind the wheel actually driving", see page 357. The claimant replied, "confirmed he made some attempts possibly on Wednesday 26 April 2017 with his wife and in or around or near his home". Mr Lockwood then asked the claimant "why he had not told Ms Atack that he had started driving". The claimant said "it was difficult to hear on the phone. Phones are more difficult due to frequencies and band width restrictions". It was noted by Mr Lockwood that all the claimant's GP consultations had been on the phone.

88. It is not disputed that the disciplinary hearing was adjourned for an audio transcript by an external provider which was done on 17 May 2017, see page 381.

89. We find the claimant's representative emailed the claimant's Vestibular Test results on16 May 2017 page 368. It was not disputed that the results were the documents at page 364 to 365. The document appears to be incomplete because there is no reference to the claimant's name or hospital number. It confirms he has attended and balance exercises have been suggested to him on 15 May 2017.

90. On 16 May 2017- page 367- Ms Atack emailed the claimant's GP for clarification of whether it was normal to have only telephone consultations when an employee had been signed off sick.

91. The claimant was informed a copy of the professionally transcribed written record of the phone conversation would be available at the resumed hearing, together with a video footage, see page 371.

92. At page 374 the claimant requested the signed notes from the capability meeting, these were supplied the same day see page 375. See also page 377.

93. We find that the disciplinary hearing resumed on Thursday 18 May 2017. The minutes are at page 382 to 386. Once again, the claimant was accompanied by his trade union representative.

94. We find that at the outset of the resumed disciplinary hearing there was a discussion about a report sought by the respondent. The respondent had asked the claimant's treating ENT Consultant Professor Raine for a report and a medical examination on the claimant, on 20 April 2017, see pages 94 to 95. The respondent had also written to the claimant's GP, see page 93 and 93A, also on 20 April 2017. It is not disputed that at the time of the resumed disciplinary hearing the reports were not available.

95. There was a dispute about whether the claimant had already received a copy of Professor Raine's report. Mr Lockwood in the resumed disciplinary hearing stated "the school has chased for the medical reports and had been advised that the Consultant's report was typed on 28 April 2017 and posted to the claimant". The claimant stated he had not received it and had also chased it. He stated he had been told by Dorothy the Secretary (as the Secretary Gillian was absent) that the report was typed on 28 April and had been sent out. He stated that in any event the report would need to be changed following the results on Monday (when he visited

the Balance Clinic). There is no dispute that the report sought by the respondent from Professor Raine was not available at the time of the disciplinary hearing.

96. We find at this resumed hearing the claimant produced a fit note to cover his absence for the period 17 May to 17 June 2017. For the first time the reason for absence is stated to be Vestibular Dysfunction rather than Post-Operative Recovery. We find the claimant's wife attended on this occasion to give evidence.

97. We find time was spent at the resumed hearing in relation to the issues of the surveillance report.

98. We find that the claimant told the respondent the issue was "about illness". The respondent told the claimant that the issue was about honesty. The Tribunal finds that the issue was about the claimant's honesty in relation to his illness, namely what he could and couldn't do.

99. An outcome letter was sent to the claimant dated 25 May 2017, see page 394.

100. The claimant appealed against his dismissal.

101. The claimant appealed by letter dated 30 May 2017, see page 410. The respondent received a reply from Professor Raine with the report on the claimant's capability. The report is dated 31 May 2017, see page 411 to 412.

102. A file note of Rachel Atack in relation to that report is at 413. She had spoken to one of the Medical Secretaries Dorothy who confirmed the report had been typed on 28 April 2017 and had been sent out with a compliment slip asking the claimant to confirm receipt. She said that the typed letter on 31 May was the revised one following the comments back from the claimant. p413 In cross examination the claimant denied this was so and said he had never received the medical report to review.

103. The respondent also received a reply to the request for a report from the GP. See page 414 to 415. The GP noted that the claimant's post-operative recovery had been "unexpectedly delayed" and noted the claimant was suffering a recurrence of the troublesome dizziness that had plagued him previously.

104. On the 26 June 2017 the school was informed that the claimant had not consented to the release of medical information so they could not action their request, see page 432.

