EMPLOYMENT TRIBUNALS

Claimant: Mr Mohammed Saghir Sheikh

Respondent: Nottingham City Council

FINAL HEARING

Heard at: Nottingham (in public) **On:** 2 & 3 November 2017

Before: Employment Judge Camp (sitting alone)

Appearances
For the claimant: in person
For the respondent: Mr J Feeny, counsel

RESERVED REASONS

1. These are the reasons for the reserved judgment signed by me [the Employment Judge] on 9 November 2017. My decision was that the claimant, Mr Mohammed Saghir Sheikh, was unfairly dismissed, but that, assuming he continued to seek compensation only, there would be a £nil award of compensation.

2. Normally, if I reserve judgment, I issue the reserved judgment together with reasons. However, I asked the parties at the end of the hearing, having decided that I would reserve judgment, whether they would prefer to receive the judgment quickly, but potentially without reasons, or to receive it less quickly but with reasons. The claimant's strong preference was for the former; the respondent was neutral; hence I went with the claimant's preference.

3. The claimant was employed by the respondent as a Pollution Control Officer ("PCO") from July 1992 until his dismissal with notice effective on 30 September 2016. He went through ACAS early conciliation from 28 November to 20 December 2016 and presented his claim form on 18 January 2017. By the time of the final hearing, his only remaining claim was of unfair dismissal – so-called 'ordinary' unfair dismissal under sections 94, 98 and 111 of the Employment Rights Act 1996 ("ERA").

4. The claimant's redundancy was one of three made at the same time. The original plan had apparently been to make more, but by various means a number of redundancies were avoided. The claimant's case, in summary, is that the entire process was a sham, put together in order to 'get rid' of three members of staff, including him, who the respondent didn't want to employ any

more. If, contrary to his primary case, the reason for dismissal was that he was redundant (or was a legitimate business reorganisation amounting to some other substantial reason under ERA section 98(1)(b)), he takes various process points, in particular about pooling and lack of individual consultation.

5. The only issues that have ultimately fallen to be dealt with by me are:

   5.1 what was the principal reason for dismissal and was it that the claimant was redundant?

   5.2 was the dismissal fair or unfair in all the circumstances, in accordance with equity and the substantial merits of the case, pursuant to ERA section 98(4), and in particular, did the respondent in all respects, both substantively and procedurally, act within the so-called 'band of reasonable responses'?

6. The relevant law does not really seem to be in dispute and appears substantially in the issues as just outlined and in the relevant sections of the ERA: sections 98 and 139.

7. In relation to whether a redundancy situation existed, it is for the respondent to prove on the balance of probabilities that its requirements for employees to carry out work of a particular kind had ceased or diminished or were expected to do so. It is also for the respondent to prove on the balance of probabilities that, if a redundancy situation existed, redundancy was genuinely the reason for the dismissal.

8. So far as concerns whether a redundancy situation existed, claimants sometimes think that if the work the supposedly redundant employee was doing prior to his dismissal did not cease or diminish, for example if the respondent's business was doing well and the employee was busy, then there can't have been a redundancy situation. This is not so. The relevant part of ERA section 139 refers to the respondent's requirements "*for employees to carry out work of a particular kind*", i.e. it is focussed not on the needs of the business for particular work to be done but on the needs of the business for employees to carry out work:

   Redundancy does not only arise where there is a poor financial situation at the employers… It does not only arise where there is a diminution in work in the hands of the employer… It can occur where there is a successful employer with plenty of work but who, perfectly sensibly as far as commerce and economics is concerned, decides to reorganise his business because he concludes that he is over-staffed. Thus, even with the same amount of work and the same amount of income, the decision is taken that lesser numbers of employees are required to perform the same functions. That too is a redundancy situation. (Kingwell & Others v Elizabeth Bradley Designs Limited [2003] UK EAT 0661-02-1902 (19 February 2003))

9. It is also often suggested that the respondent is obliged to justify, in business or economic terms, its decision that it could do without the claimant. Again, any such suggestion is wrong in law: see the leading case of Murray v Foyle Meats [1999] UKHL 30 and paragraph 12 of the EAT's decision in Polyflor Limited v Old [2003] UK EAT 0482-02-1305 (13 May 2003): "*It is now well established law … that the question under s139(1)(b) ERA … dealing with the definition of redundancy is whether the dismissal is attributable to a diminution of the*

requirements of the employer's business for employees to do work of a particular kind. It is not necessary for an employer to show an economic justification for its decision to make redundancies, properly so called."

