



EMPLOYMENT TRIBUNALS

Claimant

Mr M Ramsey

v

Respondent

Royal Mail Group Limited

Heard at: Bury St Edmunds (by CVP)

On: 2, 3, 4 and 5 February 2026

Before: Employment Judge M. Hunt

Appearances

For the Claimant: Ms J. May

For the Respondent: Mr R. Chaudhry

JUDGMENT having been sent to the parties on 19 February 2026 and written reasons having been requested in accordance with Rule 60 of the Employment Tribunal Procedure Rules 2024, the following reasons are provided.

REASONS

Introduction

1. The Claimant was employed by the Respondent from 11 March 1985 to 2 August 2024. Latterly he was employed as a Medium Goods Vehicle Driver operating out of the Respondent's Ipswich Distribution Centre. During his career, the Claimant held various roles with the Respondent and has driven vehicles of all different sizes, including articulated lorries.
2. The Claimant was dismissed on 2 August 2024 without notice purportedly due to gross misconduct. The gross misconduct alleged was to have driven a vehicle with a tyre with insufficient tread. As it was at the hearing, this will be referred to regularly throughout this decision as a "bald" tyre.
3. The Claimant presented his claim on 29 November 2024, after a period of ACAS Early Conciliation between 11 October and 6 November 2024. The Claimant raised complaints to have been unfairly dismissed and to have suffered discrimination on the grounds of disability.
4. The claim was clarified at a Preliminary Hearing on 1 October 2024 and a draft list of issues was produced by Employment Judge Tynan on that date.

5. On the third day of the final hearing, the Claimant withdrew his discrimination claims and I dismissed them upon withdrawal. I rendered that judgment yesterday, although the parties will not yet have received it.
6. The only complaint, therefore, for me to determine was the Claimant's complaint of unfair dismissal.
7. In determining this complaint, I considered a 639-page file of documents, together with written statements and oral evidence from the Claimant and his wife and two witnesses called by the Respondent, who I will refer to as the "Dismissing Officer" and the "Appeal Officer".
8. I was very grateful to all of the witnesses for the information they provided and I was also grateful to both of the parties' representatives for their assistance and their very helpful submissions. I accepted that every witness before me gave a frank and honest account of their recollections in seeking to assist me with my task.
9. During the course of the hearing, a short additional file of papers relating to the Claimant's internal appeal was sent to the Tribunal. I understood that the only difference with what had been produced within the original file was that they included page numbers that would assist with cross-referencing, if required, from notes that were taken during the appeal hearing.
10. I will proceed by outlining the law and the issues for me to determine, followed by my findings of fact and conclusions.

The Law

11. The relevant law is found within Part X the Employment Rights Act 1996 (the "Act").

12. Section 94 of the Act is as follows:

94. The right

- (1) An employee has the right not to be unfairly dismissed by his employer.

13. Section 98 provides:

98. General

- (1) In determining for the purposes of this Part whether the dismissal of an employee is fair or unfair, it is for the employer to show—
 - (a) the reason (or, if more than one, the principal reason) for the dismissal, and
 - (b) that it is either a reason falling within subsection (2) or some other substantial reason of a kind such as to justify the dismissal of an employee holding the position which the employee held.

- (2) A reason falls within this subsection if it—
 - (a) ...
 - (b) relates to the conduct of the employee.
 - (3) ...
 - (4) Where the employer has fulfilled the requirements of subsection (1), the determination of the question whether the dismissal is fair or unfair (having regard to the reason shown by the employer)—
 - (a) depends on whether in the circumstances (including the size and administrative resources of the employer's undertaking) the employer acted reasonably or unreasonably in treating it as a sufficient reason for dismissing the employee, and
 - (b) shall be determined in accordance with equity and the substantial merits of the case.
14. It is well established in cases of this kind that it is for the Tribunal to assess the reasonableness of an employer's actions and decisions at all relevant stages. It is not for the Tribunal to conduct a re-hearing or to make its own findings and conclusions as to any disciplinary sanction that should be applied to an employee.

The Issues

15. A list of issues was prepared by Employment Judge Tynan in his Order of 2 October 2025. I will not repeat it.
16. Essentially, the issues are as follows.
- 16.1. What was the reason for the Claimant's dismissal?
 - 16.2. If that reason was conduct, did the Respondent act reasonably in all the circumstances in treating the Claimant's conduct as a sufficient reason for his dismissal. An investigation of that issue will include considering whether the Respondent had formed a genuine belief on reasonable grounds of the misconduct and that the conduct was a sufficient reason for the Claimant's dismissal.
 - 16.3. At the time that belief was formed, had the Respondent carried out a reasonable investigation into the Claimant's conduct.
 - 16.4. Did the Respondent otherwise act in a procedurally fair manner in determining to dismiss the Claimant.
 - 16.5. Was dismissal within the range of reasonable responses to the alleged misconduct.