105. On 13 June the claimant was informed the appeal panel would be Mr R Drake, Governor and Chairman of the Appeal Panel, the Reverend Peter Whittaker, a Governor, Mrs G Wilson, a Governor and Mrs B Eakin, an Independent Person.

106. The claimant objected to the presence of the Independent Person and accordingly she was withdrawn, see pages 428 to 429.

107. The appeal hearing took place on 5 July 2017. Mr Drake agreed the panel had all the information before the dismissing officer which included the investigation

report and the documents we have already referred to, plus the report requested by the school from Professor Raine and from Dr Chambers, plus a document at page 433 and 434, a defence statement by the claimant at 435, 441 and the Waitrose CCTV footage which showed the claimant at Waitrose. Further documentation supplied by the claimant's trade union representative including a second statement from a neighbour, a statement of case document at page 444 to 456. The index for the disciplinary appeal is at page 457. Once again, the claimant was represented by his trade union representative. The minutes are at page 458 to 461.

108. It was not disputed that all three members of the appeal panel saw all the contents of a DVD of the surveillance recording.

109. Mr Drake confirmed that under the respondent's procedure the hearing was a rehearing rather than a review.

110. The outcome letter is at page 462 to 471, the appeal was unsuccessful.

111. We turn to credibility.

112. The Tribunal noted that after his dismissal the claimant was seen in the Audiology Department on 26 June and 7 August 2017 after he had been dismissed. The Audiologist's reports "he has not gone back to work in July on phased return as was planned and this should now be in September". See page 492.

113. On 11 July 2017 the claimant attended Professor Raine's clinic, the report states "I am pleased to say his balance is gradually improving and he is planning on a potential phased return to work in September".

114. In cross examination the claimant was asked why he had not informed Professor Raine that he had been dismissed and why had he suggested that he had been offered a return to work in July which was incorrect. (The claimant had been dismissed at the end of May.)t The claimant replied that his options were limited, that the information was private and he did not want to share he had been dismissed.

115. The Tribunal finds this account is disingenuous. The claimant was not required to share private information about his dismissal with Professor Raine if he did not wish to do so. However the Tribunal finds the claimant actively presented a picture that was inaccurate, namely that he had not gone back to work in July on a planned phased return. The Tribunal finds it puzzling and concerning that the claimant was not honest with his treating Consultant.

Applying the law to the fact

Disability Discrimination

116. We turned to the first issue. Did the respondent have knowledge of the claimant's disability at the relevant time? We reminded ourselves that the impairment relied upon by the claimant in these proceedings is Bilateral Vestibular

Hypofunction/Loss of Vestibular Function (see paragraph 3 in the particulars of claim).

117. We must consider whether the respondent had actual or constructive knowledge of the condition at the relevant time. The claimant's claims are for discrimination in relation to dismissal. Accordingly, the relevant time is at the time of the dismissal and at the time of the appeal was rejected.

118. We find that at the time the claimant was dismissed although he asserted he was suffering from a Vestibular Dysfunction Condition, the respondent had limited information. They had four sick notes which referred to Post-Operative Recovery in relation to an operation to restore hearing to the claimant's right ear. It was only the most recent Fit Note produced at the resumed hearing which referred to a Vestibular problem. At the time of the dismissal hearing the claimant, we find, had not co-operated with the respondent and accordingly it had only been on the 20 April the respondent had been able to write to his treating ENT Surgeon and his GP to enquire about the nature of his illness. At the time of the dismissal hearing the report had not yet been received.

119. Although the claimant had previously been absent from work with a Vestibular condition the evidence presented to the Tribunal by the claimant suggested he had made a full recovery from that condition and had been back to his "usual crazy active self" in the words of his wife. He had returned to activities such as climbing and learnt how to snowboard in December 2016. We therefore find that the respondent had neither actual or constructive knowledge that he was a disabled person within the meaning of the Equality Act at that point in time.

120. By the appeal stage the respondent had further information because the report from Professor Raine (p411-2) and his GP (p 410) were available. The Tribunal finds it is unclear from those reports whether the claimant was a disabled person. Neither of them say that he was.

