



EMPLOYMENT TRIBUNALS

Claimant:

Mrs J Theodoulou

v

Respondent:

The National Society for
Epilepsy

Heard at:

Reading

On: 17, 18 and 19 September
2018

Before:

Employment Judge Gumbiti-Zimuto
Members: Miss J Cameron and Mrs J Smith

Appearances

For the Claimant: Mr A Line of Counsel

For the Respondent: Mr N Roberts of Counsel

JUDGMENT

The Claimant's complaints are not well founded and are dismissed.

REASONS

1. In a claim form presented on 6 April 2017, the Claimant made complaints of pregnancy and maternity discrimination, unfair dismissal and complaints under the Maternity and Parental Leave Regulations. The Respondent defended the complaints and at a preliminary hearing before Employment Judge Bedeau on 21 June 2017, the issues to be decided in the case were set out. They are contained in the trial bundle at page 35B.
2. Under 'Unfair Dismissal', it was recorded that the Respondent relies on the reason for dismissal as redundancy. It was also set out that as an alternative, some other substantial reason was relied upon. In the case presented to the Employment Tribunal, there has not been any reliance on some other substantial reason and it has not been an issue that the Tribunal has considered. The question was whether, in all the circumstances, in dismissing the Claimant for redundancy, the Respondent had acted reasonably.

3. A complaint of automatic unfair dismissal was set out. "If the reason or principal reason for the Claimant's dismissal was redundancy, were any of the following suitable available vacancies for the purposes of regulation 10 of the Maternity and Parental Leave, Etc Regulations 1999 (MPL Regulations)? There are a number of posts set out in paragraphs 6.1.1 to 6.1.5. Following which the question is posed whether if any of the positions were suitable vacancies, was the dismissal automatically unfair pursuant to regulation 20(1)(b) of the MPL Regulations and section 99 of the Employment Rights Act 1996.
4. There was also a claim for pregnancy and maternity discrimination and the question there was whether there was unfavourable treatment because of pregnancy contrary to section 18 and 39(2) of the Equality Act 2010. Reliance was placed on a number of allegations which principally relate to the offers of employment, also to an additional complaint relating to the dismissal of the Claimant, and not informing the Claimant that the Helpline Manager role was available. The points which gave rise to the complaints under the complaint about automatic unfair dismissal were also repeated here.
5. The Claimant complained of being subjected to a detriment contrary to regulation 19 of the MPL Regulations and section 47C of the Employment Rights Act 1996 because the Claimant was pregnant and had given birth to a child or took ordinary or additional maternity leave. The detriments relied upon were the same as those which were set out in paragraphs 6.1.1 to 6.1.5 of the order.
6. The issues as set out in that order have been addressed by the parties in the evidence. We heard from the Claimant. Ms Tricia Buckle and Mr Adam Went gave evidence on behalf of the Respondent. We were provided with a bundle of documents which contained some 245 pages of documents to which were added some further documents. From these sources, we make our findings of fact in this case.
7. The Claimant commenced employment with the Respondent on 23 March 2010. She was employed as a Grade 8 placement support manager. Her hours of work were 35 hours per week. In about April 2016, she informed the Respondent that she was pregnant, and her predicted due date was 20 October 2016.
8. The Claimant had previously taken maternity leave during her employment with the Respondent. She had taken maternity leave after her first child between May 2012 and March 2013. On her return to work, she had made a request for flexible working. That request was accommodated by the Respondent.
9. In 2014, there had been a restructure carried out by the Respondent. The Claimant was put on notice that she was at risk of redundancy. However, as the redundancy process on that occasion played out, the Claimant

continued in her role as a placement manager at Grade 8 with her hours of work increased to 35 hours per week.

