



EMPLOYMENT TRIBUNALS

SITTING AT: LONDON CENTRAL by CVP

BEFORE: EMPLOYMENT JUDGE F SPENCER

BETWEEN

Mr P Sullivan

CLAIMANT

And

RTC Education Limited

RESPONDENT

ON: 13 and 14 November 2025

Appearances:

For the Claimant: In person

For the Respondent: Mr A Jabir, counsel

RESERVED JUDGMENT

The Judgment of the Tribunal is that:

- (i) The Claimant's claim for wrongful dismissal succeeds;
- (ii) The Claimant's claims for direct discrimination because of religion or belief, direct race discrimination, victimisation and unlawful deduction of wages fail and are dismissed.
- (iii) The Respondent is ordered to pay the Claimant £1,615* by way of damages for breach of contract.

*The above amount represents the Claimant's gross pay (though any amounts validly deducted for tax or national insurance shall be treated as a valid discharge of this judgment.)

REASONS

Background and procedural history

1. The Claimant was employed as a law lecturer by the Respondent from 9 January 2023 until 18 January 2024, when he was summarily dismissed.
2. The Claimant presented his claim to the Tribunal on 2 April 2024. That claim, which contained very few details, was a claim for automatic unfair dismissal for asserting a statutory right, harassment and victimisation, unpaid wages and notice pay. The claim for harassment and victimisation was unparticularised, in that the Claimant did not identify either a protected characteristic or what matters were said to amount to harassment or victimisation. The claim for dismissal for asserting a statutory right did not identify the statutory right that had been asserted.
3. There was a preliminary hearing on 26 September 2024 before Employment Judge Bromige. At that hearing the claim was also understood to include claims of direct race discrimination. At that hearing the Claimant said that he relied upon his ethnic origin as being Northern Irish. He also sought to add a claim direct belief discrimination based on a philosophical belief “that would be attributed to the Labour Party or perceived as being left-wing.”
4. There was a further hearing on 24th November 2024 before Employment Judge Millns to consider, amongst other things, the Claimant’s application to strike out the Response which was unsuccessful. At that hearing the Claimant withdrew his complaint of automatic unfair dismissal for the assertion of a statutory right.
5. At a third preliminary hearing before Employment Judge Bunting on 13 January 2025 the Claimant was permitted to amend his claim to include a claim of direct belief discrimination because of his political beliefs and to add a number of additional instances of less favourable treatment.
6. The final list of issues is set out in the Case Management order of EJ Bunting. To that list of issues I have added wrongful dismissal as that was a box that the Claimant ticked when presenting his form. The Claimant claims that his dismissal was act of direct race discrimination, an act of direct race discrimination because of his political beliefs, and victimisation. The Claimant’s political beliefs were described as “not aligning with those of the Conservative and Unionist Party”. At the start of the Hearing the Claimant said it was not his case that his beliefs were “relevant” but was relying on Caroline Walsh and Mr Donnarumma’s perception of his beliefs as not aligning with those of the Conservative and Unionist party.

7. In addition to the dismissal the matters set out below (as set out in EJ Bunting's Order) are said to be acts of direct discrimination because of race or perceived belief, as well as acts of victimisation. The protected act is said to be that the Respondent believed that the Claimant had done or might bring proceedings or raise complaints or grievances about his treatment which he perceived to be discrimination.

7.1 Between August and December 2023, the Respondent imposing an excessive workload on the claimant by:

7.1.1 Requiring him to go to meetings that other staff in a similar position as the claimant were not required to

7.1.2 Giving him additional administrative tasks including:

7.1.2.1 Marking and moderation of assessment

7.1.2.2 Conducting admission interviews

7.1.2.3 Communicating with staff and students about issues relating to assessment, etc

7.2 Between August and December 2023 making demeaning comments about the claimant such as:

7.2.1 Asking him when he was coming back to the United Kingdom, when they were aware that he was in Northern Ireland

7.2.2 Repeatedly asking him why, as a barrister, he was working for the respondent and not in practice

7.2.3 Repeatedly telling him that you would not earn as much as an academic as he would in private practice

7.2.4 Repeatedly singling him out for praise in an attempt to drive a wedge between him and his colleagues

7.3 On no more 'a few' (no more than five) occasions in January 2024 (through Caroline Walsh and Mizan-ur Rahman) emailed the claimant to raise 'insignificant issues' purportedly related to his performance such as:

7.3.1.1 Stating that the claimant was [taking] too long to respond to emails/team messages

7.3.1.2 Asking the claimant why he was showing as 'offline' on Teams

- 7.3.1.3 Requiring the claimant to attend a disciplinary meeting (in person, with the option of attending online) with only 24 hours' notice.
 - 7.3.1.4 Refusing to give the claimant a copy of the grievance procedure after he notified the respondent that he wished to make a complainant against Caroline Walsh.
8. The wages claim related to £800 deducted for a computer which the Claimant had not returned and payment of salary for four days when the Respondent said the Claimant was absent from work.
 9. It was the Respondent's case that the Claimant was dismissed for being absent without leave and that he failed to attend the disciplinary hearing.

