



EMPLOYMENT TRIBUNALS

Claimant: Mr J Singh
Respondent: Royal Mail Group Limited

Heard at: Watford Employment Tribunal
On: 5 and 6 June 2025
Before: Employment Judge Andrew Clarke KC

Representation

Claimant: In person
Respondent: Mr Mathew Wishart, paralegal

JUDGMENT

1. The claim for unfair dismissal fails and is dismissed.

REASONS

The claim an application and the evidence

1. The claimant was employed by the respondent as an OPG (Operational Postal Grade) employee from 4 October 2004 to 25 January 2024 when he was summarily dismissed by a manager, Mr Dean.
2. On 28 May 2024, after appropriate early conciliation, the claimant brought claims of unfair dismissal and disability discrimination. The discrimination claims were dismissed on withdrawal by the claimant on 7 March 2025.
3. I was provided with a bundle of some 450 pages of documents. I read those documents which were referred to in written or oral evidence or cross referred to in other such documents.
4. At the beginning of the hearing the claimant applied out strike out the respondent's witness statements on the basis that they had been served some eight days late. Alternatively, he applied to strike out the witness statement of Mr Dean on the basis that it was not signed and dated.
5. The witness statements should have been exchanged in this case on 14 May 2025. The claimant agreed to extend this to 16 May. The respondent did not provide its witness statements until 22 May. I was told that this was because of

maternity absence, which had necessitated a last minute change of case manager and some late disclosure by the claimant, which had to be dealt with in the statements. Having established that the claimant's preparation for the case had not been unduly hampered by the delay I did not further investigate what was said to explain it. The respondent's witness statements covered familiar territory and the claimant had them for some 15 days prior to the start of this hearing. In those circumstances, I declined to strike out the statements. Whilst the claimant should have had a longer period to consider them, their late service had not prejudiced him, whereas striking them out would severely prejudice the respondent. I considered that the lack of a signature could easily be remedied by the witness and the order made for the exchange of witness statements did not specifically require them to be signed. Again, I declined to strike out that witness statement. There was no breach of any tribunal order and no prejudice to the claimant.

6. I heard from the claimant and from Mr Guy Dean, the dismissing manager, and Ms Sue Knight-Smith, who heard the appeal.
7. The claimant appeared to me to be an intelligent and articulate man, much as he was described in several references provided in a different context, but which were relied upon by him in mitigation during the disciplinary process.
8. During the investigatory process described below, the notes show that the claimant struggled to answer certain key questions regarding his conduct. He similarly struggled when cross examined. Pressed as to whether he knew of and understood certain of the respondent's policies, he repeatedly said that he had not been educated (by meetings or seminars) on those policies, but appeared to accept that the policies regarding treating people fairly and respectfully and not seeking to hurt or embarrass them and not acting so as to damage the respondent's business, were matters of common sense and good behaviour. I found him an honest witness struggling to explain aspects of his conduct. In particular, in relation to sending his petition to a Mr Patel, a matter explained below.
9. Both Mr Dean and Ms Knight-Smith appeared to be diligent and careful witnesses. I gained the impression that both had investigated and considered the claimant's conduct with care and had struggled to find the appropriate response to the claimant's conduct in the light of his long and largely unblemished service and current state of health. Both sought to explain their decision making and reasoning processes when asked, with the same care that the contemporaneous documents show that they took when dealing with the claimant at the time.

Findings of fact

10. At the time of his summary dismissal on 25 June 2024 the claimant had been an OPG of the respondent for some 19 years. He had begun as a part-time worker but for many years had been a full time member of the night shift at Greenford Mail Hub.
11. In 2001, whilst both were OPGs, Mr Patel had raised a grievance against the

claimant. It was partially upheld. Mr Patel later became a manager on the night shift at Greenford. From then and for several years until 2021 there does not appear to have been any animosity between them.