10. On 4 July 2016, the Claimant sent the Respondent written notification confirming that she intended to start her maternity leave on 5 September 2016. It was eventually agreed that she would start maternity leave on 5 September 2016 to conclude on 3 September 2017 with the Claimant to return to work on 4 September 2017.
11. In June 2016, the Respondent commenced a review of its organisation. It identified the need to reduce overheads. The Respondent sought to implement costs improvement and revenue generating programmes without the need to reduce staff costs. However, it was not successful in doing so. It completed its proposed restructure in August 2016 and the proposed restructure affected all the directorates within the Respondent's organisation. The Claimant's role within the Care Services Directorate was placed at risk of redundancy and it was proposed to remove the Claimant's substantive role with aspects of her role being absorbed in other parts of the organisation.
12. On 12 August 2016 the Claimant was informed that the Respondent intended to restructure the organisation. At that time it was proposed that there would be 37 posts redundant, 16 posts were to transfer to another employer under TUPE, and there were to be 12 new posts created.
13. As part of its redundancy process, the Respondent consulted with the trade unions and consulted staff individually.
14. The Respondent consulted with the Claimant. The first individual consultation meeting was on 18 August 2016. The Claimant met with Ms Buckle. The Claimant was accompanied by a union representative. Alternative employment was discussed. One of the positions discussed was a post of Activity and Therapy Administrator. The Claimant expressed an interest in this role. During the meeting it was not possible to provide the Claimant with a job description it had not been finalised.
15. Following the meeting the Claimant was written to by Ms Buckle. That letter, dated 23 August 2016, dealt with the post of Activity and Therapy Administrator as follows:

"We discussed potential alternative employment with the society. We spoke about the new administrator post that is being formed from the current Therapy and Activities posts being removed. At the time we met I explained this job description was not yet finalised and when it was I would consider if it is appropriate to ring-fence this post and for whom. I have now done this, and can confirm this post reflects the main duties of the Therapy and Activities job holders. I therefore feel it is appropriate that selection to this post be ring-fenced to these post holders as they are also under

redundancy consultation. I have enclosed a copy of the job description for you.”

16. So as promised, Ms Buckle informed the Claimant about the role. Unfortunately, the Claimant was at the same time being informed that she would not be considered for the role because it had been ringfenced for two other employees. The Claimant accepts that the letter dated 23 August 2016 contained a “more or less” accurate summary of the matters that had been discussed at the meeting on 18 August.
17. Ms Buckle confirmed that the Claimant would be notified of all the vacancies as they arose out of the restructure and that she would be provided with a weekly vacancy list. There appeared at one stage to be some dispute between the Claimant and Ms Buckle as to what was agreed at the meeting. However, it seemed to the Tribunal that the parties are broadly in agreement. The Claimant would not only be provided with a weekly vacancy list but Ms Buckle would specifically inform the Claimant of any roles she considered suitable for the Claimant. It was agreed that the vacancy list would be provided to the Claimant by email. The Claimant was provided with the vacancy lists as agreed until the termination of her employment.
18. The Claimant completed a preference form (p129). The preference form included the passage:

“As a result of the requirement to reduce costs at Epilepsy Society, your post has been identified as being at risk of redundancy. The following options are available for you to consider during the consultation process that will run between 15th August 2016 and 13th September 2016.

To help us support you during this process, we need to better understand what your thinking and preference is...”

The Claimant was given a number of options which she had to grade. At number 1, she put a preference which read: *“I am only interested in other role(s) at Epilepsy Society that are commensurate with my current salary and skill set”*. At number 2, she graded the passage: *“I wish to remain working at Epilepsy Society and would consider a role at a lower grade part, time job share, etc”*.

19. Both of those options gave the opportunity for the Claimant to provide further information over the page and the Claimant did provide further information. The opening passage read: *“Ideally I would like to transfer into a role of similar skillset and grade to the role I currently hold. However, I can be flexible and would consider any potential options offered to me.”* She then set out matters which were designed to give an indication of where her interests and skills lay.

20. The Claimant was written to by Ms Buckle in an email on 12 September 2016 headed 'Redundancy Consultation'. The email read as follows:

"When we met on 18th August, I advised you to let me know if you required any further clarification in respect of information provided to you, and confirmed I would ensure you were kept informed during the redundancy consultation period. Since then we have exchanged emails and you have returned your preference form to me indicating a wish to continue working for the society.

During the consultation period there have been opportunities to attend staff meetings with the Senior Management Team (SMT) and I can confirm that members of the SMT are consulting staff representatives.

HR will continue to ensure all vacancies are promoted by email. If at any time you identify a vacancy that could be an acceptable alternative to redundancy for you, please let me know. As you are now on maternity leave I have requested that the current vacancy list be emailed to your personal email.

You have indicated on your preference form a wish to meet again. I am available this week, and can meet with you today 12th, 13th or 14th of September. Please let me know your availability by email or give me a call, so we can agree a convenient time to meet. You can be accompanied at our meeting by a trade union representative or colleague if you wish.