10. In terms of fairness pursuant to ERA section 98(4), my starting point is the well-known passage from the decision of the EAT in Iceland Frozen Foods v Jones [1982] IRLR 439 at paragraph 24, which includes a reference to the "*band of reasonable responses*" test. That test, which might be termed, in some contexts, the 'band of reasonableness' test, applies in all circumstances, to both procedural and substantive questions, and in redundancy cases as in other cases.

11. Hand in hand with the fact that the band of reasonableness test applies is the fact that I may not substitute my view as to what should be done for that of the reasonable employer. Nevertheless (see Newbound v Thames Water Utilities Limited [2015] EWCA Civ 677): the band of reasonable responses test is not infinitely wide; it is important not to overlook ERA section 98(4)(b); Parliament did not intend the Tribunal's consideration simply to be a matter of procedural box-ticking.

12. I have also considered and taken into account Williams v Compair Maxam [1982] ICR 156. Although, "*the question* [I] *have to decide is whether the dismissal of the* [claimant] *in this case lay within the range of conduct which a reasonable employer could have adopted*", a reasonable employer will usually, when making redundancies: warn; consult; use objective rather than purely subjective redundancy selection criteria; seek to see whether, instead of dismissing for redundancy, alternative employment should be offered.

13. The remedy issue that, with the parties' agreement, I dealt with alongside liability was: if the dismissal was unfair because of defects in the respondent's processes and procedures, what adjustment, if any, should be made to any compensatory award to take into account the possibility that the claimant might have been dismissed even if none of those defects was present. See Polkey v AE Dayton Services Ltd [1987] UKHL 8 and paragraph 54 of the EAT's decision in Software 2000 Ltd v Andrews [2007] ICR 825.

14. One or two procedural case management matters cropped up during the hearing. The only one that was not resolved by consent was the claimant's application to exclude one of the respondent's witnesses from the tribunal hearing room until another of the respondent's witnesses had given their evidence. I rejected the claimant's application for reasons given at the time and written reasons will only be provided if requested in writing within 14 days of the date this is sent to the parties.

15. Like most local authorities, the respondent is short of money and is always on the lookout for ways to make savings. At or around the start of 2016, the respondent's Mary Lester, a very senior member of staff who worked in Commercial and Operations, was charged with reviewing Regulatory Services within the respondent. Regulatory Services consists of Environmental Health, Trading Standards and Licensing. The claimant worked broadly within

Environmental Health and these proceedings are not concerned with Trading Standards and Licensing. Mary Lester was asked to come up with ways of saving £250,000. She produced a report in January 2015. In her report, she made various proposals. Those proposals included the deletion of one Enforcement Officer post and one Pollution Officer post. The claimant was one of three Pollution Officers, meaning that if this proposal was implemented without amendment, and assuming all other things were equal, he would have a one in three chance of being made redundant.

16. The claimant does not allege that Mary Lester had anything against him. Nevertheless, it appeared to remain his case at the end of the hearing that the respondent was using a supposed desire to save money as an excuse to get rid of him and two of his colleagues. He even appeared to suggest that there had been no money savings in reality; although, as was highlighted by the respondent's counsel in submissions, that suggestion was unsustainable in the absence of any evidence to support it and in light of unchallenged evidence from the respondent to the effect that going through this process saved the respondent £212,000. Realistically, whatever his case in theory, in practice, the reasonable highest he could put his case was: although Mary Lester's proposals may have been put forward in good faith, they were implemented in bad faith, with a view to getting rid of him and other unwanted employees.

17. It was principally Mrs Lorraine Raynor, Chief Environmental Health and Safer Housing Officer, who decided how the review should be implemented in practice within Environmental Health and Safer Housing. She produced a so-called 'Enabling Document' in March 2016. Her initial proposal was for the respondent to lose one Environmental Health and Safer Housing Specialist, two out of three Pollution Control Officers, one out of two Enforcement Officers, one Senior Pest Control Officer and 0.4 of a full time equivalent Pest Control Officer. (What was proposed – and in fact happened – with the [non-Senior] Pest Control Officer post was simply the formalising of an arrangement that had existed for some time; before and after the implementation of the review there were, in practice, 3.6 full time equivalent Pest Control Officers). One Environmental Health Officer ("EHO") post was to be created.