12. In 2021 Mr Patel was the manager charged with dealing with a grievance raised by the claimant against two other employees. There is no need for me to name them. The grievance alleged that one employee had removed a "York", a moveable storage container, from the claimant's area and replaced it with a damaged one, and that the other employee behaved in an inappropriate way when challenged by the claimant. The second subject of the grievance was a manager to whom the claimant had reported the incident, whom the claimant considered had not dealt with the matter appropriately. It is clear from the contemporaneous documentation that the claimant wanted the employee who substituted another York to be dismissed.
13. Mr Patel found that the first employee moved the York for good reason and that the replacement showed only very minor damage which did not impact its use and operation. He was concerned about the evidence of the altercation which followed. It appeared to him that the claimant might well have sought to manipulate the evidence so as to make a trivial matter much more serious with the aim of enabling the claimant to suggest that the first employee should be dismissed. Mr Patel established that the claimant had written the statement provided by the witness to the incident and that the witness had only seen part of the altercation which appeared to him to be a two-sided affair. This was a rather different picture to that painted in the statement prepared for him by the claimant. Mr Patel was also unimpressed with the allegations against the second employee. The problem appeared to be that the claimant would not accept that employee's finding that the incident reported to him was trivial.
14. The claimant would not accept the outcome of the grievance that he had raised; he appealed it, and it is clear that the manager, who was from another part of the respondent's organisation based at a different location, took too long to deal with it. He did eventually dismiss the appeal.
15. In late 2023, the claimant raised a grievance against Mr Patel regarding his attitude to the claimant taking brief unscheduled tea breaks due to his state of health. Another manager declined to uphold the grievance dismissing it, with detailed reasoning and after a careful investigation, on 23 October 2023. The claimant again appealed, but this appeal was unresolved at the time of the events below which began with an online petition launched some time shortly prior to 17 October 2023.
16. Periodically, the respondent sent hard copies of a booklet called "Our Business Standards" to all employees. It emphasised the need to treat everyone fairly and with respect, not using social media to demean or ridicule anyone, and not acting in an intimidating, threatening, derogatory or discriminatory way and "Not [to] do or say anything that might harm our business, our colleagues or others we come into contact with".
17. The respondent had a social media policy which stated as follows:

“If an employee’s behaviour is seen to either potentially harm their relationship with Royal Mail Group or the reputation of the business, their actions may be addressed under the Conduct Policy.

Breaches could lead to disciplinary action and in cases where the behaviour is serious enough to be considered gross misconduct this could lead to dismissal.”

18. The Conduct Policy set out a far from unusual definition of gross misconduct and contained some non-exhaustive examples. It emphasised that the seriousness of any particular behaviour would be judged in context and on a case by case basis.
19. The claimant was asked in the course of the disciplinary process, which I deal with below, about his knowledge of those standards and policies. His answers were inconsistent, and he sometimes responded, “no comment”. The relevant managers formed the view that he was aware of the policies (as he sometimes accepted) and that he was aware that the conduct of which he was accused, would place him in breach of them and, indeed, was the sort of conduct which was self evidently likely to harm the respondent’s reputation and cause hurt to Mr Patel in particular. They considered that the claimant regarded it to be the sort of conduct which any employer could regard as serious misconduct.
20. The claimant was clearly very unhappy with the outcome of his two grievances. He considered the way they were dealt with and the outcomes to amount to further bullying and harassment. He regarded Mr Patel as being the instigator of this bullying and harassment. He maintained in the disciplinary process and in evidence, that Mr Patel had been bullying and harassing him for the last two years. However, there had been no other complaint or grievance, save for those dealt with above.
21. The claimant is a member of an online group called “Organise”. Its website enables members to post comments and petitions. In October 2023 the claimant posted a letter to the CEO of the respondent under the heading “Irradicate bullying and harassment at Royal Mail!”. This letter stated:

“I work on the night shift at a Royal Mail centre. I’ve been a victim of bullying and harassment at the hands of my managers. They display a lot of favouritism, mishandling and misuse of power and resources. On filing my complaint and grievance, despite my repeated requests at the outset to investigate independently, my request was ignored and only internal enquiries were conducted. This was totally unacceptable, inappropriate and resulted in a biased decision.

My complaint went unresolved and I was once again bullied, abused and threatened for Code of Conduct violations. I was also told that my complaint was not filed in good faith.

This creates an environment where no one feels able to complain about any manager in the workplace but rather get ready to face bullying and harassment and victimisation.

...

This is how staff are treated and abused by management at Royal Mail.

...

I feel ashamed, embarrassment and disgusted about how I was treated when challenging my managers. I think staff members don't feel comfortable and respected at the hands of the management at my mail centre."