Evidence

10. the Tribunal heard evidence from the Claimant and for the Respondent from Mr M Rahman, Deputy Director of People for the Respondent, who attended the dismissal hearing. I did not hear from Ms Walsh who took the decision to dismiss. I had a bundle of documents from the Respondent running to 485 pages. In addition, the Claimant provided what he referred to as a re-amended hearing file, with some additional documents.
11. Despite a careful enumeration of the issues in the case by Employment Judge Bunting the Claimant's witness statement did not deal with those issues. It did not refer to his dismissal, did not refer to matters that might suggest that he was given an excessive workload, nor deal with the claim for unpaid wages. In relation to the issues set out at paragraph 7.2 the Claimant referred to a single comment from Mr Donnuramma about why he was not returning to the UK and whether he could make more money practising law at a meeting which occurred between November 2023 January 2024 (rather than repeated comments). The facts below have emerged from the documents, Mr Rahman's witness statement, cross examination and questions from the Tribunal

Relevant facts

12. The Claimant was employed by the Respondent from January 2023. He is from Northern Ireland and has been called to the bar of Northern Ireland and the bar of England and Wales. He was a practising self-employed barrister at the bar of Northern Ireland between 2013 and 2022, while concurrently lecturing undergraduate and postgraduate law.
13. In his evidence in chief the Claimant records that he had created a new module for foundation year law students and that he had passed his

probation with his attendance and punctuality recorded as being an area of strength.

14. The Claimant was engaged on a full-time contract (40 hours per week). Between November 2023 and January 2024, he went to live with his family in Northern Ireland because of problems with his rental property in London. It was his evidence that while he was in Northern Ireland Mr Donnarumma asked him, "*when are you coming back to the UK*" and also asked him why he was willing to work for the level of remuneration offered by the Respondent when he could make more money practising law. Also, in November 2024 the Claimant's lecturing timetable was reduced to one online class per week which he could deliver remotely.
15. The Claimant's working week was Saturday – Wednesday with Thursday and Friday off. On Wednesday 9 January 2024 the Claimant took annual leave to attend a funeral in Northern Ireland. On Saturday, 13 January 2024, Ms Wash, the Deputy Provost called the Claimant but got no answer. She then emailed the Claimant to say that she assumed that the Claimant was working that day and the next day but, as she had not seen him on MS Teams, she was emailing as they needed his help with a remarking project, and that they currently faced a "significant challenge" because the Respondent's marking had not met the expectations and standards of their of their partner Saint Mary's University (SMU) or its external examiner. A significant amount of work needed to be re-marked urgently. He was asked to come to the office in Holborn on Monday (15th). It appears from the bundle that the Claimant sent a Teams message to Ms Walsh on Teams at 17.38 on the 14th (410) asking if he could contact the University direct to "ascertain where my FDY3014 first-marking is apparently falling short of SMU expectations". Ms Walsh responded that he should not correspond directly with SMU but come to Holborn the next day to discuss in person "or else on MS teams".
16. The Claimant did not attend the office on the 15th, nor get in touch with Ms Walsh. Ms Walsh called him at 11.51 and then emailed him at 11.57 asking for him to call as they needed his help with access to some Teams recordings. (388) Ms Walsh complained to Mr Rahman, who emailed the Claimant (394) noting that they were concerned about his whereabouts as he had not been online (and Teams showed as inactive) had not responded to emails. He was asked to contact Ms Walsh or himself by 4 p.m. the same day so they could access some urgent information that Ms Walsh required. (394). Ms Walsh called the Claimant again on the 16th at 10.42. and sent him a Teams message asking him to call as soon as he received her message. There was no response to any of those messages.
17. At 1 pm on the 16th Mr Rahman emailed the Claimant noting that he had not made any meaningful contact with the Respondent over the past week

and failed to contact him or Ms Walsh. The Claimant was informed his absence from Wednesday, 10 January would be treated as unauthorised and unpaid and he was required⁷²