Findings of Fact

17. As to the facts in this case, they were largely agreed save for in one important respect which was as to the condition of the tyre at all material times.
18. Exactly what condition it was in and at what times is not actually an issue for me to determine. What I had to determine was whether the Respondent's assessment that the tyre had been bald when the Claimant drove the relevant vehicle was reasonable and whether all of the facts, taken together, could constitute a fair dismissal.
19. When I did have to make findings of fact, I made them on the balance of probabilities in light of all the information available to me. In reality, there were very few if any facts for me to find. It is sufficient in large part for me to record the facts as each party saw them, where relevant.
20. The chronology of this case is far more detailed than I can record in this decision. It is necessary and proportionate for me only to refer to the key facts and I can refer to others in more generalised terms. This applies especially when I consider the facts concerning the Claimant's disciplinary procedure. Even if I don't refer to a particular document or its contents, I want to reassure both parties that I have reviewed all of the documentation in reaching my decision.

The Claimant and his colleagues

21. The Claimant worked for the Respondent for close to four decades. His father worked for the Respondent before him, his brother and sister have worked there also. He worked at the Respondent alongside his wife for very many years and his children continue to do so.
22. I have no difficulty in accepting that the Claimant was a valued colleague, an experienced driver and that he also had significant mechanical experience of motorised vehicles, gained notably from previous employment and personal interest. He was often called upon by colleagues for his insight and assistance in relation to technical matters. He had an unblemished disciplinary record throughout his employment. He planned on staying employed with the Respondent until retirement and then to retire with his unblemished record intact. He made many friends at work, including decades-long friendships. Tragically, one of those friends happened to become the Dismissing Officer in this case.
23. The Dismissing Officer stated at the hearing that it was a very difficult decision for him to have taken but that he had to perform his job. He believed he had little real choice in the circumstances. I accept they were his genuine feelings and thoughts on the matter. I accept also that it would have been a very difficult and unpleasant position for him to be in. I sincerely hope that both the Dismissing Officer and the Claimant can put these proceedings to one side once the dust settles and hopefully rebuild that friendship as time goes by.

24. Part of the Claimant's character at work was simply to, if I can put this colloquially, "get on with the job".
25. The vehicle he mainly drove was a 7.5-tonne IVECO. It was the only one of its make and model at the Ipswich Distribution Centre in question in these proceedings. The Claimant said that it was relatively old and had a history of regular mechanical issues. Certain of his colleagues would refuse to drive it. The Claimant himself never complained and therefore this lorry was principally allocated to him and another colleague of his. This is the only vehicle of relevance to these proceedings and I will refer to it as the "Lorry".
26. The Claimant explained his diligence and the pride that he takes in his work. He is very aware of his responsibilities and the importance of safety. He mentioned at the hearing how he had suffered a very traumatising "blow out" on the M25 motorway in the past whilst driving a heavy goods vehicle. He said that it was an experience he would never wish to suffer again or to inflict on anybody else. For this reason, amongst others, he carried his own equipment to assist him with inspections of vehicles before driving them, which included a mirror, a tyre gauge and a powerful torch. The Claimant explained at the hearing that the "standard" equipment provided by the Respondent was insufficient for the purpose, notably the torch.

The Respondent, its policies and practices

27. The Respondent is a very large and well-known organisation operating across the country, employing some 140,000 people. It has a dedicated human resources ("HR") function and a suite of conduct and disciplinary policies. Some of those policies have been agreed with the principal Union representing its workers, which is the Communication Workers Union ("CWU").
28. Insofar as is relevant, the Respondent has a centralised advisory team, known as "PCAT", which advises local managers on disciplinary and other HR issues. The Respondent has a relatively organised and hierarchical structure, including for handling disciplinary matters and appeals.
29. There were no significant disputes in this case about the Respondent's policies, although some issues were raised about their application to the Claimant's situation. In broad terms, there was nothing unusual or unexpected in any of those policies. Essentially, so far as relevant, drivers are responsible for their vehicle and in undertaking daily vehicle checks. One important daily check is of the vehicle's tyres and their condition. There are also weekly checks that drivers have to undertake on any given vehicle. There is a set process for highlighting any identified issues, which was well-known to the Claimant. The Respondent's vehicles are also subject to regular maintenance in dedicated workshops. So far as the Lorry was concerned, at roughly two-monthly intervals it would be taken to the workshop for maintenance.
30. In respect of the Lorry's tyres, it was agreed that there is a statutory requirement for a tyre to have 1mm of tread for it be considered roadworthy.