18. A consultation process began, with extensive consultation with the recognised trade unions, and some individual consultation, including consultation with the claimant. So far as the collective consultation is concerned, the claimant doesn't seem to be making any particular criticism of it and I can see no discernable basis for criticising it in the evidence. I shall return to the individual consultation later in these reasons.

19. During the consultation process, the respondent's plans changed a little bit. The Senior Pest Control Officer ended up not being deleted. Instead the post was funded in a different way – essentially it was commercialised so that the post-holder generated enough income to make it sustainable. Also, the Environmental Health Officer post that had been newly created was turned into a Principal Environmental Health Officer post. That post was then awarded without advertisement or interview to a Mr Martin Cooke, who had occupied the deleted Environmental Health and Safety Housing Specialist post. In short: the

original proposal was to lose five posts and gain one; the respondent ended up losing four posts and gaining one.

20. From March 2016 to the end of the consultation in late May 2016, the proposal to delete one Enforcement Officer post and two Pollution Control Officer posts did not change.

21. Pausing there, I reject without hesitation the claimant's primary case that this process was, in any way, shape or form, motivated by a desire to get rid of particular individuals, including the claimant himself. There is literally no evidence of any substance to support that case. Although it is of course possible that a conspiracy of this kind might have existed, it is inherently highly improbable that it did. The consultation process – at least the part of it that was collective consultation with the trade unions – is fully documented and on the face of the documents was entirely above-board. The amount of time and effort that would have to have been expended in order to put such a conspiracy into effect without any hint of it escaping into the documentation or into the ears of any of the recognised trade unions would be quite phenomenal. The claimant's clearly genuine conviction that there was such a conspiracy is not, unfortunately for him, evidence supporting its existence.

22. The respondent did not initially undertake individual consultation with anyone other than those who, like the claimant, were at risk of redundancy. The process of individual consultation, such as it was, was run by the respondent's Richard Taylor, who was and is the Environmental and Safer Places Manager, in conjunction with Wendy Harvey (née Tutin) from HR.

23. On 5 April 2016, those at risk were kept behind at the end of a team meeting. They were handed documents setting out the gist of the proposals that meant that their roles were at risk and, at some stage, were given a pared-down version of the Enabling Document.

24. The claimant's one and only individual consultation meeting took place on or about 19 April 2016. The meeting seems to have been quite a short one. It also appears to me that the claimant gave the impression at that meeting that he was not particularly concerned about his own personal position but that, instead, his focus was on what might happen to other people. Indeed, based on the contemporaneous evidence, it appears to me that the claimant at no stage during the consultation process expressed any great concerns about his own position.

25. Although the respondent's written redundancy process envisaged there being two or three consultation meetings with individuals, the claimant was not offered a second or a third meeting. Mr Taylor stated in his oral evidence something to the effect that he had mentioned the possibility of a second consultation meeting at the first one and the claimant had said he wasn't interested. I don't think Mr Taylor's recollection of events is accurate is this respect. I think that if Mr Taylor had been, at the time, envisaging giving the claimant a second consultation meeting but had not done so because the claimant had said he hadn't wanted one, this would have been recorded in

Mr Taylor's contemporaneous notes and it wasn't. I think it is much more likely that Mr Taylor formed the impression that the claimant wasn't really interested in participating in the individual consultation process and that Mr Taylor himself was focussed on the collective consultation process, and therefore simply failed to give the claimant a second consultation meeting.

26. In any event, in my view, in a situation where all or most of the at-risk employees are not unionised and where its own written policies and procedures envisaged more than one individual consultation meeting, the respondent, acting reasonably, should offer a second consultation meeting, and should do so even if the affected employees had not expressed any interest in having a second consultation meeting, unless the employees had expressly stated that they did not want one. Mr Taylor did not go so far in his oral evidence as to suggest that the claimant had positively stated that he did not want a further consultation meeting. And even if Mr Taylor had made such a suggestion, I would have rejected it.

27. The final collective consultation meeting took place around 24 May 2016. By that stage, a number of proposals had been put forward by a number of members of staff, including by the claimant himself. The alternative proposals put forward included converting a vacant Environmental Health Officer post and training up an Enforcement Officer and/or a Pollution Control Officer so that they could fill it. That is essentially the main thing the claimant says should have happened.

28. If I reject the claimant's main case that the whole process was a sham to get rid of him and a couple of colleagues – and I do – his principal fall-back position is to the effect that he should have been permitted to compete on equal terms with Environmental Health Officers for Environmental Health Officer posts in the proposed new structure.

