



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 8001155/2025

Held in Glasgow on 17, 18, 19 September and 15 October 2025

Employment Judge S MacLean

Ms M Mackinnon

**Claimant
In person**

Voneus Broadband Ltd

**Respondent
Represented by:
Mr R Bradley -
Advocate**

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The judgment of the Employment Tribunal is that the claim of unfair dismissal under the Employment Rights Act 1996 is dismissed.

REASONS

Introduction

1. The claimant initiated early conciliation on 17 March 2025, and a certificate was issued on 10 April 2025. She submitted a claim to the Tribunal on 8 May 2025 alleging unfair dismissal following the termination of her employment on 28 March 2025. She seeks compensation.
2. The respondent admits dismissal but contends that it was due to redundancy and it was fair and reasonable in all the circumstances.
3. At the final hearing, the following issues were identified for determination:
 - a. What was the reason or principal reason for the claimant's dismissal?
 - b. Was it a potentially fair reason? The respondent asserts redundancy.
 - c. If the reason was redundancy, did the respondent act reasonably or unreasonably in all the circumstances, including the respondent's size and administrative resources in treating that as a sufficient reason to dismiss the claimant. Specifically:

- (i) Was the claimant adequately warned and consulted?
 - (ii) Was a reasonable selection process adopted, including the approach to the selection pool?
 - (iii) Were reasonable steps take to identify suitable alternative employment?
 - (iv) Was dismissal within the reasonable range of responses.
- 4. Evidence was heard from Julie Partridge, the respondent's Chief People Officer at the relevant time and from the claimant. A joint set of documents was also considered.
- 5. Following the evidence the respondent provided outline submissions to the claimant. By agreement both parties presented oral submissions on 15 October 2025 and the written outline to which they referred.
- 6. I have set out the findings in fact essential to my reasoning and understanding of the evidence. The parties' submissions have been considered in the context of these findings, the relevant legal framework and its application to the facts.

Findings in fact

- 7. The respondent operates in the telecommunications sector, manufacturing telecommunications equipment and providing wireless services, including broadband. The claimant commenced employment on 3 January 2022 as Building Support Manager under a contract dated 2 December 2022 which included a job description.
- 8. On 6 March 2024, the claimant was promoted to Head of Build-Scotland reporting to the Head of Build-North. The new role took effect from 1 March 2024 with an increased salary and an extended notice period from one to three months. The claimant accepted these revised terms.
- 9. Head of Build-Scotland was one of several regional Heads of Build including North, South and Wales. The regional heads North and South, amongst others reported to the Director of Deployment.
- 10. In summer 2024, network build activity declined significantly due to reduced investor funding. To mitigate this, the respondent explored mergers, refinancing, and alternative investment sources, and paused new build projects.
- 11. The Director of Deployment advised the claimant on 1 July 2024 that she would assume a building operations role, providing lead support to the installations team and coordinating build responses to meet installation

targets. Other regional heads were tasked with focusing on L2C activities and pre-enabling installations where possible to avoid resource wastage.

12. On 8 July 2024, the Director of Deployment assigned the claimant as the primary build contact, responsible for coordinating with the installations team and addressing build and design issues to clear installation backlogs. Other build leads were working with the Head of Wireless to explore how the supervisors' team could support installation engineers and increase capacity.
13. On 26 July 2024, the Director of Deployment thanked the claimant for her efforts and encouraged her to continue. He acknowledged that the role differed from her original expectations but noted that her contribution was making a significant impact.
14. While the Director of Deployment was on annual leave the claimant contacted him regarding an issue raised in a team conference call on 14 August 2024. He was copied related email correspondence. The Director of Deployment provided guidance and stated that these matters should not be escalated in this manner.
15. On 19 August 2024, the claimant emailed the Head of People Experience and Julie Partridge, Chief People Officer, indicating her intention to raise a grievance for bullying. The claimant reported multiple incidents during the previous week, including being scapegoated, treated unfairly, mobbed, and ultimately demoted via email. The claimant specified that her grievance concerned the Head of Build-South and Head of Build-Wales. The grievance was acknowledged. The claimant confirmed that she had informed the Head of Build-North, her line manager.
16. As the Director of Deployment was on annual leave until 28 August 2024, Ms Partridge advised the claimant that, before invoking the grievance policy, an informal resolution should be attempted upon both parties' return from holiday.
17. The claimant was on leave from 30 August to 2 September 2024. She expected the investigation to progress during her absence but believed it had not. Upon returning, she anticipated resuming work with the installation team; however, she was informally advised this would not occur, though alternative tasks were available.
18. On 5 September 2024, the Director of Deployment informed her the claimant would be reassigned to support the Arran Tiger Team and report directly to him. That same day, the claimant wrote to Ms Partridge requesting that the grievance be progressed.