121. Even the audiologist's report at 408 to 409 which Mr Drake, the Appeal Officer, accepts was probably before him which was from the Audiology Department does not make it clear whether the claimant has an ongoing disability in relation to the vestibular condition. It mentions a "initial episode in 2015" and then a "sense of disequilibrium following surgery and feeling symptomatic with fast head movements".

122. In the preceding months the claimant had declined to cooperate with the respondent's attempts to clarify the nature of his condition, refusing access to his medical records. We find the respondent knew the claimant had been absent from work for a number of months following an ear operation to restore hearing to his right ear and that "post-operative recovery" was the reason given. They were aware that the claimant more recently was certified as being off for a Vestibular condition. It also was said by Professor Raine that it was not unreasonable to look at a phased return to work as of 31 May 2017. He noted that all was well with the bone bridge transplant (the original operation prior to absence).

123. For these reasons we are not satisfied that either at the time of dismissal or at the time of the appeal the respondent had actual or constructive knowledge that the

claimant was disabled within the meaning of the Equality Act 2010 by reason of bilateral vestibular hypofunction/loss of vestibular function.

1. We find the respondent realised the claimant was a disabled person when it obtained a medical report for the purposes of these proceedings.

2. However, in case we are wrong about that we turn to the next issue. We consider the Section 15 Equality Act 2010 discrimination arising from disability.

3. We remind ourselves the question is did the respondent treat the claimant unfavourably (in dismissing him) because of something arising in consequence of the claimant's disability. The something arising in consequence was said to be the claimant's absence from work on sick leave.

4. We reminded ourselves that for a successful Section 15 claim there must be the following elements, unfavourable treatment, "something that arises in consequence of the claimant's disability, the unfavourable treatment must be because of (i.e. caused by) the "something" that arises in consequence of the disability and finally we must consider whether the alleged discriminator can show that the unfavourable treatment is a proportionate means of achieving a legitimate aim.

5. There is no dispute in this case that the unfavourable treatment was the claimant's dismissal. The claimant was dismissed by Mr Lockwood and his appeal was rejected by Mr Drake, sitting 2 panel members.

6. We turn to the guidance in Secretary of State for Justice and Another -v- Dunne EAT 0234/16.

7. We find the unfavourable treatment is the dismissal.

8. There is no dispute that the claimant was absent from work on sick leave. The Tribunal finds that the absence from work on sick leave was as a consequence of his disability is supported by his fit note from his GP certainly by the time of the resumed disciplinary hearing.

9. However, the next part of the test is that whether the unfavourable treatment occurred because of the "something" which arises in consequence of the disability.

10. In this case the claimant was not dismissed by the respondent because of the fact he was absent from work on sick leave. We are reliant on our findings of fact that the claimant was absent from work but the reason for his dismissal was that he was not honest with his employer about what he was able to do during his sickness absence.

11. In particular he lied to his employer about his ability to drive. The claimant had said to his employer that because of his illness he could not drive. We find he said that on more than one occasion very clearly to Rachel Atack. We find in this key matter there is little meaningful difference in her transcript and the independent transcript. In both versions the claimant denies he is able to drive. Video surveillance

taken the day before, 1 May 2017, shows this is untrue. The claimant is clearly shown driving for nine miles from his home to a garden centre. He agrees he then drove from the garden centre to Waitrose Supermarket. (It is not relevant that he did not drive home from Waitrose.)

12. The Tribunal find Mr Lockwood, the Dismissing Officer, to be a convincing witness. We entirely accept his evidence that the reason he dismissed the claimant was because he had not been truthful about what he was able to do when off sick. Accordingly, the claim fails at this stage.

13. In case we are wrong about that we have considered the final issue; can the respondent show that the unfavourable treatment(dismissal) is a proportionate means of achieving a legitimate aim.

14. We find the legitimate aim is to uphold the Christian ethos of the school and to ensure the pupils are taught maths by suitable teachers.

15. We find that the claimant was dishonest in telling the respondent he could not drive when he had been able to drive. We find he had not co-operated with the respondent. We accept Mr Lockwood's evidence that once he had determined the claimant had lied he had lost trust and confidence in the claimant and dismissal was the only suitable sanction. We are satisfied Mr Lockwood has shown a lesser sanction in these circumstances such as a final written warning was entirely inappropriate. Accordingly, dismissal was a proportionate means of achieving a legitimate aim.