The Respondent's internal policy is that tyres should be replaced when tread has reduced to a depth of 2mm. Again, that policy was well-known to the Claimant. Safety is paramount in the Respondent's organisation and there was no dispute from the Claimant that driving with a tyre with insufficient tread is a serious safety risk.

31. Regular management checks on vehicles should also be undertaken. In this case that did not happen, certainly not as regularly as it should have happened and the record-keeping about that was unsatisfactory.

Disciplinary policies

32. The Respondent appears to have two relevant disciplinary policies. One prepared by itself and another that had been agreed with the CWU. There is little relevant difference between the two as far as these proceedings are concerned.

33. The first policy I was referred to was provided at page 73 of the file. It states as follows:

“No employee will be dismissed for a first breach of conduct except in the case of gross misconduct when the penalty will normally be dismissal without notice, or payment in lieu of notice.”

34. The policy also lays down various procedures in relation to investigating potential disciplinary matters, sharing evidence and providing for rights of representation at any disciplinary hearing. The policy specifically says that managers may seek advice from PCAT. The policy details “authority levels” for various managers within the organisation, which relates to the authority to apply certain sanctions. The policy also provides for employees to be suspended when necessary. The example is given of alleged serious misconduct, such as suspected or admitted theft or fraud, where there is a reasonable belief that the alleged serious misconduct might be repeated, and/or there is a risk to people, property, mail or the Respondent's good image.

35. Before suspension, the relevant manager should meet with the employee to seek an explanation of the facts of the case. If the manager believes that the incident is serious and there is a reasonable belief that that serious breach might be repeated and/or there is a risk to people, property, mail or the Respondent's good image, then the manager should send the employee home.

36. A definition of gross misconduct is given at page 76 of the file, which appears to be similar if not identical to the definition of gross misconduct given at page 183 of the file (which was the conduct protocol agreed with the CWU). It is as follows:

“Sometimes the behaviours are so serious and so unacceptable, if proved, as to warrant dismissal without notice (summary dismissal), or pay in lieu of notice. It is not possible to construct a definitive list of what

constitutes gross misconduct and in any event, all cases will be dealt with on their merits. However, the following examples show some types of behaviour which in certain circumstances could be judged to be gross misconduct ...”

The only relevant one is:

“... deliberant disregard of health and safety and security procedures or instructions.”

The Lorry and its checks

37. The Lorry is a model with twin sets of wheels on its rear axle. The state of the offside, inside, rear tyre is what is relevant to these proceedings.
38. The parties agreed that it was the most difficult tyre to access and inspect due to the presence of the Lorry’s fuel tank and the “Adblue” additive tank located nearby. This restriction was coupled with relatively tight mudguards and the general size and width of the tyres themselves.
39. Checking the tyres involves a visual check insofar as is possible and a manual check. The visibility of the tyre is very poor from the side of the Lorry because of the outer tyre that is in the way and the mudguard, which casts a great deal of shade on the inner tyre. The state of the tyre can only be reviewed properly visually by poking one’s head through the crash bar on the side of the vehicle and shining a torch backwards to obtain a view of that tyre.
40. As to the manual check, the Claimant said that when he reaches underneath the mudguard, beyond the outer tyre, he can only reach the first two grooves of tread because of the tight space within which to pass his arm and hand. Within each groove there is a marker showing when 1.6mm of tread remains. So, if the tread is low, the marker would become apparent slightly below or level with the top of the groove, which would indicate that the tyre needs replacing.
41. In this case, there is of course a 0.4mm margin of tolerance between the 1.6mm level of the marker and the 2mm minimum tread level required by the Respondent, but it would be barely noticeable.
42. The Claimant accepted that visual checks as I have described are not as good as the manual checks for relatively obvious reasons. Visibility is low, one is positioned further away from the tyre and whatever one sees it is going to be a less accurate gauge of the depth of any given groove than a manual measurement can provide. I can add that poking one’s head through the crash bar does not appear to me to be an especially comfortable position in which to make a careful assessment.