22. The letter was accompanied by a petition. This petition was drawn to the attention of managers by fellow employees on the night shift who appeared unhappy at being asked by the claimant to sign his petition. The claimant was informally spoken to and then a formal interview took place with a Communication Worker's Union representative present. The claimant maintained that he was entitled to act as he did because his allegations of bullying and harassment were not properly dealt with and that he had not approached anyone to sign the petition. I note that shortly after the petition was originally put online the outcome of the second complaint was announced as I deal with below.
23. The investigating manager at this stage, a Mr Scoular, then interviewed those who had reported the petition and being asked to sign it. He also learnt that the claimant had sent the petition to Mr Patel. He then reinterviewed the claimant on 9 November. In that interview the claimant said that it was Mr Patel who was the manager who had been bullying and harassing him and when asked whether he had sent the petition to Mr Patel, he persistently replied "no comment".
24. Mr Scoular then passed the matter to a more senior manager, Mr Dean, to consider whether there should be disciplinary charges brought against the claimant. Mr Dean decided to notify the claimant of three charges. These were:

"Unacceptable external behaviour in that you set up and posted a survey on a public forum which is a breach of our business standards and social medial policies.

Unacceptable internal behaviour in that you approached and requested colleagues to sign and make others aware of a survey set up by yourself on a public forum which is a breach of our business standards and social media policies.

Unacceptable behaviour in that you directly emailed Mr A Patel the survey link in an attempt to cause upset which is a breach of the Royal Mail's standards and failing to treat Royal Mail colleagues with respect and dignity."
25. On 29 December 2023, Mr Dean held a formal conduct meeting with the claimant and his CWU representative. Each of the three charges was considered in turn. In advance of the meeting the claimant had helpfully provided the respondent with a written statement explaining why he put the petition online. In it he said that he had been bullied and harassed and that the decisions so far made had been biased and prejudiced and that the complaints should have been resolved in his favour given the ample evidence he had provided. Of course, the second complaint had been resolved against him a little before this point in time. He pointed to the impact on his health. He made similar statements during this meeting and disputed that the allegations could amount to gross misconduct because they fell outside the list of more usual possible incidents of gross misconduct found in the conduct policy.

26. As to the second charge relating to his efforts to get others to sign the petition, he claimed that the employees who informed the respondent held grudges against him. What he could not explain was that, if he had not approached anyone asking them to sign as he had previously claimed, why those employees, who he knew held grudges against him, had had been sent the petition (as WhatsApp messages showed was the case) or had been asked by him to get family and friends to sign it as their statements suggested.
27. As to the third charge relating to Mr Patel, the claimant maintained that it was Mr Patel who had treated him without dignity in the way that he had failed to find his 2021 complaint upheld despite ample evidence, and the way he had dealt with him leading to the 2023 complaint. When pressed, he denied sending the petition to Mr Patel saying that he had no knowledge of Mr Patel's telephone number.
28. Mr Dean's decision was announced orally and sent to the claimant on 25 January 2024. Mr Dean summarised the evidence before him, all of which the claimant had received copies of and, as regards the notes of meetings with him, had been given the opportunity to correct or comment on. He also referred to the claimant's mitigation and why it did not dissuade him from what would otherwise have been his chosen penalty and why a lesser serious penalty was, in his view, inappropriate. Mr Dean concluded:

"I find that you are in breach of the first notification of unacceptable external behaviour in that you set up and posted a survey on a public forum which is a breach of our business standards and social media policies.

I find you have breached the second notification as there is clear evidence that you did actively approach and requested colleagues to sign and make other aware of a survey set up by yourself, also that you forwarded the link to people to complete the survey. During your formal meeting you raised as mitigating circumstances the witnesses have grudges against you. I considered this but felt it held little weight as there is clear evidence for one of the witnesses that you sent the link via WhatsApp and I fail to understand why you would send a WhatsApp message with the link to the survey to an employee you allege held a grudge against you and so believe this to be untrue,

I find you have breached the business standards of treating people with respect and dignity as there is clear evidence that you sent a WhatsApp message to Mr Patel containing the link to the survey and I believe this was with the intent to cause upset and intimidation."

29. Mr Dean concluded his reasoning by referring to what he regarded as the claimant's lack of honesty in the hearings and lack of remorse. He found:

"When deciding on an appropriate penalty, I considered your current conduct record which is clear and the length of service I also took into account your medical conditions, but felt this was not a mitigating reason for the actions you took and behaviours demonstrated. I looked at a lesser penalty of suspended dismissal but felt that given the seriousness of the notifications and the concerns I have in regard to your honesty, I felt that this was not appropriate. Conduct should be corrective and as [I] believe you were dishonest throughout the investigation, I do not trust that you will not do this again and, therefore I do not believe the behaviour can be corrected. Therefore, I concluded that dismissal without notice is appropriate."

