



EMPLOYMENT TRIBUNALS

Claimant: Mr M Arian
Respondent: The Spitalfields Practice
Heard at: East London Hearing Centre
On: 9, 11, 12, 16, 17, 18, 19 May 2023, 11 July 2023
(In chambers) and 13 July 2023
Before: Acting Regional Employment Judge B Burgher
Members: Mr J Webb
Mr L O'Callaghan

Representation

For the Claimant: Mrs K Parker (Counsel)
For the Respondent: Mr G Lomas (Consultant)
Intermediary for Claimant Ms Tess Power

JUDGMENT

1. The Claimant's claims that he was subject to detriment on the grounds that he made protected disclosures, contrary to section 47B of the Employment Rights Act 1996, fail and are dismissed.
2. The Claimant's claim that he was he was dismissed by reason of making protected disclosures, contrary to section 103A of the Employment Rights Act 1996, fails and is dismissed.
3. The Claimant's claim for unfair dismissal under section 94 and 98 of the Employment Rights Act 1996 succeeds. The Tribunal concludes that the Respondent established that it dismissed the Claimant for some other substantial reason justifying dismissal and there was 75% chance that the Claimant would have been fairly dismissed pursuant to Polkey had fair and reasonable processes been implemented.
4. The Claimant's claim that he was directly discriminated against on grounds of disability, contrary to section 13 of the Equality Act 2010 fails and is dismissed.

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5. The Claimant's claim under section 15 of the Equality Act 2010 that he was treated unfavorably because of something arising from his disability, namely being medically suspended against his wish for the period 20 December 2018 to 30 January 2019 was established on the facts. However, the Tribunal did not have jurisdiction to consider this claim it having been presented outside the time limit provided in section 123 Equality Act 2010 and it was not considered to be just and equitable to extend time. This claim is therefore dismissed.
6. If the remedy cannot be resolved between the parties the matter will be listed for a remedy hearing and appropriate case management orders will be made.

Acting Regional Employment Judge B Burgher
Date: 13 July 2023