16. We turn to the claim for Section 13 Equality Act. The questions are:

(1) Was the claimant treated less favourably than a real or hypothetical comparator?

(2) The less favourable treatment relied upon was dismissal. We remind ourselves that an appropriate comparator is a person in the same set of circumstances as the claimant with the same limitations on abilities who was not disabled. We remind ourselves of the burden of proof provisions.

17. We find there is no evidence to shift the burden of proof. We find the respondent had treated the claimant sympathetically in the past in relation to his hearing disability. The respondent specifically asked (see capability hearing) about whether reasonable adjustments were required and had put them in place.

18. We accept the evidence of Mr Lockwood that there were other members of staff at the school who have reasonable adjustments in place such as a taxi to and from school, where appropriate.

19. However, if we are wrong about this and the burden of proof has shifted to the respondent we are satisfied that the real reason for the claimant's dismissal was that he lied to the respondent most notably by saying he was not able to drive when surveillance evidence showed that he was. Accordingly, we find he was dismissed for dishonesty not because he was a disabled person, and this claim must fail.

20. We turn to the claim for unfair dismissal pursuant to Section 94 and Section 98 of the Employment Rights Act 1996

21. We turn to the first issue: what was the reason for the claimant's dismissal. The respondent relies on conduct. It is for the respondent to show the reason. We accept the evidence of Mr Lockwood and Mr Drake of the Appeal Panel that the claimant was dismissed because he had been dishonest and lied about his health telling them that he was unfit for work when they believed he was and fraudulently claiming sick pay from them. In particular, they relied on facts which included that he had told the respondent he was unable to drive but surveillance showed he was capable of driving and the distance he drove to the garden centre was further from his home to school.

22. We turn to the next issue, did the respondent have a genuine belief based on reasonable grounds following a reasonable investigation of the claimant's conduct. We reminded ourselves in accordance with the test of British Home Stores and Burchell that it is not for us to substitute our view. It is not what we would have done. It is whether a reasonable employer of this size and undertaking could have had a genuine belief based on reasonable grounds following a reasonable investigation of the claimant's conduct. So far as the investigation is concerned we reminded ourselves of the guidance of Sainsbury Supermarket -v- Hitt. Once again, it is not for us to substitute our view.

23. In dismissing the claimant, we find Mr Lockwood relied on the evidence of witness X who knew the claimant was absent from work on sick leave and had seen him apparently well in Otley "striding" up the street. In the context of the situation where the claimant was not co-operating with the respondent in terms of a return to work namely he had refused access to his medical records, he had initially declined a home visit, he was not returning telephone calls, we find the respondent once they had been approached by Witness X from whom they took a statement, decided to obtain covert surveillance (after contacting their solicitor for advice).

24. We find the conversation with Ms Atack on 2 May in the context of the video surveillance amounted to reasonable grounds for the respondent's genuine belief that the claimant had been dishonest and lied about his health. The claimant stated to Ms Atack that he was unable to drive but that was clearly were contradicted by video surveillance showing he was able to drive.

25. We turn to consider the reasonable investigation. We have had regard to the guidance of Data Protection Employment Practices Code (2011). In particular, the section on covert monitoring (see Butterworths 4.189).

26. It states, "covert monitoring means monitoring carried out in a manner calculated to ensure those subject to it are unaware that it is taking place". It goes on to state "senior management should normally authorise any covert monitoring, they should satisfy themselves there are grounds for suspecting criminal activity or equivalent malpractice and that notifying individuals about the monitoring with prejudice its prevention or detection".

27. We find that Mr Lockwood authorised the covert monitoring. We find he sought advice from his legal representatives before he undertook that step. We find that he was concerned that the claimant may be fraudulently claiming sick pay and so we are satisfied that this is "a equivalent malpractice" as suggested by the guidance.

28. We find that the respondent had sought to co-operate with the claimant in the usual way by contacting him regularly at home and seeking consent for the release of his medical records so that they could approach his consultant for a medical report. We find the claimant, who had been expected to be absent from work for approximately two weeks was still absent at twelve weeks and the respondent was no further forward in establishing why. At this stage his sick notes still stated, "post op recovery". The respondent was aware he had been obtaining fitness to work certificate from his GP over the telephone, accordingly particularly given the witness evidence about the sighting in Otley the respondent was concerned that notifying the individual about the monitoring would prejudice its prevention. In short, if the claimant was aware that he was under video surveillance he may alter his behaviour.