Events leading up to the Claimant’s dismissal

43. In late February, the Lorry was taken to the workshop. The tyres were inspected and a tread depth of 5mm on the relevant tyre was recorded. The adjacent tyre, the outer offside rear tyre, had a tread depth of 12mm.
42. When the Lorry returned to the workshop on 24 April 2024 the inner tyre with which we are concerned, had a tread depth of less than 1mm. No formal report was produced about that and no photographs were taken of the tyre in position on the Lorry. Photographs were taken of the tyre but after removal. The only written report of the matter was a short email from a workshop employee to the Respondent's management.
43. There was no dispute at the hearing that the photographs showed the tyre was bald and well below the statutory limit for driving safely. The photographs also show the wear on the tyre to be uneven, predominantly on one edge of the tyre. The edge of the tyre that would have been adjacent to the outer tyre of the pair presented some tread; the furthest edge none.
44. The Lorry had been driven predominantly by the Claimant and a colleague of his from early March until 19 April 2024 when the Claimant went on annual leave. The Lorry was driven a further week by three other drivers whilst the Claimant was on leave. It covered a considerable distance of some six or seven hundred miles during that time.
45. Upon questioning at the hearing, the Claimant confirmed that by the end of March 2024 he was aware that the tread on the tyre was starting to get low. He said that his best estimate was that it was around 2.5 to 2.75mm at that time. The Claimant accepted that the tyre would have worn further by 19 April 2024 but said that he was certain that it was still above the Respondent's minimum required tread depth of 2mm at the time he parked the Lorry up to go on annual leave.
46. On his return from leave on 29 April 2024, the Claimant was called to a meeting with a line manager at the Ipswich Distribution Centre to discuss the issue. It was not the Claimant's direct line manager.
47. After fulfilling his duties normally in the meantime, on 17 May 2024 the Claimant was invited to a formal investigation meeting. He attended on 24 May 2024 with a CWU representative.
48. After continuing to fulfil his duties normally in the meantime, on 3 June 2024 the Claimant was suspended as the line manager considered that there was a disciplinary case to answer. The Respondent said that since 29 April 2024 precautions had been taken to ensure that the Claimant was only allocated a pre-checked vehicle, but I had no objective evidence of that. The Claimant was entirely unaware whether that was the case. I could not be satisfied one way or the other and it was not determinative of the claim. Suffice to say that, if that was a genuine precaution, I would have expected to have been presented with a written record, whether to demonstrate the instruction that was given or its undertaking.

49. The disciplinary matter was passed on to a more senior manager (who became the Dismissing Officer) as the line manager felt the incident to have been serious and that he did not have the authority to issue an appropriately severe sanction.
50. Unfortunately, there was a delay in concluding the disciplinary process. A hearing had initially been scheduled for 17 June 2024 but took place on 20 June 2024. It was then adjourned for further investigation in light of a number of queries raised by the Claimant.
51. The meeting was never in fact reconvened once the Dismissing Officer had undertaken the further investigations. He had an exchange with the Claimant's CWU representative about reconvening the hearing and he suggested that a further hearing would likely be unnecessary because he had no further questions for the Claimant and it would be unlikely to affect his decision. The CWU representative, with the Claimant's agreement, accepted not to reconvene the hearing on condition that he could produce a written statement for the Dismissing Officer to take into account.
52. The meeting was ultimately reconvened for 2 August 2024, but it was not for the purpose of further investigation, simply for the Dismissing Officer to render his decision. At that meeting the Claimant was summarily dismissed. A letter confirming his dismissal was provided to the Claimant. I was shown a copy, which was included at pages 349 – 352 of the file.
53. The letter stated that the Respondent had found the Claimant to be guilty of a breach of business standards, operating outside the law by driving multiple times with a tyre with tread below the statutory minimum level. Appended to that decision letter was a copy of an exchange that the Dismissing Officer had had with the workshop, which provided a response to most, but not all, of the Claimant's queries. The production of that exchange as an appendix to the decision letter was the first time that the Claimant was made aware of the workshop's responses to his questions.
54. The most relevant responses are as follows.

54.1. The first question asked was:

"Are we pretty sure that the tyre would have been below the legal limit on this occasion?"

The response given was:

"In my opinion I would say that this tyre would have been below the legal limit of 1mm from the 16th onward seeing the extent of wear and the fact that it has worn through the complete tread and into the sub structure of tread in places. However, I cannot confirm if this was the case prior to these dates for certain but quite probable."

54.2. The second question asked was:

"I had a puncture on the new tyre in November which was replaced. The tyre went flat after one day, why were the two tyres not replaced and mismatched?"

The response given was:

"If the tyre on the same axle side / side had sufficient tread when married up with a new tyre, we would not replace this. If, however, the tread difference between the two were great enough, we would change the pair."

54.3. The third question asked was:

"Is there an issue with the rim which would explain the uneven wear on the tyre in the photograph?"

The response given was:

"There is no fault with the rim in question, it runs true and no defects found on replacement, rim is perfectly serviceable."

I ought to add that that last question was in part due to the Claimant having taken photographs of the Lorry and having noticed some apparent dents on the rim in issue.