18. to attend a formal disciplinary meeting to discuss his unauthorised absence. The meeting was scheduled for Wednesday 17th January at Holborn at 1 p.m., giving the Claimant only 24 hours' notice.
19. The Claimant responded at 8:30 p.m. stating that
 - a. he had not been absent from work, he was not required to report his whereabouts;
 - b. he had conducted remote teaching as timetabled on Sunday, 14 January and he was committed to delivering his teaching;
 - c. he would not attend any disciplinary meeting "whether tomorrow or at any time in the future".. though confusingly he also said that "If Regent requires me to attend a disciplinary meeting now or at any time in the future, I require reasonable (5+ working days) notice of the proposed meeting."
 - d. He was considering whether the threatened disciplinary action/unlawful deduction of wages amounted to harassment/bullying and asked to be provided with "the formal grievance procedure referred to under the Harassment section on page 72 of the handbook."

This request is relied on by the Claimant, for the purposes of this victimisation claim, either as a protected act in itself or, as giving rise to the belief on the part of the Respondent that he had done or may do a protected act a protected act for the purposes of his victimisation claim

20. On 17 January 2024 Mr Rahman responded saying that the meeting would proceed as planned, but if he was unable to attend in person it could take place via Teams. He also asked for information as to the Claimant's activities/classes since last Tuesday, why he had attended the meeting on Saturday with Caroline, why he had not responded to emails and request for information on why his Teams was³ showing offline.
21. The Claimant did not respond, and the meeting was held in his absence. Ms Walsh reviewed email activity on the Claimant's account which showed no emails sent between the and 16 January 2024.
22. On 18th January Mr Rahman wrote to the Claimant saying that he had been dismissed for "unauthorised absence since 10 January 2024 where you failed to attend work, respond to urgent queries and make meaningful contact with your manager and colleagues." The Claimant was summarily

dismissed and was not paid his contractual notice period of two weeks. (422)

23. The Claimant did not appeal. On 28 January 2024 he sent the Respondent a letter informing them that he intended to make a claim against the Respondent. (452).
24. The Respondent has deducted four days' pay from the Claimant's January pay in respect of the dates that they say he was not work (10th, 13th 15th 16th and 17th January). He was overpaid in respect of holiday pay by some 4.5 days.
25. The Claimant has not to date returned his work laptop and the company has deducted £800 from his wages in respect of that. The Claimant's contract of employment (219) authorises a deduction of wages in respect of sums owed to the Respondent for, into alia, company equipment.

Relevant law.

26. Section 39 of the Equality Act 2010 prohibits an employer discriminating against or victimising its employees by dismissing them or subjecting them to any other detriment. Section 40 prohibits an employer from harassing its employees.
27. Section 13 defines direct discrimination as follows:-

“A person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favorably than A treats or would treat others.

Race and religion or belief are protected characteristics.

28. Section 13 focuses on “less favourable” treatment. A claimant must compare his treatment with that of another actual or hypothetical person who does not share the same protected characteristic. In comparing whether the employee has been treated less favourably than another, section 23 of the Equality Act provides that “on a comparison of cases for the purposes of section 13... there must be no material difference between the circumstances relating to each case.” It is not necessary for all the circumstances to be the same provided that the circumstances are materially similar. In other words, for the comparison to be valid like must be compared with like.
29. As to victimisation section 27 provides that
 - “(1) A person (A) victimises another person (B) if A subjects B to a detriment because–
 - (a) B does a protected act, or
 - (b) A believes that B has done, or may do, a protected act.
 - (2) Each of the following is a protected act–

- (a) bringing proceedings under this Act;
 - (b) giving evidence or information in connection with proceedings under this Act;
 - (c) doing any other thing for the purposes of or in connection with this Act;
 - (d) making an allegation (whether or not express) that A or another person has contravened this Act.
- (3) Giving information or making a false allegation is not a protected act if the evidence or information is given, or the allegation is made, in bad faith.”