29. On the face of the respondent's document that was presented to the trade union, the proposal that Enforcement Officers and Pollution Control Officers like the claimant should be retained and retrained so as to the job of Environmental Health Officer, with additional training being given, was rejected because: "*The range and depth of additional duties that would have to be undertaken by the Enforcement Officers and Pollution Control Officers will involve further significant training (over a period of 2 to 3 years) and supervision to ensure they are able to carry out a greater range of duties, yet still not the full range of environmental/public health functions transferred/expected*".

30. Accordingly, following the end of consultation, the claimant was one of three Pollution Control Officers competing for one Pollution Control Officer post. Selection within this pool of three was done by competitive interview. The interviews were conducted by three people. Each of the candidates was asked the same questions. There was a marking scheme and each of the interview panel scored each of the candidates independently. The candidate with the highest score was selected for the post and the other two were made redundant. Under the scoring system adopted, the claimant came last out of the three candidates, by quite a long way.

31. Mr Taylor and Mrs Harvey were two out of the three members of the interview panel. In their witness statements, they give evidence about the claimant's answers to particular questions and why the claimant did badly in comparison, in particular, to the candidate who got the one vacant PCO post. All or most of that part of their witnesses evidence was not substantially challenged by the claimant in cross-examination. Further, although the claimant expressed some cynicism and dissatisfaction with that kind of interview-based redundancy selection process, he accepted that if an employer is choosing between three candidates for one post, there isn't any way of going about it that is necessarily fairer.

32. It seemed to me that, by the end of the claimant's evidence, he was tacitly accepting that he had performed badly at interview. The essence of his complaint about the interview process was that he performed badly because he had become disheartened and convinced that the process was a sham to get rid of him and that he would be selected for redundancy come what may.

33. The one clear, tangible thing the claimant pointed to in his evidence that caused him to become disheartened (and, at interview, to become convinced that he was not being given a fair crack of the whip) was a remark he attributes to Mr Taylor that he [the claimant] did not need to go through the interview process, or something along those lines. The respondent accepts that just such a remark was made near the start of the interview. The claimant's case is that it was said right at the start and out of the blue. The respondent's case is that it was a remark made by Mrs Harvey and not by Mr Taylor, and that it was made in a very particular context.

34. In her evidence, Mrs Harvey told me (and later, in his evidence, Mr Taylor agreed) that before they had asked any questions of the claimant at interview, he said that his performance at interview would not reflect his long career as a PCO and that he just wanted to take redundancy. The respondent's witnesses' evidence was that the remark about not needing to go through the interview process was made in response to that comment from the claimant.

35. On balance, I think the respondent's evidence is more likely to be correct than the claimant's on this point. Which of Mr Taylor or Mrs Harvey made the remark doesn't really matter; what matters is the context. For either of them to have made this remark out of the blue would be very strange indeed. Even if the claimant were right and that there was some kind of conspiracy to get rid of him, it would be an odd remark to make. If the respondent had put together the clever and carefully concealed conspiracy that the claimant alleges it had, it would surely have taken great pains to ensure that the claimant was encouraged to go through the interview process, so as to maximise the appearance of a fair process and keep the conspiracy hidden. It makes much more sense for the remark by Mr Taylor or Mrs Harvey to have been made in response to something the claimant said. And what the claimant is alleged to have said accords with the other contemporaneous evidence.

36. I have already mentioned the lack of any contemporaneous evidence to support the idea that at the time the claimant strongly objected to what was

happening to him personally. I also note that the claimant did not appeal against the decision to select him for redundancy and that he appears not even to have investigated the procedure to be followed for appeal until shortly before his redundancy took effect. I also accept Mr Taylor's evidence about the consultation meeting in April with the claimant to this extent: I accept the claimant did give the impression that he was not overly concerned about being made redundant himself and that he was much more concerned about what might happen to other people.

37. I think what most likely happened was that at the time the claimant accepted that he was going to be made redundant and decided not to fight it, but that he later came to regret that decision; and that he has managed to persuade himself that the dissatisfaction he now feels with the decision to make him redundant was there all along.

38. Following his interview, the claimant was told that he was not the successful candidate and he was given notice of dismissal by reason of redundancy. The respondent then went through its usual process of seeking alternative employment. This included suggesting to the claimant jobs that he might be suitable for. If the claimant had expressed interest in any of the jobs put forward to him at this stage, he would have been guaranteed an interview, although he would not have been guaranteed the job. This search for alternative employment lasted from 1 July to 30 September 2017. He was matched to two jobs. He was not interested in either of them. In any event, he makes no complaint about this part of the redundancy process.