I need to advise you of the expected next steps in respect of the redundancy consultation. It is currently my expectation that your redundancy consultation will end on 13th September. I will ensure that you are kept informed.

I Look forward to meeting with you."

21. The Claimant contacted Ms Buckle and arranged to meet on 14th September 2016. By this time, the Respondent had completed its reorganisation and had finalised the structure. The Claimant's role was one of those that was to be removed from the structure. It was confirmed that there would be a total of 18 redundancies.
22. At the meeting on 14th September 2016, it was confirmed to the Claimant that her role would be made redundant and she was invited to attend a meeting on the 20th September 2016 in order to provide her with notice of termination of her employment. The Claimant chose not to attend on that occasion and termination of her employment was confirmed in a letter dated 21st September 2016. That letter was the joint work of Mr Went and Ms Buckle. Ms Buckle provided the original template letter and Mr Went made additions to the letter and checked through the detail that was

provided. The letter confirmed that the Claimant's employment with the Respondent would come to an end on 20th November 2016.

23. The Claimant was sent vacancy lists to her email address. Amongst the job vacancies that she was sent included the position of Helpline Manager.
24. The Claimant and the Respondent did not discuss any of the specific roles after the meeting on 14th September. The Claimant did not make direct reference to any specific role as a point of interest.
25. The Respondent has provided the Tribunal with a schedule which sets out some details relating to a number of posts¹. These are the Activity and Therapy Administrator; Receptionist; Service Administrator; Helpline Manager; Community Fundraising Assistant and HR co-ordinator. These are roles which are the subject of this case. We were taken to a number of the job descriptions and person specifications in respect of those roles. Details from those roles have been put in a table with columns setting out when the vacancy arose, the number of hours, salary and salary reduction percentage, and the grade. The information set out in this document is agreed. In coming to our conclusions, we have had regard to that information.
26. The Claimant did not reply to any of the vacancy lists or express an interest in any of the vacancies. The Respondent did not identify any specific vacancies as suitable employment for the Claimant. On 20th November 2016 on the expiry of the Claimant's notice period, her employment with the Respondent came to an end.
27. The roles that have been referred to have been the subject of consideration by the Tribunal on the basis of the competing contentions: the Claimant says that they were suitable available vacancies within the meaning of regulation 10 MPL Regulations and the Respondent says that they were not suitable.
28. Regulation 10 of the Maternity and Parental Leave etc. Regulations 1999, provides that:

(1) This regulation applies where, during an employee's ordinary or additional maternity leave period, it is not practicable by reason of redundancy for her employer to continue to employ her under her existing contract of employment.

(2) Where there is a suitable available vacancy, the employee is entitled to be offered (before the end of her employment under her existing contract) alternative employment with her employer or his successor, or an associated employer, under a new contract of employment which complies with paragraph (3) (and takes effect immediately on the ending of her employment under the previous contract).

(3) The new contract of employment must be such that— (a) the work to be done under it is of a kind which is both suitable in relation to the employee

¹ Marked R1 in the Employment Judge's notes of evidence.

and appropriate for her to do in the circumstances, and (b) its provisions as to the capacity and place in which she is to be employed, and as to the other terms and conditions of her employment, are not substantially less favourable to her than if she had continued to be employed under the previous contract.

29. The parties provided the Tribunal with written and oral submissions and we were also in particular referred to the cases of Simpson v Endsleigh Insurance Services Ltd [2011] ICR 75 and Sefton Borough Council v Wainwright [2015] IRLR 90.
30. We have taken into account the content of the submissions and the authorities that have been referred to us by the parties and we have come to the following conclusions in relation to these matters.
31. In respect of regulation 10, the Tribunal will summarise the Respondent's submissions and the Claimant's submissions and then set out our conclusions in relation to those.
32. The Respondent says that the Claimant was employed as a Placement Manager at 35 hours a week (relative to full time equivalent of 37.5 hours a week). Her salary was £29,785.00 (pro rata to a full time equivalent of £31,913.00). Her role as a manager was important; it was well paid; she had responsibilities which included budgeting, negotiating, representing the Respondent externally, attending management meetings and producing management reports. She was a Grade 8 employee.
33. The Respondent says that the jobs set out in the schedule do not amount to suitable alternative employment. The pay in absolute terms is a significant reduction which ranges from 20% to 72%. In relative terms, they represent a significant reduction and with one exception it ranged from 20% to 37%. In respect of all the jobs (with one exception) the Respondent says that the status was significantly diminished.
34. The exception is the Helpline Manager role. The Respondent states that in respect of the Helpline Manager role, the Claimant was not qualified for that job. The Respondent says that it was a senior role that required strategic development of a counselling helpline service and the management of a team of counsellors. The Claimant lacked all of the headline essential requirements for the role including, experience of helpline work, a degree, and a recognised counselling qualification.
35. In respect of the HR co-ordinator role, the Respondent says that this was a specialised role which required a familiarity with HR processes. The Claimant gave evidence of HR experience and skills. Of this evidence, the Respondent says that the Claimant's claimed various HR skills have not been properly proved. The Respondent goes on to say that in any event it could not reasonably be expected to know about the Claimant's HR skills and qualifications because she did not inform the Respondent about them during the redundancy process. Further the Respondent says the Claimant