30. Explaining his reasoning in cross examination, Mr Dean said that he was very troubled by aspects of the claimant's behaviour during their meetings:
- 29.1 The claimant was unable to accept that the allegations of bullying and harassment had been adequately dealt with, despite detailed investigations and reasoned conclusion. It appeared to Mr Dean that the claimant would not accept any conclusion other than the one he wanted and accused anyone who did not reach such a conclusion of bullying and harassing him.
- 29.2 The claimant's answers regarding knowledge of the policies seemed to him confused and evasive and when faced with having to deal with difficult issues, such as whether he had read and understood the policies, and whether what he had done might denigrate the respondent or Mr Patel he resorted to saying, "no comment".
- 29.3 The claimant's explanations for the evidence of the three employees who said that the claimant had approached them changed from saying he approached no one to saying that he did not force anyone to sign, and the suggestion that it was an answer to the allegation to say that these people held a grudge, appeared to Mr Dean to make no sense.
- 29.4 Particularly troubling to Mr Dean was the response to the allegation of sending the petition to Mr Patel. The claimant simply refused to accept that he had done so, despite clear evidence from WhatsApp messages which demonstrated that he had.
- 30 Those matters taken together persuaded Mr Dean that the claimant was likely, if he continued in employment, to behave in similarly unacceptable ways justifying this, as he had justified his previous conduct, by the respondent's failure, as he saw it, to deal adequately with the bullying and harassment.
- 31 The claimant appealed. Under the respondent's policies an appeal is to an independent case manager who rehears the matter. In this instance, the case manager was Ms Knight-Smith, someone with lengthy employment by the respondent who was a very experienced case manager having dealt with many such appeals and who was comfortable with reversing a decision to dismiss where she felt this appropriate and had done so.
- 32 The claimant's appeal grounds had appended to them several references written in about 2014 when the claimant was applying to become a magistrate, Some were written by the respondent's then managers responsible for the claimant.
- 33 Ms Knight-Smith had before her all the material before Mr Dean and his written outcome. She also obtained access to the documentation relating to the claimant's bullying and harassment complaints and Mr Patel's grievance against him from 2011. She was conscious that she could not redetermine any of those matters but she wished to see if there was evidence of a thorough investigation followed by reasoned conclusions. She was satisfied that this appeared to be the case.

- 34 The claimant's case before her was very similar to that he advanced before Mr Dean. However, the answer to the allegation of sending the petition to Mr Patel had changed a little. The claimant now said that he may have sent it by mistake. Both before Ms Knight-Smith and in cross examination, the claimant could not explain how that could have happened unless he was sending the petition to all of his contacts. However, he maintained then and maintains now, his denial that he sent the petition to anyone save one or two people who had specifically asked him to do so. In cross examination he suggested that the three people who alerted managers might also have been sent the petition by accident. But again, he was unable to explain how that could have happened.
- 35 Ms Knight-Smith sent her outcome with detailed reasons to the claimant on 22 March 2024. She set out various findings which she further explained when challenged in her oral evidence. Her findings, in short, were as follows:
- 35.1 The outcome is in relation to the previous incidents in 2021 and 2023 appeared reasonable on the evidence and that, in any event, the incidents did not seem to be ones of bullying and harassment. She considered that there were minor errors in the process which dealt with those complaints. She explained in evidence that one such was the delay in the appeal process. Indeed, she felt that the complaints and appeals could all have been dealt with more quickly.
- 35.2 The claimant said that the petition was intended to help resolve bullying and harassment issues on the night shift but could not explain to her how it was likely to help given that the issues raised by the claimant in 2021 and 2023 had been fully investigated and decisions reached and communicated to him. The posting of the letter and the accompanying petition appeared to Ms Knight-Smith a clear breach of the respondent's policies. She was satisfied that the claimant was aware of those policies, the reputational damage to the business that this could cause, and the likely adverse impact on the night shift and its managers of such allegations being made on a public forum.
- 35.3 She noted that there was no suggestion that the claimant had forced others to sign the petition. Hence, she accepted what the claimant said in that regard. But he had also maintained that he did not approach colleagues asking them to sign the petition and to get family and friends to do likewise. She considered that he was untruthful about that when interviewed and when he maintained that stance before her. The suggestion that those who complained to managers held a grudge against him did not, for her, negate their evidence that they had been approached, as they alleged, and sent links to the petition as the evidence before her showed that they had been.
- 35.4 The suggestion that the claimant sent the petition to Mr Patel by accident appeared to her absurd, especially when he maintained that he did not have Mr Patel's telephone number and had not circulated the petition or approached any employee to sign it. The claimant appeared to her to be untruthful in this regard, attempting to cover up what he had done, and this suggested to her that he knew his actions to have been inappropriate.