32. When considering whether a claimant has been subjected to particular treatment ‘because’ he has done or may do a protected act, the Tribunal must focus on “the real reason, the core reason” for the treatment; a ‘but for’ causal test is not appropriate: (*Chief Constable of West Yorkshire v Khan [2001] ICR 1065 HL*). On the other hand, the fact of the protected act need not be the sole reason: it is enough if it contributed materially to the outcome (see Nagarajan, cited above).
33. The burden of proof is set out at Section 136. It is for the Claimant to prove facts from which the Tribunal could conclude in the absence of any other explanation that the Respondent has contravened the Equality Act. Once the Claimant has shown these primary facts then the burden shifts to the Respondent, and discrimination is presumed unless the Respondent can show otherwise.
34. The principles for determining whether there has been a breach of the Equality Act 2010 were set out in *Islington London Borough Council -- v- Ladele 2009 ICR 387*. The application of the principles identified in *Igen Ltd v Wong [2005] EWCA Civ 142, [2005] ICR 93*, has been the subject of important case law including *Madarassy v Nomura International plc [2007] EWCA Civ 33, [2007] ICR 867* and *Hewage v Grampian Health Board [2012] IRLR 870 SC..* At stage one, the complainant must prove facts from which the tribunal could conclude, in the absence of an adequate explanation, that the respondent has committed an act of discrimination against the complainant which is unlawful. So, the prima facie case must be proved, and it is for the claimant to discharge that burden. In considering at that stage what inferences or conclusions can be drawn from the primary facts, the tribunal must assume that there is no adequate explanation for those facts. The purpose of that assumption is to shift the burden of proof onto the respondent at the second stage. It does not diminish in any way the burden of proof at the first stage, when the tribunal is looking at the primary facts that must be established. But it is important not to make too much of the role of the burden of proof provisions. They will require careful attention where there is room for doubt as to the facts necessary to establish discrimination. They have nothing to offer where the tribunal is in a position to make positive findings on the evidence one way or the other.

35. At the first stage the claimant must prove “a *prima facie* case”. That does not mean simply proving “facts from which the tribunal could conclude that the respondent ‘could have’ committed an unlawful act of discrimination”. As was said by the Court of Appeal in *Madarassy v Nomura International 2007 ICR 867* and approved by the Supreme Court in *Hewage v Grampian Health Board 2012 ICR 1054* he continued (pp. 878-9): “56. ... “*The bare facts of a difference in status and a difference in treatment only indicate a possibility of discrimination. They are not, without more, sufficient material from which a tribunal ‘could conclude that on the balance of probabilities the Respondent had committed an act of unlawful discrimination.’*”

Submissions

36. The Claimant submitted that he was not guilty of misconduct, let alone gross misconduct. The Respondent had failed to carry out an adequate or proper investigation. The Respondent failed to consider the Claimant’s email in which he said he had not been absent from work and had taught a class on Sunday 14 January. Further, the decision had been made by Ms Walsh against whom he had, prior to disciplinary meeting notified the Respondent that he “may do” a protected act. There was no written evidence of substantiating the allegation against him. Insufficient notice was provided of the disciplinary hearing.
37. Given these another unfairness is the Tribunal should draw an inference that the true reason for dismissal was discrimination and victimisation. The Claimant was dismissed because of
- a. the Respondent’s perception that the Claimant is Irish and/or Northern Irish and/or not British;
 - b. the Respondent’s perception that his political beliefs “would not be attributed to the Labour Party or perceived as being left-wing not aligning with not supportive of the Conservative and Unionist party. the protection afforded by the equality act extended to people not holding a belief. The Respondent perceived that he had a lack of belief in the Conservative party
 - c. The Respondent’s belief that the Claimant had done or may do a protected act.
38. The Respondent submits that the Claimant had not established a prima face case of discrimination. There was no evidence to suggest that the

Claimant had an excessive workload. The Claimant accepted in cross examination that he did not openly discuss his political beliefs at work and there was no evidence to suggest or infer that he was perceived to be left wing. The alleged comments made by Mr Donnarumma did not establish a prime face the case of discrimination and there was no evidence of any causal link between his protected characteristics and the comments made.

39. He also submitted that the email that the Claimant sought to rely on as a protected act did not meet the definition of a protected act in section 27 of the Equality Act 2010 in that there was no allegation that the Respondent had contravened the Equality Act. In relation to the unpaid wages the Claimant accepted that he had not returned his laptop. He was paid his correct pay in January and in any event had been overpaid for his annual leave by more than the four days which the Respondent has deducted from his pay.