did not express her interest in the role at any point during the redundancy process.

36. In relation to the Claimant saying that she was willing to accept roles of lower status the Respondent says that did not necessarily make the roles suitable. The Respondent goes on to say the Claimant has failed to demonstrate that was the case and relies on the fact that the Claimant stated her preference was to retain a role commensurate to her "current salary and skillset": although in evidence she stated a willingness to consider inferior roles, that was not an actual preference. The Respondent says that the Claimant did not initiate any interest in any of the vacancies. The jobs of Helpline Community Manager, Service Administrator and Community Fundraising Assistant were not mentioned by the Claimant at all and her interest in the Activity and Therapy Administrator and the Receptionist roles appears to have been merely passing interest as she did not pursue that interest. The Respondent says that the ball had been left in her court after the meeting on 14th September 2016, but (as the Claimant accepted) she never indicated any further interest in the roles.
37. The Claimant's submissions dealt with each of the roles separately.
 - 37.1. In respect of the Activity and Therapy Administrator role, the Claimant stated that the only reason why the Respondent considered that this role was not suitable was because it would have resulted in a reduction of pay, hours and status. The Respondent was aware that the Claimant was willing to work in roles which resulted in a reduction in pay, hours or status. The Claimant contends that the role of Activity and Therapy Administrator in fact was a suitable role.
 - 37.2. In respect of the receptionist role, the Respondent accepted that the only reason why it considered this role was unsuitable was because it would have resulted in a reduction in pay, status and hours. The Respondent was aware that the Claimant was willing to work in the roles which resulted in a reduction in pay, hours or status. Ms Buckle discussed a receptionist role with the Claimant at the meeting on 14 September 2016. We are invited to conclude that Ms Buckle gave the impression in the meeting that the Claimant would not be eligible for pay protection or a trial period in the role and that dissuaded the Claimant from pursuing it further. The Claimant says that was contrary to the Respondent's policy in both respects. The Claimant says we should prefer the account she gave about what was said in the meeting on 14 September 2016.
 - 37.3. In respect of the Helpline Manager role, it is said that Ms Buckle was the one who informed the Claimant about the role and that she would not have done that if she had thought it was not a suitable role. The Claimant conceded that she would need an opportunity to complete the relevant counselling qualification and gain experience of helpline work. She said although she lacked a degree, that was made up for by the fact that she had six years of relevant experience working for the Respondent. She says that it was a suitable role and should have been offered to her.

- 37.4. In respect of the Service Administrator role, the Claimant states that the Respondent accepted through Ms Buckle's evidence that the only reason why it considered that the role was not suitable was because it would have resulted in a reduction of pay, status and hours. The same was said about the Community Fundraising Assistant role.
- 37.5. In relation to the HR co-ordinator role, the Claimant stated that she had relevant transferable experience for this role and that to the extent that her experience was dated, that could have been ameliorated through providing her with training. It was the Claimant's argument that the Respondent simply did not consider whether the Claimant was suitable for that role, Ms Buckle did not and no one else did either. Had the Respondent asked the Claimant to provide details or made enquiries to discover her CV, they would have been able to find out the Claimant's experience.
- 37.6. It is argued that whilst suitability may be a matter in the first instance for the employer to take a view on, its view must be objectively reasoned, and it continues; otherwise else the protection afforded by regulation 10 would be too easily undermined by employers.
- 37.7. Of the Respondent's reliance on the fact that the Claimant would have needed to accept a reduction in pay, status or hours the Claimant says the Respondent was aware she was content to do this. Accordingly, insofar as this was actively considered at the material time, which is disputed on the facts of this case, it was an irrelevant consideration as it was not a bar to the Claimant considering a role.
- 37.8. The Claimant says that to discharge the regulation 10 duty, the Respondent should have proactively made offers to the Claimant for the Claimant to accept or reject them. The Claimant states that the Respondent was aware that she was absent from 5 September 2016 on maternity leave and due to give birth on 20 October 2016. She was in an extremely vulnerable position at the time, she had informed her line manager of this. The Tribunal is asked to consider whether in the circumstances the Respondent could and should have done more to offer suitable roles to the Claimant. For example, contacting her by telephone.
38. Having considered those submissions, and the regulations, we think that regulation 10 provides that: where it is not practicable by reason of redundancy for the employer to continue to employ an employee on maternity leave, she is entitled to be offered alternative employment before the end of her employment under her existing contract. The right to be offered a suitable vacancy arises when a redundancy situation affecting the employee's job becomes known and extinguishes either when the dismissal takes effect or when maternity leave ends, if sooner. If during that time suitable alternative work becomes available, it should be offered as an alternative to dismissal.