She considered that the sending of the petition was done with the intent to cause real distress to Mr Patel, the motivation for that being that Mr Patel had not found in his favour back in 2021 and had behaved in the way alleged in the 2023 complaint.

- 36 Her approach to and conclusion regarding the appropriate penalty and the claimant's mitigation was similar to Mr Dean's approach and conclusion. The respondent's policies were, in her view, clear and in this context, appeared entirely sensible and what one would expect from an employer with appropriate procedures in place for addressing concerns which procedures had been used and a conclusion reached. In such circumstances an employer could not be expected to tolerate the making of such allegations as this letter made in a public forum. Such statements would clearly bring the employer into disrepute with those who read them and the vilification of managers, especially ones already exonerated by a comprehensive process, would obviously cause them distress in her view.
- 37 Ms Knight-Smith considered that the claimant's long and largely unblemished service did not provide sufficient mitigation, especially having regard to two matters. Firstly, the claimant being untruthful during the investigation, including before her. Secondly, his failure to show any remorse coupled with his insistence that he was right that there had been bullying and harassment, and that those who did this needed to be punished. She considered that he continued to see himself as the victim of an ongoing campaign of bullying and harassment and she was concerned that he would not let this rest and would continue to behave in similar ways unless and until the respondent acknowledged that he, the claimant, was right, and dealt (in ways he found appropriate) with the managers who had bullied and harassed him.
38. In that regard I note the following:
- 38.1 The claimant has persistently alleged widespread wrongdoing on the part of the respondent's managers but no details other than as dealt with above have been given.
- 38.2 This was repeated in closing submissions where the respondent alleged "Continuous misuse of power by managers" and suggested that "Exploitation of agency staff and discrimination are in full swing at the Greenford Mail Centre".
- 38.3 In those written submissions he also alleged the managers to be "Goddam monsters and evil people."
39. When cross examined the claimant said that, in October 2023, and now, he considered that the night shift was a toxic workplace, that he would not recommend anyone to work for the respondent, that the picture he painted in his letter posted online was a true one and that there was a culture of bullying and harassment and serious bad behaviour by managers. He accepted that making these points in a public forum would bring the company into disrepute but believed that this was their own fault as they had failed to address the problems. He maintained that the managers involved were Mr Patel and the others that he

had identified in his 2021 complaint. When cross examined the claimant suggested to Mr Dean that he was also responsible for bullying and harassment because he had set out to dismiss the claimant. He did not accuse Ms Knight-Smith of having a similar pre-determination to dismiss him.

Law and submissions

40. For a dismissal to be fair as a matter of law (see section 98 of the Employment Rights Act 1996) it must be for a statutorily permissible reason. The burden is on the respondent to satisfy me that it did dismiss for such a reason. One such reason is the employee's "conduct".
41. If an employer satisfies that burden, the employment tribunal must go on to consider whether the dismissal was fair in all the circumstances having regard to equity and the substantial merits of the case and the size and administrative resources of the respondent (see section 98(4) of the ERA).
42. In relation to conduct dismissal cases guidance was given by the EAT in BHS Limited v Burchell [1978] IRLR 379 as to the approach to be taken. That guidance has been repeated in various factual contexts, in the EAT and the Court of Appeal, on numerous occasions. A tribunal needs to deal with five fundamental but interrelated questions:
 - 42.1 Did the respondent genuinely believe the claimant had committed misconduct?
 - 42.2 Were there reasonable grounds for holding that belief?
 - 42.3 Had the respondent carried out a reasonable investigation before forming the belief?
 - 42.4 Was the claimant overall treated in a procedurally fair manner?
 - 42.5 Was the dismissal within the band of responses available to a reasonable employer confronted by these particular circumstances?
43. In considering whether dismissal falls within the band of reasonable responses I need to consider whether, when breach of a company policy is relied upon, that policy, and the possible consequences of breach, have been sufficiently brought to the attention of the claimant. As the Acas Code and its accompanying guide make clear, there are types of misconduct which will universally be regarded as such and where the risk of dismissal for such conduct is equally obvious. Bringing an employer into disrepute and acting so as to cause significant harm to fellow employees are examples of that sort of misconduct.
44. In British Leyland v Swift [1981] IRLR 91, the Employment Appeal Tribunal noted that

"An employer in deciding sanction can take into account the conduct of the employee during the investigative and disciplinary process so if he persistently lies that can be a factor in deciding to dismiss him".

