



EMPLOYMENT TRIBUNALS

Claimant: Mr D Brown

Respondent: North Lincolnshire and Goole NHS Foundation Trust (1)
Mr K Cliff (2)

Heard at: Hull (hybrid hearing) **On:** 25, 26, 27 and 28 April 2022 ; 23,
27, 30 and 31 January; and 1, 2
and 3 February 2023

Before: Employment Judge Miller
Ms J Rathbone
Mr C Childs

Representation

Claimant: Mr N Rafiq – Employment and Advocacy Project
Respondents: Mr J Boyd – Counsel

JUDGMENT

1. The claimant's claims that
 - a. he was subject to direct discrimination because of his disability;
 - b. he was subject to discrimination arising from disability; and
 - c. the respondents failed to make reasonable adjustmentsare unsuccessful and are dismissed.
2. The claimant's claim that he was unfairly dismissed is successful against the first respondent. Any compensatory award shall be reduced by 90% to reflect the chance that he would have been fairly dismissed had the respondent sought additional medical evidence
3. The claimant's claim that he was wrongfully dismissed in breach of contract is unsuccessful and is dismissed

4. The claimant's claim that he was subjected to an unauthorised deduction from wages is successful against the first respondent
5. Remedy shall be determined at a further hearing.

Employment Judge **Miller**

Date 3 February 2023

Notes

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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