19. The claimant commenced sick leave on 9 September 2024 due to workplace stress.
20. On 16 September 2024, Ms Partridge wrote to the claimant noting her four-week medical certificate and asking whether she wished to postpone the grievance hearing until her anticipated return on 7 October 2024, or if attending sooner might reduce stress. At that time, the claimant was informed the grievance would be heard by an independent manager with no prior involvement. The claimant responded that she expected to return on 14 October 2024 and preferred to wait until then. Her absence continued, and she ultimately returned on 28 October 2024.
21. During the claimant's sick absence, another colleague was assigned to the Arran Tiger team.
22. On 29 October 2024, the claimant was one of a number of recipients of an email inviting applications for a six-month secondment to the customer's installation team, commencing 4 November 2024. The claimant did not apply or express interest in the secondment.
23. On 6 November 2024, the respondent met with the claimant to conduct the grievance hearing and interviewed nine relevant individuals as part of the investigation.
24. On 9 December 2024, the respondent informed the claimant that her grievance was not upheld, citing no evidence of bullying, unfair treatment, or unauthorised changes to her duties. The respondent noted the claimant's involvement in accepting her role as Build's point of contact (8 July 2024), joining the Arran Tiger Team (4 September 2024), and being included in the 29 October 2024 email regarding a secondment opportunity, which she did not pursue.
25. The claimant appealed the grievance outcome on 30 December 2024. The respondent acknowledged the appeal on 2 January 2025 and scheduled a hearing for 10 January 2025. After review, the appeal was dismissed due to insufficient evidence, and the claimant was notified in writing on 19 January 2025.
26. On 17 February 2025, the respondent submitted an HR1 to the Secretary of State, citing a significant reduction in Network Build activities and external investment, which necessitated a collective redundancy process affecting 93 roles, including the Heads of Build positions.
27. Collective consultation with the employee representative body (including a representatives for the claimant's team) began on 18 February 2025 and continued for at least 30 days before any dismissals.

28. On 6 March 2025, the claimant met with Ms Partridge who outlined the redundancy situation, its impact on the claimant, and the consultation process. The claimant was advised that her Head of Build-Scotland role was at risk due to a significant reduction in duties and responsibilities, and that the respondent would explore options to avoid redundancy, including suitable alternative employment. The discussion was confirmed in writing and the claimant was provided with a list of alternative roles
29. The Arran Tiger Team role was not a substantive position but a set of tasks to be addressed at the relevant time and was therefore not a viable alternative role for the claimant. She had previously been offered the opportunity to apply for a customer installations secondment but chose not to do so, resulting in that role being filled by another employee, initially on a temporary basis and permanently on 1 April 2025. Consequently, the role was not vacant when the claimant was placed at risk of redundancy and was not offered as a suitable alternative.
30. On 10 March 2025, during a further consultation meeting with Ms Partridge, the claimant said that she did not feel that there was any point in applying for jobs as she would not be treated fairly. She had no issue with the process but did not intend to apply for any alternative roles.
31. Afterwards Ms Partridge sent an email to the claimant encouraging her to consider the Head of Regional Delivery (North) position. Ms Partridge acknowledge what the claimant said but reassured that she would have a fair and transparent interview process as previously discussed with the workplace representatives. The claimant did not apply for that or any other role.
32. On 19 March 2025, the respondent invited the claimant to a final consultation meeting, advising that she could be accompanied by a colleague or trade union representative and that the possible outcome was termination of employment on grounds of redundancy with notice or pay in lieu of notice.
33. The claimant attended the final meeting on 24 March 2025 unaccompanied, and, having considered the circumstances and her decision not to apply for alternative roles, the respondent dismissed her on grounds of redundancy.
34. The decision was confirmed in writing, and the claimant was informed of her right to appeal, which she did not exercise. She was provided with a redundancy statement detailing payments due, and her employment terminated on 28 March 2025.
35. In April 2025, she received a payment in lieu of notice of £21,250 and a redundancy payment of £2,100. At the date of termination, her gross annual salary was £85,000, equating to a net monthly payment of £4,578.89, with monthly pension contributions of £283.33.

36. Since termination of employment, the claimant has not found alternative employment despite all of her efforts to mitigate her loss.

Observations on witnesses and conflict of evidence

37. In my view, there was little dispute regarding the material facts of this case; rather, the difference lay in the perspective through which those facts were interpreted. The claimant gave her evidence based on her recollection of events, viewed against the background of having unsuccessfully raised a grievance. She understandably focused on her personal experience. By contrast, Ms Partridge, who no longer worked for the respondent, recalled events through the lens of managing employees during a period of uncertainty about future funding, followed by a mass redundancy exercise. Her approach appeared more objective, although I do not underestimate the challenges she faced.
38. Ms Partridge was not directly involved in the claimant's grievance process, and I detected no animosity between them. On the contrary, my impression was that Ms Partridge encouraged the claimant to apply for alternative roles. The claimant did not appear to have any issue with Ms Partridge but rather with those who would have been involved in interviewing, whom she believed were not impartial. This concern was never tested, as the claimant did not apply for any roles, and some of the views she expressed at the hearing were not communicated to Ms Partridge during the consultation process.

