



EMPLOYMENT TRIBUNALS

Claimant: Mr P Ballam

Respondent: Dacorum Borough Council

Heard at: Watford Employment Tribunal (in public; by video)

On: 24, 26, 27, 28 October 2022

Before: Employment Judge Quill; Mr Dykes; Ms Telfer

Appearances

For the claimant: In person
For the respondent: Mr P Ward, counsel

JUDGMENT

- (1) The Claimant had a disability, within the meaning of section 6 of the Equality Act 2010, at all relevant times.
- (2) The Claimant was dismissed by the Respondent, within the definitions in each of section 95(1)(c) of the Employment Rights Act 1996 and section 39(7)(b) of the Equality Act 2010. His employment ended on 11 February 2022.
- (3) None of the complaints of direct discrimination because of disability succeed.
- (4) The Respondent had a duty to make reasonable adjustment, and breached that duty, between September 2020 and May 2021, by failing to allow the Claimant to work shifts as a loader when his disability required that. The complaint is out of time, but it is just and equitable to extend time.
- (5) None of the other complaints of failure to make reasonable adjustments succeed, and, to the extent that those other complaints are out of time, time is not extended.
- (6) The Respondent discriminated against the Claimant, within the definition in section 15 of the Equality Act 2010 by subjecting him to the unfavourable treatment of refusing to allow him to carry out driving duties after the end of his medical suspension.

Case Number: 3310650/2021 and 3302380/2022

- (7) The Respondent discriminated against the Claimant, within the definition in section 15 of the Equality Act 2010 by subjecting him to the unfavourable treatment of informing him (by letter dated 12 January 2022) of a change in his terms and conditions to Loader, Band 5 SCP 11 which would have taken effect from 14 February 2022
- (8) The Claimant's dismissal was unfair.
- (9) The Claimant's dismissal was a contravention of section 39(2)(c) of the Equality Act 2010.
- (10) The Claimant does not seek to be reinstated or re-engaged.
- (11) There will be a remedy hearing on 2 December 2022 which will deal with all other remedy issues.

Employment Judge Quill

Date: 31 October 2022

JUDGMENT SENT TO THE PARTIES ON

24 November 2022

FOR THE TRIBUNAL OFFICE

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless 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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