39. I shall now go through the particular respects in which the claimant alleges his dismissal was unfair. I also, during my decision-making process, thought about whether there were other features that might make the dismissal unfair under ERA section 98(4). My conclusion was that there were none. And my overall conclusion, taking everything into account, was that save in one respect – individual consultation – this was a fair dismissal under ERA section 98.

40. I shall start with the one respect in which I think what happened was unfair. I have already made findings that the claimant was not positively offered more than one individual consultation meeting and that the failure to offer him more than one meeting, contrary to the written procedure being followed, was unreasonable – indeed, outside of the band of reasonable responses. I have some sympathy with the respondent in relation to this. Extensive collective consultation with the trade unions was going on and the claimant had given the impression to Mr Taylor that he was not particularly concerned about what was happening to him as an individual. Nevertheless, I agree with the claimant: that where non-unionised individuals form at least the majority of the people potentially affected by proposed redundancies, there must be proper consultation with them; that failure to carry out proper consultation with them risks making them feel that the process is illegitimate and that what they have to say, or what they may have to say, is not important and/or is not going to be listened to. I have therefore concluded that this does make the claimant's dismissal unfair.

41. However, all and any points the claimant wanted to make as part of the consultation were made by him and/or by others, or, at the very least, could reasonably have been made by the claimant before the redundancy consultation process ended. Holding the extra meeting or two I think should have been held with the claimant would not have lengthened the consultation process to any extent. And given that all of the claimant's points or potential points were made and considered and rejected by the respondent, I accept that had there been these extra individual consultation meetings, this would have made no difference to the decisions the respondent made, nor to the timing of the claimant's dismissal.

42. I have already rejected the claimant's primary case that the process and/or the way it was implemented was all about targeting him and a couple of unwanted colleagues and was not a legitimate process. I have also rejected the suggestion that a remark made near the start of his interview for the one PCO post made the interview process unfair.

43. The claimant complains that members of the team who were not at risk were not officially told details of the proposed redundancies until quite late in the consultation process – 11 May 2016. I don't accept this is a source of unfairness. First, telling them on 11 May still gave them 16 days to respond before the consultation process was over. Secondly, given that there was extensive, proper consultation with the trade unions, I do not accept that it was outside the band of reasonable responses not formally to inform and consult with individuals who were not themselves at risk.

44. The claimant makes a rather unspecific and amorphous complaint about lack of support to him as an individual by Mr Taylor, in particular during the redundancy consultation process. I do not accept that this is a source of unfairness separate from the unfairness caused by lack of individual consultation that I have already identified. It's clear that the claimant kept wanting to talk about the process and how it might affect individuals other than he himself at team meetings and that the respondent, reasonably in my view, thought that that was not appropriate. The claimant seems to have wanted some sort of halfway house between individual consultation and the collective consultation with the trade unions that was going on. I don't think it was outside the band of reasonable responses for the respondent not to permit that halfway house kind of consultation. There should have been more consultation with the claimant as an individual; I have already found that. But on the evidence the respondent did not act outside the band of reasonable responses in terms of consultation or support by what it did or failed to do other than that.

45. Further, even if the respondent did act unreasonably in this respect, for similar reasons to those given above in relation to lack of individual consultation, I don't think it would have made any difference at all to the timing or fact of the claimant's dismissal had he been provided with more support.

46. The next particular potential source of unfairness relied on by the claimant is what happened in relation to Mr Cooke. I have a number of observations about this part of the claimant's case. First, Mr Cooke started off two or three grades

above the claimant and ended up one or two grades above the claimant. Secondly, Mr Cooke was a qualified and Senior Environmental Health Officer who had knowledge and skills which the claimant did not possess. Thirdly, the redundancy arrangements agreed between the respondent and the recognised trade unions allowed for the 'slotting-in' of people if they had requisite qualifications and if the proposed slotting-in involved no change of grade or a demotion by a grade or possibly two, but did not, as I understand it, allow for the slotting-in of people into roles above their existing grades. It would have been a promotion of one or two grades for the claimant to go into the role into which Mr Cooke was slotted-in.