54.4. The fourth and final question was:

"He has suggested that all the below could have altered the tyres, in your opinion would any of the below altered that quickly to affect the tyres to the illegal limit? ..."

[a list of matters followed]

The response given was:

"In my opinion majority of the above would not account for the tyre being bald. Potentially an aggressive driving style could make a tyre wear sooner than expected but it would have to be very aggressive cornering and at speeds to induce a scrubbing effect to wear the tyre to this extent, especially as there was an eight to nine week window between each scheduled maintenance. However, you would see this pattern of wear on the outer tyre as well."

55. Upon receipt of the decision letter, the Claimant raised a grievance about the way in which his disciplinary process had been handled and appealed the decision. The appeal was dealt with by way of a re-hearing of the disciplinary allegation.

56. The appeal purported to deal with the grievance and the appeal together, but it is clear that the Appeal Officer was not provided with all of the documents that the Claimant had submitted in relation to his grievance. Nor

did the Appeal Officer raise all of the matters that had been raised within the grievance during the course of the appeal. That is likely because he did not receive the complete grievance.

57. Some of the issues raised by the Claimant in that grievance were plainly more related to the process and handling of the disciplinary case against him, and the respect that he was afforded within that process, than on simply the outcome of the disciplinary process. Some of those matters were therefore more obviously raised by way of grievance than appeal, in my opinion.
58. It is worth highlighting that, prior to this decision being made, the other drivers who had been driving the Lorry whilst the Claimant was on annual leave had had their disciplinary cases considered. All of the drivers who had driven the Lorry from 16 April 2024 onwards had been subjected to disciplinary investigations. The three drivers who had operated the vehicle since the Claimant went on leave had been subjected to suspended dismissals. None of them appealed. A further driver, the main colleague with whom the Claimant shared the Lorry, was subjected to the same outcome as the Claimant, i.e. summary dismissal. The decisions in each case had been provided to me and there appears to be two rationales to the difference in treatment.
59. Firstly, that the three drivers who drove the Lorry during the week the Claimant was on annual leave had each driven the Lorry fewer times than he did. Therefore, they had had fewer opportunities to note the tyre wear.
60. Secondly, they had all presented mitigating factors after admitting that they had driven with a bald tyre, apologising to some extent. They all explained why they might have overlooked the bald tyre, such as personal or domestic issues that might have affected their judgement.
61. The Claimant's colleague with whom he principally shared the Lorry had also apologised for having overlooked the bald tyre. However, the Dismissing Officer said at the hearing that he did not believe his remorse to be genuine, whereas that shown by the others was. These were the two principal reasons for the difference in treatment.
62. The Dismissing Officer dealt with all five of these disciplinary matters.
63. The Claimant was concerned at the difference in treatment and believed that it may have been the product of a "deal" that had been agreed between the CWU and the Respondent in relation to the handling of the disciplinary matters. The Respondent strongly refuted that at the hearing, stating that it would be unheard of in both the Dismissing and the Appeal Officers' opinions.
64. I found it to be more likely that there was no "deal". The different outcomes were more likely due to the other drivers having followed CWU advice that, ultimately, it would be hard to dispute the case on the basis of the evidence presented, so it would be more appropriate to focus on why the error might

have occurred and demonstrating remorse, than challenging the evidence itself. Those that followed the advice were not dismissed; the Claimant and his other colleague that did not (or did not show genuine remorse) were summarily dismissed.

The appeal

65. As to the appeal, I note to begin that the evidence from the workshop that had not previously been provided to the Claimant was obviously now available to him because it had been appended to the letter confirming his dismissal.
66. An appeal hearing was scheduled. Peculiarly, once it had begun, it was paused for a short period to allow the Appeal Officer to discuss the other disciplinary cases that I have mentioned with the Claimant's CWU representative, in the Claimant's absence.
67. After the hearing, further investigations were made by the Appeal Officer, notably concerning potentially relevant comparators raised by the Claimant. There had been a case in a different region where a far more lenient approach had been taken to a similar incident in which several drivers had driven a vehicle with a bald tyre. On that occasion, the drivers had been subjected to counselling and further training.
68. The leniency demonstrated on that occasion conflicted with the Appeal Officer's own knowledge and experience of how such incidents are handled in and around Ipswich, including a separate case where individuals had been dismissed. Albeit in that particular case the Appeal Officer had decided that one of the two drivers concerned should be reinstated due to having only driven the vehicle concerned only once during the relevant period, which he considered to be mitigation.
69. The Appeal Officer also raised the matter with a senior Respondent manager, to better understand the organisation's general approach to dealing with such safety matters, including with reference to the more lenient prior decision. The manager provided no clear guidance as to what the outcome should be to the disciplinary process, save to highlight that it was a serious issue that senior management expects to be taken seriously. He noted that the previous decision had been made by a relatively inexperienced manager, who was now no longer in post, and that processes had been changed since that decision had been taken.
70. The various responses received by the Appeal Officer were provided to the Claimant for comment.
71. Ultimately, the Appeal Officer confirmed the previous decision of summary dismissal and provided his reasons. His letter was included at pages 432 – 434 of the file. It is clear from its face that the Appeal Officer took account of the Claimant's clean disciplinary record. He mentioned the other comparable cases, both those concerning the Lorry and those that resulted in a more lenient outcome elsewhere.