39. The new contract must be such that the work to be done is suitable in relation to the employee and appropriate for her to do in the circumstances; the provisions as to the capacity and place in which she is to be employed, and as to the other terms and conditions of her employment are not substantially less favourable than they would have been if she had continued to be employed under the previous contract.
40. Suitability should be judged from the perspective of an objective employer, not from the employee's perspective. It is up to the employer, knowing what it does about the employee's personal circumstances and work experience, to decide whether or not a vacancy is suitable and there is no requirement for the employee to engage in this process.
41. Under regulation 10, the only relevant question for the Tribunal to ask itself is was there a suitable available vacancy. If there is such a vacancy, then an unfavourable consequence for the employer is irrelevant
42. Having considered the parties' submissions, we broadly agree with the Respondent's submissions. The Claimant has stated that the Respondent failed to demonstrate how it carried out any exercise which involved consideration of the alleged suitable available vacancies for the purposes of regulation 10. The Respondent says that it did. However, there are no documents that support this. It is a feature of this case that documents recording meetings or actions taken in the redundancy process are absent. We consider that to the extent that the Respondent did carry out the exercise of considering the roles in question, it was to dismiss them as suitable for the Claimant.
43. In any event we have to consider whether the Respondent's ex post factor rationalisation about the roles is correct. The question of whether the roles were suitable available vacancies is to be judged from the perspective of an objective employer. Applying that consideration to the evidence, the evidence shows that in respect of status and pay, all the jobs, other than the Helpline Manager role, were not suitable available vacancies. The status was lower, and the pay was significantly less in respect of all of them. That takes them, in this case, outside the scope of regulation 10.
44. The fact that the Claimant has expressed a willingness to consider roles at a lower level may be a relevant consideration for the Respondent in a redundancy process. In a regulation 10 case, where there is such a stark contrast between the Claimant's role and the roles under consideration, the mere fact that the Claimant has stated that she is willing to consider roles at a lesser status and for less pay is in our view not a matter which would in itself make a role that is otherwise not a suitable available vacancy, a suitable available vacancy.
45. Where a woman expresses a preference to carry out a role this may be a relevant factor to take into account in determining whether it is a suitable vacancy. We do not consider that in the circumstances of this case such an expressed preference is sufficient to bring it within regulation 10. The

Claimant's role as manager was very different to the other roles that are being relied upon.