47. Fourthly, the claimant did not have the necessary skills to enable him to do the role into which Mr Cooke was slotted-in. The whole reason for the relevant part of the change from the position as set out in the Enabling Document to the position the respondent ended up in was that had the position in the Enabling Document been implemented, the respondent would have had a significant and, it reasonably considered, damaging gap in expertise and in its ability to provide the services it had to provide. The gap would have been for somebody with specialist knowledge and managerial experience who could provide advice and assistance to Environmental Health Officers in a particular area. Mr Cooke had the necessary expertise, knowledge and experience; the claimant did not.

48. In summary on this point, the respondent acted well within the band of reasonable responses in relation to the role that Mr Cooke ended up filling; and even if it was in some way unreasonable to slot Mr Cooke in without some sort of competitive process (and I don't think it was), the claimant would not have been able to fill that role anyway.

49. The claimant's final point is an objection to the fundamental policy decision taken by the respondent that, going forward, it had a need for trained, qualified EHOs rather than for unqualified PCOs.

50. In relation to this point, the claimant relies on three things in particular, all of which are common ground. First, PCOs and EHOs were on the same pay grade. Secondly, in the years preceding the restructure, in the part of Environmental Health and Safer Housing in which the claimant had been working, PCOs and EHOs had in practice been doing much the same things. Thirdly, although EHOs had received training and a qualification in environmental health which gave them a broad grounding in the full range of environmental health work, in practice, once they qualified and started working, they tended to specialise in a particular area and therefore, in the claimant's view, it would be no easier in practice move EHOs from the area in which they had been working to another area than it would be to move PCOs from the area in which they had been working to another area. In particular, both would require significant retraining.

51. Although I quite understand the points the claimant has been making and can well understand why it seems unfair from his point of view, the fact remains that to be an EHO is to hold a particular defined role, which these days requires a particular degree qualification, together with professional training and

registration with a professional body. To be a PCO is to do an important and valuable job, but it requires none of these things. To be a PCO requires having a degree in a science or engineering subject and some on-the-job training and that is all. Pollution Control Officer is a job title; it is not a profession or a qualification.

52. There is always a danger in analogy, but my understanding from the evidence is that the position in relation to PCOs and EHOs is comparable to that between someone working in a law firm as an unqualified Legal Assistant or Paralegal and someone who has a professional qualification as a Solicitor or a Legal Executive. In practice, the Legal Assistant and Paralegal may well do exactly the same work as the Solicitor or Legal Executive. They may have been doing the job for years and have a lot more knowledge and experience and/or capability in a particular area than a newly qualified Solicitor or Legal Executive does, but they are not doing the same job.

53. The fact that to be an EHO requires a professional qualification and a degree (or, going back a few years, a 3-year diploma) must mean something; or, in any event, it is reasonable for an employer in the respondent's position to take the view that it means something.

54. The respondent was not looking at what had happened in the past but at what was expected to happen and what might happen in the future. The respondent took the view – again reasonably – that because they had their professional qualification and their 3 or 4 years' study behind them, EHOs could be moved from one area within environmental health to another area within environmental health with some retraining, but without the wholesale retraining that would be necessary in order to move PCOs from an area in which they had been working for most of their professional life to another area of environmental health.

55. In addition, there was at least one area of work – food safety – where a qualification in environmental health was not merely desirable but essential.

56. The witnesses who gave evidence for the respondent, and Lorraine Raynor in particular, were at pains to stress that they valued PCOs generally and the claimant in particular; and that they were not acting capriciously, let alone maliciously, but purely out of a need to save money. I entirely accept that part of their evidence, albeit I recognise that, whatever I write in these reasons, the claimant will probably not accept this.

57. On the evidence before me, the respondent's policy decision that it had more need for qualified Environmental Health Officers than for unqualified Pollution Control Officers was a reasonable one – one well within the band of reasonable responses.

58. In conclusion: the respondent reasonably decided that it needed fewer Pollution Control Officers than it had, i.e. that the requirements of its business for employees to carry out work of a particular kind had diminished; that was the principal reason for the claimant's dismissal, i.e. the reason for dismissal was that the claimant was redundant; the dismissal was fair in all the circumstances,

in accordance with equity and the substantial merits of the case, under ERA section 98(4), except in one respect – there was inadequate individual consultation; had there been more and adequate individual consultation, there is no significant chance that this would have made any difference to whether the claimant was dismissed or to when he was dismissed.

Employment Judge Camp 30 November 2017

SENT TO THE PARTIES ON

08 December 2017

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FOR THE TRIBUNAL OFFICE