72. In relation to the Lorry, the Appeal Officer noted that three of those that had driven it had been subjected to suspended dismissals due principally to having driven the vehicle only a limited number of times in comparison to the Claimant. This meant they would have had fewer opportunities to check the condition of the tyre.
73. In relation to those who had been treated more leniently in the past, the Appeal Officer believed the cases to be indistinguishable. However, he noted his belief that the other drivers had been treated too leniently, explaining why, including the serious matter of the incident, the inexperience of the manager and that disciplinary protocols around such incidents had changed to ensure they were viewed more seriously.

The Claimant's treatment

74. A final point I wish to touch on, which I will not address in any great detail, is the Claimant's treatment during the disciplinary process. Two general issues permeate the process that I have explained above.
75. The first relates to rumours that the Claimant believes were allowed to spread around the workplace about this case and its likely outcome. They first arose prior to the determination of the disciplinary matter and indeed prior to the Claimant's suspension. The Claimant was understandably disturbed and distressed by those rumours. Some of them were to the extent that the Respondent had already decided that he and the other drivers concerned would be dismissed.
76. The second issue is the extent of errors that appeared in the documentation and records of the disciplinary and appeal process. There were persistent references in the investigation and disciplinary documents to incorrect dates of the Claimant's duties, an incorrect route, incorrect references to his name. As I have already mentioned, some documentation related to the Claimant's grievance was not passed on to the Appeal Officer. Rather concerningly, the Claimant was even provided with some notes that did not relate to his disciplinary case but to that of a colleague. The Claimant understandably found this to be disrespectful and distressing.
77. I can add also that the Claimant was concerned about the phrasing around the Respondent's engagement with the legitimate enquiries that he raised during his disciplinary hearing.

Conclusions

78. I will now go through the issues in turn.

The reason for dismissal

79. I need to decide firstly the true reason for the Claimant's dismissal. The Respondent alleges misconduct. It seems to me that that issue might originally have been in dispute because of the claim to have suffered

disability discrimination. In light of the withdrawal of that claim, it seemed to me that the reason was in fact largely agreed or certainly appeared that way.

80. I considered the matter in any event and was satisfied that the Respondent had proven that his conduct was the reason for the Claimant's dismissal.

Had the Respondent formed a genuine belief on reasonable grounds that the conduct was sufficient reason for the Claimant's dismissal?

81. I have mentioned before but I shall stress again the nature of the Tribunal's role. It is not to determine whether the tyre was bald at the relevant times. It is only to assess, firstly, whether the Respondent's assessment that it was bald was reasonable and, secondly, whether its assessment that driving with a bald tyre was serious enough to warrant summary dismissal was also reasonable.
82. The Dismissing and Appeal Officers believed one main fact in reaching their respective decisions. It was that the tyre had been bald, or at least had less than the minimum requisite tread, from at least 16 April 2024 onwards, possibly earlier. The Appeal Officer stressed that in his view it was likely that the tyre would have been in a severely degraded state since before 16 April 2024.
83. Was that finding a reasonable one for the Respondent to have made?
84. I have seen the photographs of the tyre provided by the workshop that they had also seen. The tyre is clearly bald. Likewise emails from the workshop explaining the situation.
85. The Claimant says that that is not enough information on which the Respondent could form a valid opinion. He would have expected there to have been a formal report prepared by the workshop, with evidence that the photographed tyre had been taken from the Lorry as alleged.
86. The difficulty with the Claimant's argument is that, on any account, the tyre was extremely worn. The Claimant accepted that, as early as late March, a maximum of 2.75mm of tread remained. He accepted that the tyre would have worn further since. On that basis it was perfectly plausible that the tyre would have degraded significantly by mid-April.
87. Additionally, there was no reason for the workshop to lie or to mislead the Respondent's management about the matter.
88. I agree and accept that, ideally, a formal report could have been produced by the workshop. Ideally, a photo might also have been taken of the tyre on the Lorry prior to its removal. However, this is where it becomes very important to note that it is not for me to dictate to any employer how they should go about their operations. The key information that had to be recorded was recorded, in an email and photographs that were submitted to the relevant people. There is nothing inherently insufficient about that.

