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## **EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case No: 8002070/2024 (V)**

**Public Final Hearing in Glasgow ET (in person) on 21 March 2025**

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**Employment Judge Tinnion (sitting alone)**

**Mr. K. Downie**

**Claimant**  
**In person**

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**South Lanarkshire Council**

**Respondent**  
**Mr. S. O'Neill, Solicitor**

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### **JUDGMENT**

1. The Claimant's unfair dismissal claim under ss.94-98 of the Employment Rights Act 1996:

a. was not timely presented in circumstances where it was reasonably practicable for him to have timely presented that claim;

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b. was not presented within a further reasonable period after the expiry of the last date for timely presenting that claim.

2. The Claimant's disability discrimination claims – discrimination arising from disability under s.15 of the Equality Act 2010, failure to make reasonable adjustments under ss.20-21 of the Equality Act 2010 - were not timely presented.

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3. It is not just and equitable to extend time to allow the Tribunal to consider the Claimant's disability discrimination claims.

4. The Claimant's unfair dismissal and disability discrimination claims are struck out because the Tribunal lacks jurisdiction to consider those claims.

**NOTE**

- 5 5. The Claimant's last day of employment by the Respondent, and effective date of termination, was 23 December 2022. The Claimant did not allege any unlawful treatment by the Respondent after that date. The Claimant presented an ET1 alleging he had been unfairly dismissed and subject to disability discrimination on 9 December 2024, over 23 months later.

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6. Reasons for the Tribunal's decisions were given orally at the final hearing. Any request by the parties for written reasons must be made with 14 days of receipt of this Judgment (which shall be taken to be the date it was sent to the parties). Absent a timely such request, written reasons will be provided only  
15 at the request of the Employment Appeal Tribunal or a court.

7. This Judgment will be published online after it has been sent to the parties.

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Date sent to parties: 25 March 2025