



EMPLOYMENT TRIBUNALS

Claimant: Mr G Yates

Respondent: Chief Constable of Cheshire

HELD AT: Liverpool **ON:** 15, 16, 17, 18, 26, 30
and 31 July 2019

BEFORE: Employment Judge Horne

Members: Ms F Crane
Mr J Murdie

REPRESENTATION:

Claimant: In person
Respondent: Miss K Nowell, counsel

JUDGMENT

The unanimous judgment of the tribunal is as follows:

1. The tribunal has no jurisdiction to consider the following complaints of direct sex discrimination:
 - 1.1. Alleged failure to safeguard the claimant or to conduct a risk assessment following the claimant's interview under caution on 22 July 2013;
 - 1.2. Failure to record a criminal offence following the claimant's meeting with DCI Wenham on 13 August 2013; and
 - 1.3. Alleged failure to safeguard the claimant or to conduct a risk assessment following that meeting.

The reason why the tribunal has no jurisdiction is that the claim was presented after the expiry of the statutory time limit and it is not just and equitable for the time limit to be extended.

2. In all other alleged respects the respondent did not discriminate against the claimant because of sex.
3. Additionally, the following complaints relate to the provision of services of the same description as the services that the respondent provided to the public. The alleged direct sex discrimination in relation to the provision of those services would not have contravened section 39 of the Equality Act 2010, even if the discrimination had occurred. The complaints are:
 - 3.1. Failure to record criminal offences allegedly disclosed by Ms A in a statement on 21 July 2013;
 - 3.2. Failure to record criminal offences alleged by the claimant in his interview under caution on 22 July 2013;
 - 3.3. Failure to record the alleged theft of the claimant's mobile telephone on 22 July 2014.
4. The claim is therefore dismissed.

Employment Judge Horne

31 July 2019

SENT TO THE PARTIES ON
21 August 2019

Miss E Heeks
FOR THE TRIBUNAL OFFICE

Note – reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party makes a request in writing within 14 days of the date on which this judgment is sent to the parties. If written reasons are provided they will be entered onto the tribunal's online register which is visible to internet searches.