



EMPLOYMENT TRIBUNALS

Claimant: Craig Maxwell

Respondent: E.ON UK plc

Heard at: West Midlands Employment Tribunal

On: 22 – 25 May 2023

Before:

Employment Judge: Mr G. King

Members: Dr G. Hammersley
Mr J. Wagstaffe

Representation

Claimant: Mr C. McDevitt - counsel

Respondent: Ms J. Ferrario - counsel

JUDGMENT

1. The Claimant's claim of unfair dismissal, pursuant to s.94 Employment Rights Act, is not well founded and is dismissed.
2. The Claimant's claim of automatic unfair dismissal, pursuant to s.103A Employment Rights Act, is not well founded and is dismissed.
3. The Claimant's claim of public interest disclosure detriment in respect of subjecting the Claimant to formal disciplinary action because he refused to accept a stage 4 warning as it was fundamentally wrong and still left the customer at risk, is not well founded and is dismissed.
4. The Claimant's claim of public interest disclosure detriment in respect of denying the Claimant the opportunity of an appeal grievance hearing in breach of the ACAS Code of Practice is well founded and succeeds.
5. A remedy hearing is to be listed. The parties are to send their unavailable dates for the next three months to the Employment Tribunal within seven days of the date of this order.

6. Remedy is to be assessed if not agreed. The parties should liaise to seek to agree remedy. If the parties agree remedy, they should notify the Tribunal forthwith so the hearing can be vacated.

Employment Judge G. King
25 May 2023

Note

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.