Deliberations

39. This is a claim for unfair dismissal. The claimant contends that her dismissal was a pretext for having raised a grievance. She asserts that the customer installations role was allocated to another colleague who was retained and that her designation as Build point of contact was removed without notice or explanation. The respondent maintains that the dismissal was by reason of redundancy.
40. I referred to section 98 of the Employment Rights Act 1996 (ERA). The initial question is whether the respondent has established a reason for dismissal. The respondent asserts that the reason was redundancy and must therefore demonstrate that this assertion is correct, namely that the claimant was redundant within the meaning of the statute. The claimant accepts that a redundancy situation existed but contends that her dismissal was motivated by an intention to remove her from the business following the grievance process initiated in August 2024.
41. Section 139(1)(b) of the ERA provides that an employee shall be regarded as dismissed by reason of redundancy if the dismissal is wholly or mainly attributable to the fact that the requirements of the business for employees to

carry out work of a particular kind have ceased or diminished or are expected to cease or diminish.

42. The claimant's position is that her contract of employment permitted the allocation of other duties as required. She states that from July 2024 she moved to installations and returned there in October 2024 following a period of sickness absence. She further asserts that all Build teams pivoted to installations in October 2024. She argues that this contradicts the respondent's position that her role was standalone and that she was outside the pool for selection.
43. This issue was not raised during the consultation process. The evidence demonstrates that from July 2024 Network Build activity declined significantly due to reduced investor funding, and new build projects were paused. At that stage the respondent anticipated that this would be temporary and that new investor funding would be secured. In the interim, employees, including the claimant and other regional Heads of Build, were temporarily reassigned to support the installation team and other projects such as the Arran Tiger Team. I do not consider these to have been new roles; if and when new investor funding was secured, these employees would have been reassigned to new build projects. This is supported in my view by the requirement for expressions of interest for secondment to the installations team in October 2024. The claimant did not apply for secondment. There was no evidence that she did not do so because she understood that she had already been redeployed to that role. There was no evidence of the other Heads of Build applying for secondment. If they did so they were not appointed.
44. I concluded that by February 2025, having exhausted all avenues for securing new investor funding, the requirements of the business for employees to carry out network build activity in respect of new build projects had ceased or diminished, or were expected to cease or diminish. This resulted in a reduced requirement for employees to carry out work of that kind and led to a collective redundancy process affecting 93 roles, including the requirements for Head of Build including the claimant's position as Head of Build-Scotland.
45. I was satisfied that the reason for the claimant's dismissal was redundancy which is a potentially fair reason
46. The next issue is whether the respondent acted reasonably in treating redundancy as a sufficient reason for dismissal, as required by section 98(4) ERA. This involves assessing both the procedure followed and the substantive decision to dismiss.
47. I was mindful that my role is not to substitute my own view as to the course of action the respondent ought to have taken. My function is to determine

whether, in the circumstances of this case, the decision to dismiss the claimant fell within the band of reasonable responses which a reasonable employer might have adopted.

48. In assessing procedural fairness, I have considered whether a fair procedure was followed, including: whether the claimant was adequately warned and consulted; whether a reasonable selection process was adopted, particularly in relation to the composition of the selection pool; whether reasonable steps were taken to identify suitable alternative employment; and whether dismissal fell within the band of reasonable responses open to an employer in the circumstances.
49. The evidence establishes that the respondent proposed to dismiss 93 employees. Collective consultation with workforce representatives commenced on 18 February 2025 and continued for the statutory minimum period.
50. There was no longer any requirement for the role of Head of Build in any region. Employees occupying these positions were therefore placed at risk of redundancy. The respondent treated each regional Head of Build as a single, standalone role. The single role selection was the same for all the regional Heads of Build. I could not conclude that this approach was not a reasonable approach open to an employer in these circumstances.
51. The claimant was notified that her role was at risk, invited to individual consultation meetings, and given clear information about the redundancy situation and its impact. It was confirmed to the claimant in writing that the role of Head of Build-Scotland would cease to exist. The claimant was advised of the alternative roles available. She indicated that she did not consider it worthwhile to apply. Ms Partridge sought to reassure the claimant and encouraged her to apply, but the claimant did not do so. The claimant also offered the opportunity to be accompanied at the final consultation meeting and the decision confirmed in writing, including the right of appeal, which the claimant did not exercise. In my judgment, the consultation process was meaningful and afforded the claimant a genuine opportunity to engage.
52. On substance, the claimant contends that her dismissal was a pretext for having raised a grievance. I have considered this argument carefully. While the claimant's perception is understandable given the timing of events, there is no evidence that the redundancy process was manipulated to target her. The evidence demonstrates that the redundancy exercise was driven by a significant and genuine reduction in Network Build activity and external investment, affecting 93 roles, including all Heads of Build positions. The claimant's grievance was unrelated to the financial and operational circumstances that led to the redundancy process. I detected no animosity

from Ms Partridge, who encouraged the claimant to apply for alternative roles. The claimant's concerns about impartiality in interviews were never tested, as she did not apply for any roles.

53. Having considered all the evidence, I find that the respondent acted reasonably in treating redundancy as a sufficient reason for dismissal. The decision to dismiss fell within the range of reasonable responses open to an employer in the circumstances. Accordingly, the claim of unfair dismissal is not well-founded and is dismissed.

Date sent to parties

23 December 2025