



EMPLOYMENT TRIBUNALS

Claimant: Mr. J. McLear

Respondent: Rural Payments Agency

Heard at: Carlisle

On: 17-19 and 24-25 March 2025

Before: Judge Callan
Ms K. Fulton

Representation

Claimant: In person

Respondent: Mr. R. Dunn, counsel

JUDGMENT ON LIABILITY

The unanimous judgment of the tribunal is:

1. The complaint of unfair dismissal is well-founded. This means the respondent unfairly dismissed the claimant.
2. A 60% reduction in the compensatory award for unfair dismissal will be made under **Polkey v A.E. Dayton Services Limited** [1988] ICR 142.
3. A further additional reduction of 60% will be applied to both the basic and compensatory awards by reason of the claimant's contributory fault.
4. The claimant was wrongfully dismissed in that he should have been given notice of dismissal, but compensation for that is also subject to the same reduction for contributory fault.
5. The claimant's complaint of detriments by reason of having made a public interest disclosure was not presented in time despite it being reasonably practicable to do so and is dismissed.

6. The complaint of automatic unfair dismissal pursuant to section 103A of the Employment Rights Act 1996 is not well-founded and is dismissed.

Judge Callan

Date 26 March 2025

JUDGMENT SENT TO THE PARTIES ON

Date: 14 April 2025

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FOR THE TRIBUNAL OFFICE

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.