



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr A Jones

**Respondent:** The Chief Constable of Lancashire Constabulary

**Heard at:** Manchester (by CVP)

**On:** 13 May 2024

**Before:** Employment Judge K M Ross

## REPRESENTATION:

**Claimant:** In person

**Respondent:** Ms V Von Wachter, Counsel

# JUDGMENT

The judgment of the Tribunal is that:

1. The claimant's application to amend his claim to include a claim for direct race discrimination under section 13 of the Equality Act 2010 on the basis that he is Caucasian and was less favourably treated as a probationer than comparators who were Asian when he was placed on a management plan from October 2022 until his dismissal, is not well-founded and fails.
2. The Tribunal does not have jurisdiction to hear a claim of public interest disclosure detriment ("whistleblowing") pursuant to sections 47B and 43B Employment Rights Act 1996 in relation to an alleged detriment that the claimant was arrested on 2 May 2023 and a criminal investigation was commenced against him that concluded on 5 January 2024 because those actions were taken by Lancashire Constabulary in their role as a Police Force to detect crime and preserve the peace. It is not an action the respondent could carry out as the employer of the claimant.
3. The claimant's claim that he was unfairly (constructively) dismissed pursuant to section 103A Employment Rights Act 1996 and section 43KA Employment Rights Act 1996 was presented outside the time limit. It was reasonably practicable for the claim to have been presented within time and accordingly the Tribunal does not have jurisdiction to hear the claim.
4. The claimant's claims for detriments for making public interest disclosures ("whistleblowing") pursuant to sections 47B and 43B Employment Rights Act

1996 which occurred in January and March 2023 were presented outside the time limit. It was reasonably practicable for the claims to be presented within time and accordingly the Tribunal does not have jurisdiction to hear the claims.

5. Accordingly, the claimant's claims have been dismissed for lack of jurisdiction.

Employment Judge K M Ross

Date:15 March 2024

JUDGMENT SENT TO THE PARTIES ON

28 May 2024

FOR THE TRIBUNAL OFFICE

### **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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### **Recording and Transcription**

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>