



# EMPLOYMENT TRIBUNALS

**Claimant:** Dr G Ijomah  
**Respondent:** Nottinghamshire Healthcare NHS Foundation Trust  
**Heard at:** Nottingham East  
**On:**  
**Before:** Employment Judge R Broughton  
Members: Mr C Pittman  
Mr J D Hill

**Representation**

**Claimant:** Mr Awodele - Counsel  
**Respondent:** Ms Barney - Counsel

## JUDGMENT

1. The claims of detriment pursuant to section 47B Employment Rights Act 1996 have been presented out of time. The tribunal has no jurisdiction to deal with those claims and they are accordingly dismissed.
2. The claim of automatic unfair dismissal pursuant to section 103A Employment Rights Act 1996 is not well founded and is dismissed.
3. The claim of 'ordinary' unfair dismissal brought pursuant to section 94 and 98 Employment Rights Act 1996 is well founded and succeeds. The claimant is entitled to be compensated for a period of 3 months, which is how long the tribunal finds it would have taken the respondent to carry out the disciplinary process in accordance with the respondent's contractual disciplinary policy. Any compensation beyond that period, is subject to the following deductions;
  - A Polkey deduction of 50%
  - A deduction for contributory fault with respect to both the basic award and compensatory award, of 20%.
4. The claimant requests reinstatement. A remedy hearing will be listed to determine the application for reinstatement or otherwise to determine what compensation is to be awarded.

Employment Judge Broughton

Date: 27 April 2022

**Notes:**

**Public access to employment tribunal decisions**

Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

**Reasons**

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.