



EMPLOYMENT TRIBUNALS

Claimant: Mr Daniel Hopkins
Respondent: Peter Ball & Co Limited
Heard at: Plymouth (by video) **On:** 12, 13, and 14 May 2023
Before: Employment Judge Midgley
Ms A Sinclair
Mr K Ghotbi-Ravandi

Representation

Claimant: Mrs Emma Smith (lay representative)
Respondent: Mr N Henry (solicitor)

JUDGMENT

1. The claimant was unfairly dismissed. The claim of unfair dismissal is well founded and succeeds.
 2. It is just and equitable to make a *Polkey* deduction of 40% to reflect the prospect that the claimant would have been dismissed had a fair procedure been followed.
 3. The claims of direct discrimination are not well founded and are dismissed.
 4. The claims of discrimination arising from disability are well founded in relation to the respondent's decision not to permit the claimant to return to his contractual role in January 2020 and to dismiss the claimant in August 2020. The claimant's dismissal was therefore discriminatory.
 5. The remaining claims of discrimination arising from disability are not well founded and are dismissed.
 6. The remedy to which the claimant is entitled will be determined at a remedy hearing on 15 September 2023. Notice of the hearing will be sent by separate Order.
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Employment Judge Midgley
Date 14 July 2023

Judgment sent to the Parties on 31 July 2023

For the Tribunal Office