29. The guidance goes on to state "covert monitoring should not normally be considered. It will be rare for covert monitoring workers to be justified. It should therefore only be used in exceptional circumstances.". It also states, "do not use covert audio or video monitoring in areas where workers could genuine and reasonably expect to be private".

30. A reasonable employer following this guidance would take great care before using covert surveillance. We are satisfied on the particular facts of this case the circumstances were such that a reasonable employer could use covert surveillance. The circumstances were the claimant had following a capability hearing where a warning was issued, had not returned to work after two weeks as expected, had been very reluctant to allow the respondent to attend his house on a home visit in accordance with their policy and indeed had initially refused a home visit, was failing to respond to telephone calls and refused to consent to the release of his records. T

31. Therefore, on balance, reminding ourselves it is not for us to substitute our own view but to consider whether a school with Christian values to which the claimant had signed up in his contract which genuinely suspected him of fraudulently claiming sick pay could conduct such an investigation. We are satisfied it is within the range of responses of a reasonable investigation of a reasonable employer.

32. We turn to consider whether the dismissal was procedurally fair. The claimant raised a number of concerns. He raised concerns that the minutes of the disciplinary and appeal hearing were not signed unlike his capability hearing. The Tribunal finds that the claimant in cross examination accepted the record of the disciplinary hearing. The claimant was professionally represented at both his disciplinary hearing and his appeal hearing. (He was not at his capability hearing). Although it may be best practice to have the signed minutes there is no requirement either in the ACAS code or in the respondent's policy for minutes of meetings to be signed.

33. In the letter of dismissal Mr Lockwood creates a table of occasions where he considers the claimant has been guilty of "lies or deceit". The table is found at pages

400 to 402. Mr Lockwood who we found to be a frank and credible witness who made concessions where necessary agreed that some of these had not been put to the claimant at the disciplinary hearing. For example, at allegation 7, page 401 "ST does not tell us at the disciplinary hearing that he has received the medical report that WGS have requested from his Consultant. The hospital are awaiting him to confirm receipt of it and consent to send it to WGS. In the contradictory evidence column Mr Lockwood puts "medical secretary working for Mr Raine confirms this".

34. It was the claimant's case that this was not put to him at the disciplinary hearing.

35. The Tribunal finds there was a conversation about this matter at the resumed disciplinary hearing, see note at page 382 where a conversation in relation to the matter is recorded. However, Mr Lockwood conceded that it may not have been raised and the Tribunal finds that the respondents detailed note in relation to contacting the secretaries is dated 8 June 2017 from Rachel Atack and so was not provided to the claimant at the disciplinary hearing because it post dates it.

36. The Tribunal finds this is not sufficient to render the dismissal unfair because we find the principal reason for dismissal was that Mr Lockwood found the claimant had not been truthful about his ability to drive.

37. The claimant raised a concern that in the ET3 the "note taker Vanessa Bates GGS Operations Director is suggested to be a panel member". The Tribunal prefers the explanation of Mr Lockwood that Vanessa Bates was the note taker and not a decision maker. The notes of the meeting make it clear that the meeting is conducted by Mr Lockwood. The Tribunal accepts the explanation of Mr Lockwood that hearing was sensitive and it was appropriate for a senior manager rather than a junior employee to attend the hearing as note taker. The Tribunal finds this is consistent with the finding that Mr Lockwood was approaching the matter with an open mind. (If the claimant had returned to work it would be better for a senior manager to have been aware of the content of the disciplinary hearing rather than a junior employee).

38. The claimant relied on the fact that the Head Teacher had authorised the surveillance to suggest he was not truly independent as a decision maker. The Tribunal is not satisfied that authorising an investigatory step suggests Mr Lockwood had a closed mind.

39. The Tribunal was persuaded by Mr Lockwood's evidence he approached the matter with an open mind, not least because the last thing he wanted to do was to sack a Maths Teacher given the national shortage of teachers of Mathematics.

