



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant: Mr S Clarke and

Respondent: Smart CT Limited

SITTING AT: Birmingham

ON: 7 – 11 April 2025 and 4 and 7 July 2025.

Before: Employment Judge Smart
Mr. D Spencer
Mr P Tsouvallaris

In public by hybrid hearing – the parties via CVP and the Tribunal in person.

JUDGMENT

On hearing from the Claimant and Mr. D Jepps (Solicitor) for the Respondent:

1. The Claimant's claims for detriment and dismissal under s39 Equality Act 2010 are not well founded and are dismissed because:
 - a. The alleged prohibited conduct of direct disability discrimination allegations in breach of s13 Equality Act 2010 is not well founded.
 - b. The alleged prohibited conduct of unfavourable treatment allegations because of something arising in consequence of disability in breach of s15 Equality Act 2010 is not well founded.
 - c. The alleged prohibited conduct of a failure to make adjustments in breach of sections 20 and 21 Equality Act 2010 is not well founded.
 - d. The alleged discriminatory constructive dismissal is not well founded. The Claimant resigned. He was not dismissed.

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2. The Claimant's claims for breach of contract at common law fail and are dismissed.
3. The Claimant's claim for unlawful deduction of wages in breach of the Employment Rights Act 1996 is not well founded and is dismissed.
4. The Claimant's claim for constructive unfair dismissal is not well founded and is dismissed. The Claimant resigned. He was not dismissed.

Judgment approved by
EMPLOYMENT JUDGE G SMART
On: 7 July 2025