Conclusions

40. Direct race or belief discrimination. The Claimant has failed to provide any evidence which would suggest that Ms Walsh or Mr Rahman or anyone else at the Respondent had any perception that “his political beliefs did not align with those of the Conservative and Unionist party”. It is not enough to say that Dr Pankaj was a donor to Mr Sunak’s leadership campaign, or that there are no MPs representing Northern Irish constituencies who are Conservative or Unionist and no Conservative or Unionist elective representatives in the Northern Ireland assembly. The claim for discrimination based on perceived belief fails at that hurdle alone. But, even if it could be said to be that the Respondent perceived that he had, or did not have, any particular belief, the Claimant has failed to show any facts from which the Tribunal could infer that the Respondent acted as alleged because of his race and/or any perception of his political beliefs.
41. There was no evidence before me that between August and December 2023 the Respondent imposed an excessive workload on the Claimant by (i) requiring him to go to meetings that other staff were not required to or by (ii) giving him additional administrative tasks. This allegation is not made out in the facts.
42. The Claimant also suggests that the Respondent made demeaning comments about him. The only evidence before me which related to this allegation was that, while he was away in Northern Ireland, during an online meeting to discuss his property search, Mr Donnarumma asked the Claimant when he was coming back to the United Kingdom and asked him why he was willing to work for the level of remuneration offered by the Respondent when he could be earning more in private practice. Neither comment is particularly unreasonable or even remarkable. When I asked

the Claimant why he believed it to be unreasonable to ask him when he was coming back, the Claimant said that asking someone who was in Northern Ireland when they were coming back to the United Kingdom was indicative of discrimination because Northern Ireland was part of the United Kingdom.

43. I do not accept that. While it is true that Northern Ireland is part of the United Kingdom, given the context I find it far more likely, on the balance of probabilities, that the question was asked in an attempt to find out when the Claimant was coming back to London (his contract provided that he would be required to work/attend meetings at the Respondent's London Campus) and was phrased in such a way either because Mr Donnarumma was not aware that Northern Ireland was part of United Kingdom or from a sloppiness of expression. The question about why he worked for the Respondent when he could "make more money" practising law, does not seem to relate either to the Claimant's nationality, race or any perception of left-wing beliefs.
44. The Claimant does not suggest in his witness statement that these questions were asked "repeatedly" as set out in the list of issues. There was nothing in the Claimant's witness statement which related to his complaint that the Respondent repeatedly singled him out for praise "in an attempt to drive a wedge between him and his colleagues".
45. The Claimant also alleges that he was directly discriminated against because Ms Walsh and Mr Rahman on "a few (no more than five) occasions in January 2024 emailed him to raise "insignificant issues purportedly related to his performance. These are the January emails to which the Claimant was not responding.
46. Those emails/contacts are detailed above. They were not "insignificant issues". While the Claimant was permitted to work remotely and was trusted to do so, he had not responded to what were evidently urgent requests from the Respondent to get in touch. His Teams message on 14th January shows that he was aware of the issues that the Respondent was facing, but had chosen not to make himself available on Monday 15th to assist. While I consider that the Respondent acted with unreasonable haste in moving to a disciplinary process (see below), in the circumstances the questions arose from the fact that he was not responding to a number of urgent requests at a time when he was required to be at work, and not because he was from Northern Ireland or because of any perception of his political beliefs.
47. The Respondent did not "refuse" to give him a copy of the Grievance Procedure. He already had a copy as it was contained in the handbook. In any event the email he sent was sent after hours on the evening before his

disciplinary hearing, and there is no material which was suggest that a failure to respond to that request was connected or related to his race or political beliefs.

48. This case, however, is clearly really about the Claimant's dismissal. The Respondent acted with unreasonable haste in moving to a disciplinary process and dismissing the Claimant. If the Claimant had had the requisite service for a case of ordinary unfair dismissal, the dismissal would have been unfair as the Respondent did not sufficiently investigate whether the Claimant had in fact been working, and did not allow the Claimant sufficient time to respond and to reflect on whether or not he would attend a disciplinary hearing. The disciplinary hearing was called at extremely short notice, and although the Claimant's email in response was belligerent, it would have been reasonable for the Respondent to have given the Claimant more time to reflect and a second chance to attend the reconvened hearing.
49. However, the Claimant does not have the relevant service, and the issue is not whether his dismissal was unfair, but whether Claimant has proved facts from which the Tribunal could conclude, in the absence of any other explanation, that the Respondent has contravened the Equality Act.
50. Although the Respondent did move with unreasonable haste to dismiss the Claimant, there were undoubtedly significant failures by the Claimant in the relevant period to respond to phone calls, emails and Teams messages at a time when the Respondent was asking for his urgent assistance.
51. The Claimant says that he was working in the relevant period. He said (but only in cross examination) that he sets his status on Teams to "off-line" when working so that students can contact him, and that it was still possible to contact him even when his status was of line. But these are not explanations he chose to share with the Respondent at the time and, apart from referencing one online class, he chose not to respond to requests for help or provide information to the Respondent as to what he had been doing on the relevant period.
52. I am satisfied that the Claimant was dismissed because of his failure to respond to emails, calls and Teams messages, and his failure to give any explanation as to what he had been doing in the relevant period. I do not accept that his dismissal was influenced by his nationality or race. There is no evidence that Ms Walsh or anyone else had any perception of what his political beliefs were.
53. Victimisation. The definition of a protected act is set out above. In his email of 16th January, the Claimant referred to harassment/bullying but there is no reference to any protected characteristic. The Claimant was not making

