



EMPLOYMENT TRIBUNALS

Claimant: Mrs. L Knowles

Respondent: Surrey Police

CERTIFICATE OF CORRECTION

Employment Tribunals Rules of Procedure 2013

Under the provisions of Rule 69, the reserved judgment sent to the parties on 30 May 2023, is corrected so that paragraph 123 does not include the words in bold and contained within [] below. These were included as a result of clerical error or other accidental slip, and have therefore been removed.

*“The respondent said that it dismissed the claimant for a conduct-related reason, pursuant to s98(2)(b) ERA. **[Although the claimant denied the misconduct in question, there was no dispute between the parties that allegations of failing to attend work when specifically instructed to do so and misleading the employer about the reason for absence were conduct-related matters.]***

For misconduct dismissals, the employer needs to show:

- 123.1 an honest belief that the employee was guilty of the offence;*
- 123.2 that there were reasonable grounds for holding that belief; and*
- 123.3 that these came from a reasonable investigation of the incident.*

These principles were laid down in British Home Stores v Burchell [1980] ICR 303. The principles were initially developed to deal with dismissals involving alleged dishonesty.

However, the Burchell principles are so relevant that they have been extended to provide for all conduct-related dismissals. Conclusive proof of guilt is not necessary, what is necessary is an honest belief based upon a reasonable investigatory process.”

Employment Judge Douse

Date: 6 November 2023

Sent to the parties on:

7 November 2023

For the Tribunal:

Important note to parties:

Any dates for asking for written reasons, applying for reconsideration or appealing against the judgment are not changed by this certificate of correction and corrected judgment. These time limits still run from the date the original judgment or reasons were sent, as explained in the letter that sent the original judgment.