89. Therefore, I accept that it was reasonable for the Respondent to have relied on the information provided by the workshop to form its view of the facts.
90. This extends to taking account of the workshop's opinion as to the wear of the tyre. The Claimant was concerned that that amounted essentially to speculation from an individual who was based a significant distance from the Ipswich Distribution Centre, who had not inspected the Lorry at the relevant times. This is an understandable concern, but no-one has a better documented record of the Lorry's condition at the time.
91. The workshop opinion was given by a professional with some familiarity with vehicles such as the Lorry. It was given in good faith. It is not an obviously unreasonable opinion for the workshop operative to have formed. Indeed, if one analyses its wording, it is a relatively cautious and balanced opinion. There is nothing inherently unreasonable in the Respondent placing some reliance on it.
92. In a similar vein, the Claimant raised an argument that it was inherently unlikely that the tyre had been in such a poor condition for as long as the workshop operative suggested, as that would mean that it must have been missed by four other drivers, at least three of whom had a significant amount of driving experience.
93. As far as it goes, I would accept that would be relatively surprising. However, again, it is a matter principally for the Respondent to choose the evidence on which it prefers to rely. I can see no obvious reason why it should not have relied on the evidence it received from the workshop, even if that must mean that numerous drivers had been very careless.
94. Once I accepted that the Respondent was entitled to rely on the workshop evidence, it becomes very difficult for the Claimant to sustain an argument that the belief that the Respondent formed was not genuinely or reasonably held. The Respondent had formed a genuine belief that the tyre had been bald for some time. That was not unreasonable. It believed that the Claimant had driven the lorry several times during the period within which its tread would be below the statutory minimum depth of 1mm. Again, that was not an unreasonable belief.
95. Everybody at the hearing accepted that driving with a bald tyre is a serious safety matter and there was no real case presented to me that doing so was incapable of being considered gross misconduct, as would a repeated failure to undertake one's driver checks properly. I accepted that also.
96. I understand that the Claimant may feel very aggrieved by the Respondent's assessment and may well disagree that it was reasonably made. Ultimately, I accept that there is nothing before me or indeed, before the Respondent, that can definitively prove the condition of the tyre as on 16 April 2024. But all that matters for the purposes of these proceedings is whether it was a reasonable assessment for the Respondent to have made. I have concluded that it was.

Whether the Respondent undertook a reasonable investigation

97. This issue is closely related to the previous issue that I have addressed. The Respondent benefits from significant managerial discretion as to exactly how through an investigation must be.
98. On one view, arguably supplying the photographs and asking the Claimant for his explanation would have been enough of an investigation. In this case, that was coupled with an opinion from the workshop operative, who answered most of the Claimant's questions. Even if not all of those queries were correctly put across, the key matters that the Respondent wished to clarify were clarified.
99. It is always possible, certainly in a case such as this, to conduct more research. Perhaps an independent expert could have been instructed to consider the matter, undertaking appropriate modelling. However, this was not a criminal investigation that was being undertaken. It was an internal disciplinary investigation. An employer need only do what is reasonable to do, nothing more. I accept that it obtained the key information it needed to formulate a sound opinion and it did so fairly by involving the Claimant in the process. The investigation therefore was reasonable overall.
100. The Claimant's biggest concern was with the mismatch between the tyres. The inner tyre benefitted from 5mm of tread on the date it was checked in February 2024, with the adjacent tyre having 12mm worth of tread remaining.
101. I accept that this mismatch may have impacted on the tyre wear. It is a logical explanation for the uneven wear – the edge of the tyre less "protected" by the greater diameter of its neighbour was more worn. Unfortunately, the same matter would also have impacted on the quality of the checks that the Claimant could undertake due to his limited reach. The grooves that were most worn, were those inaccessible during the Claimant's manual checks. This may have been a point that he could have raised during both the disciplinary and the appeal process, but the Claimant did not. His view was that the tyre had not been bald at any point during his shifts, therefore he never accepted that he might have missed the wear due to its inaccessibility, resulting in a less thorough and professional check than he would have liked to undertake.
102. If he had raised that issue during the investigation, I cannot exclude that it may have had some impact on the Respondent's decision. But it is too late now to present these sort of arguments. I ought to say that in any event it was me who raised the issue of the Claimant's inability to conduct a more thorough manual tyre check as potentially being an explanation as to why the Claimant believed he'd performed his checks, on the one hand, whilst recognising the undoubtedly degraded nature of the tyre, on the other.
103. This issue did not affect the Respondent's assessment that the tyre had been bald, however. It would merely have provided potential mitigation. But it was neither put to the Respondent at the time in this way, nor was it

inherently obvious such that the Respondent had to consider it regardless. In circumstances where the Claimant insisted the tyre had not been bald and that his checks had been flawless, I am far from clear that he would in any event have accepted the hypothesis. However one analyses the matter, it is clear to me that it does not render the dismissal unfair because of a lack of reasonable investigation.