45. Hence, a failure to exhibit remorse, to accept that the conduct in question was unacceptable, and the displaying of indications that similar unacceptable conduct may follow in the future, are all factors that an employer can look at when deciding on penalty: see, in that context, for example Retarded Children's Aid Society v Day [1978] ICR 437.
46. Where an appeal against dismissal constitutes a rehearing of the case, it may cure any defects in approach of reasoning in the first decision appealed from if it is conducted appropriately.
47. The claimant relies on his right to freedom of expression. This is a right found in Article 10 of the European Convention of Human Rights. In this country the convention is given statutory force by the Human Rights Act 1998. This right is not an absolute one. A dismissal which is in part because of the publication of material on a public forum may be said to interfere with the right to freedom of expression but that interference can be justified by reference to the impact of what is said on the respondent's business and other of its employees. This matter was not addressed in detail before me, indeed, it is referred to only in very general terms in the claimant's submissions. I did not consider it necessary to explore the law in any greater detail than as set out above in submissions and, hence, I do not do so here.
48. Section 123(6) of the ERA deals with contributory fault. Cases such as Nelson v BBC (No.2) [1979] IRLR 346 set out what matters I need to consider should I turn to the question of contributory fault.
49. The respondent's written submissions dealt briefly with the law and those submission and the respondent's oral submissions dealt with some key factual issues. I need not set out those submissions here. Likewise, the claimant's written submissions which he did not amplify orally, dealt only with matters of fact. It is sufficient for me to have resolved those factual disputes, as I have done, keeping in mind what each party said.

Application of the law to the facts

50. I am satisfied that both Mr Dean and Ms Knight-Smith genuinely believed that the claimant had committed the three acts of gross misconduct which were alleged against him. I reject the suggestion that Mr Dean had all along intended to dismiss the claimant and his disciplinary process was, as a result, in some way a charade. In any event, that allegation was not put to Ms Knight-Smith, who considered the matter anew.
51. I consider that there were reasonable grounds for considering that the claimant had committed the acts of gross misconduct alleged. There was no dispute that he had caused the letter and petition to be published. The assertions made by those who alerted managers and by Mr Patel and the claimant's responses to those matters provided such reasonable grounds.
52. There was a reasonable investigation. The claimant was interviewed with a representative present; disciplinary charges were put to him in writing; he was given an opportunity to address the key issues; and points that he made,

especially as to mitigation, were considered.

53. Was the procedure adopted a fair one? Other employers might have acted differently, for example, no other of the signatories were interviewed, but I consider that the approach adopted was a procedure which a reasonable employer could adopt. Indeed, it appears to me to have been a thorough process which included, in particular for Ms Knight-Smith, a detailed review of the materials available in respect of the earlier complaints both by Mr Patel and by the claimant.
54. I am satisfied that the dismissal was within the band of responses available to a reasonable employer. I consider that the respondent was entitled to form the view that the claimant was aware of the policies in issue and the possible penalty for significant breach. In any event, I consider this to be a case where the policies served only to spell out plain and obvious matters and where the conduct obviously risked dismissal. The decision makers were entitled to take into account the claimant's conduct during the disciplinary process, in particular his lack of honesty when asked questions. His lack of remorse and his fixation on his view of how he had been treated and how his managers operated. A reasonable employer could, in my view, conclude that the claimant would be likely to continue to pursue these matters by similar improper behavior should he remain in employment.
55. The claimant's right to freedom of expression was impacted by the respondent's reaction to his conduct, but in a way I consider reasonable and proportionate. The claimant had acted in a manner which I consider that he knew would damage the reputation of the respondent and would cause hurt and upset to Mr Patel in particular. The claimant considered his own conduct to be justified and the respondent and Mr Patel both to be authors of their own misfortune by failing to act as he had wished, but that is not material.
56. I accept that the decision to dismiss was not an easy decision for either Mr Dean or Ms Knight-Smith. What I personally might have done in their position is neither here nor there. It is not for me to substitute my view for theirs. I am satisfied that they looked at all relevant matters, including the mitigation put forward, agonised and reached a decision open to a reasonable employer.
57. It follows that the claim for unfair dismissal must fail, and I need not, in those circumstances, consider the issue of contributory fault.

Approved by:

Employment Judge Andrew Clarke KC
27 June 2025

JUDGMENT SENT TO THE PARTIES ON

8 July 2025

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FOR THE TRIBUNAL OFFICE

Notes

All judgments (apart from judgments under Rule 51) and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.

If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. 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:

www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/