40. The claimant relied on the fact that the disciplinary hearing went ahead despite the request of the claimant's representative for a postponement, before the information had been received from Professor Raine and the claimant's GP which had been sought on 20 April 2017 once the claimant had consented to the release of his medical information. It is undisputed that that information from Professor Raine

and his GP was not available at the time of the dismissal hearing. The Tribunal is not satisfied that this amounts to a procedural error because the issue was not whether or not the claimant was fit for work at that time i.e. at the time of the disciplinary hearing it was whether or not the claimant had been dishonest about his health telling the respondent he was not fit for work when he in relation to specific facts in the past namely what he had told Rachel Atack on various occasions in contradiction to the covert surveillance taken in May.

41. However, if we are wrong about this the error was corrected at the appeal stage when the appeal panel did have the benefit of both of those reports.

42. The claimant relied on an allegation that to take video surveillance at that stage during the claimant's absence was wholly draconian and a serious invasion of his privacy. The Tribunal finds that a reasonable employer who was following the guidance of data protection and the advice of their solicitor could reasonably have obtained such surveillance information at that time.

43. The claimant alleged that the respondent was in breach of its own disciplinary procedure. The Tribunal finds it was not. The procedure is not contractual, it is discretionary. It does not require an investigative interview prior to the disciplinary hearing with the claimant. The claimant accepted he had a full opportunity to put his side of the story at the disciplinary hearing where he was represented by his trade union representative.

44. The claimant's representative suggested that there was an error in the proceedings because the surveillance information had not been looked at by an occupational health physician, the claimant's treating GP or Consultant. The Tribunal finds that misses the point. The issue was whether the claimant had provided information about factually what he could and could not do at key moments which contradicted what was shown by surveillance i.e.an allegation of dishonesty and occupational health report would not help with that.

45. The Tribunal turns to the next issue, the range of reasonable responses. Did the employer act in this case act fairly or unfairly in dismissing the claimant? The respondent is an independent Christian school. The claimant as part of his contract of employment had agreed to uphold the values of the school. He was teaching young people aged 11 to 18 and was a role model for them. The respondent found he had lied to them most particularly when he told Ms Atack he could not drive and yet had been seen driving the previous day. The respondent rejected his explanation that he thought Ms Atack was referring to driving to school. The employer was entitled to reject such an explanation as implausible particularly where the claimant's explanation had shifted. Honesty and integrity go to the heart of the employment relationship, particularly for a teacher in a Christian school. The Tribunal finds that dismissal was within the band of reasonable responses of a reasonable employer and accordingly the claim for unfair dismissal must fail.

46. It is not necessary for us to go on to determine the issue of Polkey and contributory fault because we have found the claimant's dismissal was fair.

Wrongful Dismissal

47. The Tribunal must ask itself whether there has been a repudiatory breach of contract which entitles the employer to dismiss without notice.

48. The Tribunal finds that Mr Dilllon was not an impressive witness. Evidence which post-dates his dismissal shows he is not always fully frank (see his comments to Professor Raine he was less than candid about the true situation or in his applications for work where he states that he was not disabled, at the same time as relying on a medical report which says he suffers from a recurring condition which means he is disabled).

49. The Tribunal finds that in informing Rachel Atack the day after he had driven nine miles that he could not drive was untrue. Accordingly, the claimant was falsely representing the effect of his illness in relation to his abilities. The Tribunal finds this is a deception. The Tribunal was entirely unimpressed by the claimant's explanation that he thought Ms Atack was asking about whether or not he was able to drive to work. There was nothing in the conversation to suggest that. In any event in cross examination the claimant admitted that the distance he drove that day was in fact slightly more than the distance required to drive to work. Accordingly, on that occasion the claimant committed a repudiatory breach of contract because honesty is integral to the employment relationship, particularly where the claimant worked in a Christian school and had agreed, as part of his contract to uphold those values. Accordingly, his claim for wrongful dismissal fails.

Employment Judge Ross

Date 4 October 2018

JUDGMENT AND REASONS SENT TO THE PARTIES ON

9 October 2018

FOR THE TRIBUNAL OFFICE

Note

Public access to employment tribunal decisions
Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

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