



EMPLOYMENT TRIBUNALS

Claimant: Mr M Shanahan

Respondent: National Opera Studio

Heard at: London South

On: 13th, 14th, 15th, 18th, 19th & 20th
December 2023
29th January & 26th February
2024 in Chambers
19th September 2024
(before Judge Reed alone)

Before: Employment Judge MJ Reed, Ms H Carter and Mr T Harrington-Roberts

Representation

Claimant: Ms Miller, Counsel

Respondent: Ms Shepherd, Counsel

JUDGMENT

1. The complaint of unfair dismissal is well-founded. The claimant was unfairly dismissed.
2. Any compensatory award will be subject to reduction on the following basis:
 - a) That there is a 40% chance that the claimant would have been fairly dismissed in any event.
 - b) That, if the claimant had remained in employment, there is a 20% chance that he would have been fairly dismissed or have chosen to leave two months after his actual dismissal.
 - c) That, if the claimant had remained in employment beyond those two months, there is a 40% chance that he would have been fairly dismissed or have chosen to leave one year after his actual dismissal.
 - d) The claimant contributed to the dismissal by blameworthy conduct and it is just and equitable to reduce the compensatory award by 15%.
3. It is just and equitable to reduce the basic award payable to the claimant by 15% because of the claimant's conduct before the dismissal.
4. The complaints of age discrimination are not well founded and are dismissed.

Employment Judge Reed
Date: 19th September 2024

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.

Public access to employment tribunal decisions

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

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/>