



EMPLOYMENT TRIBUNALS

Claimant: Mr M Ingham

Respondent: Craven College

HELD AT: Leeds

ON: 20 March 2019

BEFORE: Employment Judge Little

REPRESENTATION:

Claimant: In person

Respondent: Miss H Tattersall, Solicitor (Eversheds Sutherland)

JUDGMENT

1. The complaint of disability discrimination by failure to make reasonable adjustments is dismissed as having no reasonable prospect of success.
2. The complaint seeking payment of a statutory redundancy payment is also dismissed again because it has no reasonable prospect of success.

REASONS

1. The claimant does not contend that he is a person with a disability. However his daughter is. Nevertheless, for the purposes of a complaint of failure to make reasonable adjustments under the Equality Act 2010 section 21, it is necessary in law for the claimant himself to be disabled. Such a complaint cannot be pursued as one of associative discrimination - see **Hainsworth v Ministry of Defence** [2014] IRLR 728.
2. The claimant concedes that he was not expressly dismissed by the respondent. Whilst he was placed at risk of redundancy he was then removed from that risk

and his employment continued until he resigned for reasons which might be found to be connected to the redundancy process, but could not amount to a dismissal on the ground of redundancy. It is only qualifying employees who have been dismissed because of redundancy who are entitled to a statutory redundancy payment under the terms of the Employment Rights Act 1996 section 162.

Employment Judge Little
Date 25th March 2019

Note - Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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