



EMPLOYMENT TRIBUNALS

Claimant: Mr Baig

Respondent: Consortio Security Limited

Heard at: London South (via CVP)

On: 9 and 10 March 2026

Before: Employment Judge Murdoch

Representation

Claimant: Mr Jotangia, counsel

Respondent: Mrs Barnett, legal executive

JUDGMENT

1. The claimant's complaint of unfair dismissal under Part X Employment Rights Act 1996 is well-founded. The claimant was unfairly dismissed.

2. In respect of the calculation of remedy for unfair dismissal:

2.1 Polkey: I accept that even if the Respondent's dismissal of the Claimant had not been procedurally unfair – namely, if the Respondent had properly investigated the client's complaint and made appropriate efforts to persuade the client to allow the Claimant to return to site – the client may nonetheless have refused to permit the Claimant to work on site. In those circumstances, there was a real possibility that the Claimant's employment would have come to an end in any event. I therefore apply a reduction to the compensatory award of 50%, reflecting my assessment that there was a 50% chance that the Claimant's employment would have been terminated regardless of the procedural unfairness.

2.2 ACAS: The ACAS Code of Practice on Disciplinary and Grievance Procedures applies primarily to dismissals for conduct or capability. While cases involving third-party pressure fall within the category of some other substantial reason (SOSR), it is nonetheless generally expected that the principles of the Code will be followed where the pressure arises from allegations concerning conduct or capability. In this case, the Code was followed at the disciplinary and appeal stages. However, it was not followed at the investigation stage, as no investigation was undertaken. In the circumstances, I consider it

appropriate to apply an uplift to the compensatory award of 5% pursuant to section 207A(2) of the Trade Union and Labour Relations (Consolidation) Act 1992.

2.3 Contributory fault: I do not find that the Claimant contributed to his dismissal through culpable or blameworthy conduct. It could be argued that the Claimant's return to the site following his suspension amounted to such conduct. However, the Claimant returned to the site in circumstances where it was unclear to him why he had been suspended and no offer had been made by the Respondent to investigate the events that had occurred. Any reduction on this basis would therefore risk double counting, given that I have already applied a reduction under Polkey in respect of the Respondent's failure to conduct an investigation. I therefore make no reduction for contributory fault.

Approved by:

Employment Judge Murdoch

10 March 2026

Sent to Parties.
24 March 2026

Note

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.