



EMPLOYMENT TRIBUNALS

Claimant: Mr Dike

Respondent: NHS Professionals Limited

Heard at: Manchester

On: 10, 11, 12, and 13
July 2023

Before: Employment Judge Ross
Ms A Ramsden
Ms P Owen

REPRESENTATION:

Claimant In person

Respondent: Ms A Niaz Dickinson, counsel

JUDGMENT

It is the unanimous judgment of the Employment Tribunal that:

1. The claimant's claims that:-
 - (i) BS altering shift allocations;
 - (ii) BS reporting the claimant to the Nursing Charge for allowing a patient K to eat toasted bread;
 - (iii) BS falsely accusing the claimant of allowing K to fall down;
 - (iv) BS falsely accusing the claimant of using his mobile phone on the ward;
 - (v) Restricting the claimant from undertaking shifts;
 - (vi) Failing as part of the disciplinary investigation into the matters set out above, to interview ethnic minority staff who were on shift at that time (and only interviewing white staff);

- (vii) Delaying in holding a disciplinary hearing;
 - (viii) The respondent dismissing him;
 - (ix) The respondent only interviewing white employees for the disciplinary and grievance which are allegations of direct discrimination because of race,

are not well founded and fail.
2. The claimant's allegations (i) to (iv) also presented as allegations of race related harassment are not well founded and fail.
3. The claimant's claim of victimisation that following a complaint to ACAS in 2019 and the claimant's threat to issue proceedings, he suffered a detriment of the delay in conducting proceedings, the way the proceedings were conducted and the outcome is not well founded and fails.

Employment Judge Ross

14 July 2023

JUDGMENT SENT TO THE PARTIES ON

24 July 2023

FOR THE TRIBUNAL OFFICE

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.

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.