



# EMPLOYMENT TRIBUNALS

**Claimant:** Nigel Tyrell  
**Respondent:** London Borough of Lewisham  
**Heard at:** London South  
**On:** 13, 14, 15, 16 & 17 May 2024  
**Before:** Employment Judge Carney  
Ms J Cook  
Ms J Keene

## Representation

Claimant: In person  
Respondent: Ms Patterson, counsel

# JUDGMENT

## The unanimous judgment of the tribunal is that:

1. The complaint of automatic unfair dismissal for making a protected disclosure is dismissed.
2. The complaint of detriment for making a protected disclosure is dismissed.
3. The complaint of direct age discrimination is dismissed.
4. The complaint of unfair dismissal is upheld.
5. Compensation for unfair dismissal shall be reduced by 50% in accordance with the principle in *Polkey v AE Dayton Services Limited* [1988] ICR 142.
6. The claimant contributed to his dismissal and any compensatory award shall be reduced by 25% to reflect this.

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Employment Judge Carney

Dated: 17 May 2024

Judgment sent to parties on:

**Notes**

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.

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**Recording and Transcription**

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>