an allegation that the Respondent had contravened the Equality Act whether expressly or impliedly. Bullying and harassment can take place even in the absence of any protected characteristic. There is nothing in the Claimant's witness statement that suggests that Ms Walsh, who dismissed the Claimant believed that the Claimant might make allegations bring a claim under the Equality Act.

54. In any event, even if the email of 16th January did amount to a protected act the only alleged detriments that occur after that email were the dismissal and the failure to provide the Grievance Procedure. The Claimant had been asked to attend a disciplinary hearing before he sent his email of 16th January, so the dismissal process had started, and the Claimant had been warned that a possible outcome of the meeting might be summary dismissal. I do not accept that the decision to dismiss the Claimant was because he had sent the email of 16th January, nor was the failure to provide a grievance procedure for that reason.
55. Wrongful dismissal. Where an employee is contractually entitled to a period of notice, an employer who dismisses an employee without giving him notice will be in breach of contract. An employer is entitled to dismiss an employee without any notice, where there has been repudiatory conduct by the employee justifying summary dismissal. To amount to a repudiatory breach the employee's behaviour must disclose a deliberate intention to disregard the essential requirements of the contract. The degree of misconduct necessary for the employee's conduct to amount to a repudiatory breach is a question of fact for the Tribunal to decide. The issue here is whether at the time of dismissal there were in fact grounds for summary dismissal and not whether those grounds were the employer's reason for the dismissal (*Boston Deep Sea Fishing v Ansell* 1888 39 Ch D 339.)
56. The Respondent's concerns related to a period of absence from 10 to 16th January. It is common ground that the Claimant delivered his teaching as required on Sunday 14th January and also responded to an email from Ms Walsh that evening. Beyond that, the Claimant's witness statement contained no details about what he was doing during that period - though in cross examination he put it to Mr Rahman (somewhat vaguely) that it was his job to develop teaching materials. He was not logging onto Teams, not replying to emails requesting his help, and not answering his phone. Beyond telling the Respondent that he had done a remote teaching class on Sunday 14th January, he did not, when requested by Mr Rahman inform the Respondent of any other activities which he carried out during the relevant period.
57. On the other hand the Respondent permitted its lecturers to work remotely and trusted them to get on with its work, and did not seek to micromanage;

although, as Mr Rahman says, in doing so they relied on their lecturers to respond in a timely manner to emails and other contact - which was an indication that they were in fact working.

58. I have concluded that the behaviour of the Claimant was not sufficiently serious to justify a dismissal without notice. He had delivered his class on Sunday and had responded to Ms Walsh about the remarking. Although he had not been helpful, he had previously been trusted to get on with remote working and, given this is the way that the Respondent operated, the Claimant's behaviour did not cross the line such as to amount to a deliberate intention disregard the essential requirements of the contract.
59. Wages. The Claimant accepted that he had not returned his company laptop, although he now complains that the Respondent has disabled it and it no longer works. The Respondent was entitled to make a deduction for the laptop, but I hope that, if the Claimant now returns the laptop, the £800 will be paid to the Claimant.
60. Although again the Claimant does not deal with the deduction from wages in his witness statement this in his witness statement, the list of issues records that the Respondent accepts that the Claimant was not paid for four days in January because the Respondent believed him to be absent without leave. While I would ordinarily have ordered this to be paid, the Claimant was overpaid in January as the holiday pay due to him had been overstated by 4.5 days. In those circumstances there was no deduction.
61. In relation to the ACAS code, there was a failure to abide by the Code (insufficient notice of the hearing failure to investigate before calling the meeting), I do not consider it just and equitable to increase the award as the Claimant himself failed to attend the disciplinary meeting or to provide any sensible explanation of his activities during the relevant period.

Employment Judge Spencer
16 December 2025

JUDGMENT SENT TO THE PARTIES ON

19 December 2025

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FOR THE TRIBUNAL OFFICE