46. In respect of the Helpline Manager role the Claimant was not qualified to undertake the role without basic training. In those circumstances, we consider that the work to be done is not suitable in relation to the Claimant. The fact that the Claimant was willing to undergo training and had identified a course of 120 hours which would enable her to obtain a counselling qualification does not render the role was suitable.
47. We have come to the conclusion that the Claimant's complaints based on regulation 10 are not well founded and are dismissed. Therefore, the Claimant's claim of automatic unfair dismissal on that ground is dismissed.
48. It is accepted by the Claimant that there was a redundancy situation, however, it is not accepted that the redundancy was the reason for the dismissal. We have considered the evidence and reject argument that the reason for dismissal was on the grounds of pregnancy or maternity. The evidence does not provide justification for a conclusion that the reason for dismissal is anything other than redundancy. It is coincidental that the relevant decisions taken in this case occurred when the Claimant was pregnant and due to take maternity leave. There was review of the Respondent's organisation to reduce costs and a plan drawn up involving the removal of some posts and creation of others. We consider that evidence shows that the reason for the Claimant's dismissal was redundancy.
49. The Respondent's HR function in the way it dealt with the Claimant's redundancy was not perfect. In some respects, it fell short of what may be considered best practice. For example, there was a failure to make notes of important meetings at which the Claimant was given important information in relation to the redundancy process. We note that this below par performance took place in an environment when the HR function was itself being curtailed in the redundancy/reorganisation exercise that was taking effect. While that may provide an explanation for some of the failings, we do not see it as an excuse or a reason justifying departure from what could be expected of a reasonable employer. However, having said that, when we are considering what inferences to draw from the evidence, it is a factor that we have taken into account.
50. The Claimant has referred to several matters from which we are asked to draw an inference that the reason for the dismissal was not pregnancy or maternity etc. The Claimant refers to the fact that she would not have returned from maternity leave until September 2017 (if she did not take any annual leave that she would have been entitled to take). We are not satisfied that there was any evidence that was a factor in the decision which was taken by the Respondent. The Claimant refers to the possibility that she could ask for flexible working when she returned as she had done when she returned following the birth of her first child in 2014. We have not been able to find that there is any evidence to suggest that was a factor in

the decision taken in the Claimant's case. The Claimant says that her pregnancy meant that the Regulations required the Respondent to offer her suitable redeployment, but it did not want to do this because it was cheaper for others to be appointed. There is no evidence that this was the case.

51. We are asked to look beyond the denials to the suggestions which were identified in the evidence and conclude that pregnancy was the reason or principal reason for the dismissal. It seems to us that it is not possible to draw that inference from any factor that arises in this case.
52. The area where there is a concern is in the way that the Respondent had recorded meetings (or failed to record), and the way that it managed some of its HR processes, the absence of things that might be considered best practice. However, in respect of all those sorts of matters, we previously explained that we consider that it is relevant why the HR function fell below expected standards when considering whether it allows us to draw inferences of discrimination.
53. Our conclusion is that the Claimant's dismissal was for redundancy and we are not satisfied that her pregnancy was the main or principal reason for the dismissal or that it was a substantial or effective cause for the dismissal.
54. We have considered detriment because of pregnancy. We do not consider that failure to offer the Claimant any of the roles in question was because of pregnancy. The reason was because the roles were dismissed from being considered suitable for the Claimant. The Claimant's pregnancy played no part in that decision. We have considered the question whether there was unfavourable treatment because of pregnancy. The Respondent in our view has shown that the reason for the failure to offer the Claimant any of the roles in question was because it did not consider that the roles were suitable, and that the Claimant was dismissed because the Claimant's role was redundant and there was no alternative role for her.
55. We have considered whether this dismissal was unfair having regard to the provisions contained in section 98(4) of the Employment Rights Act 1996 and whether the procedure adopted by the Respondent was unfair. The Tribunal is satisfied that there was consultation with the Claimant and that there was a search for suitable alternative employment for the Claimant. The Tribunal has had regard to the Claimant's difficult personal circumstances and we have asked ourselves whether in the light of that and in the light of the shortcomings in the HR functions, in particular the fact that at the meeting on 14 September 2016 there was a failure to record the meeting. Taking the best account of that meeting made by Ian Henman we have asked ourselves whether in all the circumstances the Claimant's dismissal was unfair.
56. We have been unable to find that the dismissal was unfair. Whilst it is possible that further and other things could have been done in the

Claimant's case, what we must consider is what was done in the Claimant's case. Whether what was done in the Claimant's case was within the range of what could be expected of a reasonable employer and we are satisfied that it was.

57. The Claimant was given the details of job vacancies each month as they arose; this was in accordance with the agreement that had been made between the Claimant and the Respondent. The Claimant did not give any further indication of specific interest in any of the roles outside of the meetings which took place in August and on 14 September 2016. There is nothing in what happened thereafter that would have required the Respondent to take further action in respect of any specific or particular role. In all the circumstances we have not been able to conclude that there was an unfair dismissal pursuant to the provisions contained in section 98.
58. The conclusion of the Tribunal is therefore that the Claimant's claims are not well founded, and the complaints are dismissed.

Employment Judge Gumbiti-Zimuto

Date: 6 November 2018

Judgment and Reasons

Sent to the parties on:

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For the Tribunal Office

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