Procedural fairness

104. As to the next issue, I will address procedural fairness. Several arguments were raised by the Claimant in that regard. Often very valid concerns were raised, highlighting clear errors that were made by the Respondent in the documentation prepared during the disciplinary and appeal processes. Ultimately, I was not very far from finding that these errors were sufficient to render the dismissal overall unfair.
105. However, on balance, I was just about satisfied that those failures, individually or cumulatively, were not sufficient to render the process unfair overall. They are better described as unfortunate and careless mistakes, which were inappropriate, but which were ultimately of little genuine consequence and excusable (although barely).
106. The first main point that was raised before me concerned the undoubted errors the Respondent made in recording information, including in the papers that it sent to the Claimant. This includes entirely incorrect papers, i.e. notes relating to somebody else's disciplinary matter, calling the Claimant by the wrong name and getting dates of his duties and details of his route wrong.
107. The Respondent may well consider such matters insignificant and inconsequential but it would do well to recall that the Claimant was facing potential dismissal. Indeed, he had heard rumours to that effect already and had made that clear to the Respondent.
108. Accuracy was clearly very important to him and he was entitled to an element of rigour in his disciplinary process. There is never truly a good excuse in my mind for what I am going to term the Respondent's "sloppiness", in relation to both the disciplinary and appeal documentation. It is disturbing and unexplained. I accept that those matters taken together are not sufficient to render the Claimant's dismissal unfair, but the argument was perfectly understandable and the matter raised an entirely unnecessary element of concern in the Claimant's mind.
109. The second main issue related to the Claimant's suspension, which should be limited to what is strictly necessary in line with the Respondent's policies and ACAS guidance.
110. In this case, the Claimant suggested that it was not likely that he was going to pose an ongoing risk to safety. On one view that is perfectly sensible and an understandable position to take as he was being subjected to disciplinary proceedings for a failure to undertake proper tyre checks. It seems

inconceivable that he would repeat that action, even if it took place at all, pending resolution of the disciplinary matter. I was told that precautions had been taken to ensure that every vehicle he was due to drive had been pre-checked but I saw no evidence of that. It is precisely the sort of action that I would expect to be recorded somewhere if it was a genuine precaution that the Respondent had taken.

111. Further supporting the Claimant's argument is that he was allowed to drive for six weeks before being suspended. That is a long time to let a driver considered a safety risk out on the road. I note also that the driver who drove the Lorry last in time, the one who was driving it when the tyre would have been in the most degraded state it could have been in, was not suspended.
112. However, taking a step back, I accepted that the delayed decision was essentially policy-driven. The relevant policy says that suspension should not take place until certain facts have been established. In this case, there was a delay in that process taking place. I note also that suspension is not in and of itself a sanction but it is a precaution. A repeated failure to undertake checks properly, everybody would accept is a safety risk that would constitute a good reason for suspension. I am unclear why that decision was not taken sooner if it was a genuine concern, but the Respondent must be afforded a degree of latitude in how it implements its policies and considers matters such as suspension.
113. Once again, therefore, overall I find that that the handling of the Claimant's suspension was fair, although far from exemplary. Whatever errors or misjudgements were made, they were not sufficiently material to have rendered the dismissal process unfair overall.
114. I will address the other matters raised more briefly.
115. Thirdly, the Claimant raised concern about consistency of treatment, notably how both his direct colleagues and drivers in another region had been treated more leniently.
116. In my view, what was crucial for the Respondent to do was to take proper account of the previous decisions raised and to explain any differences. If I look at the matter in general terms, just because somebody may once have been subjected to an objectively over-lenient sanction, that cannot mean that everybody from that point onwards must be subjected to the same level of sanction. What is important is for an employer to engage properly with the previous decision, to understand the reasons behind it and to explain any apparent departure from it.
117. In this case, I am entirely satisfied that that is precisely what the Appeal Officer did. He asked specific questions about that matter of two people and he explained the difference in treatment fully in his decision. In my view no more was required in relation to that matter. It was dealt with in my opinion very professionally.

118. Fourthly, the Claimant complained about the failure to share the evidence provided by the workshop by way of answers to his questions during the initial disciplinary hearing. The meeting was not reconvened to do so. I accept that that is very unfortunate. The Dismissing Officer accepted that also.
119. In relation to whether the hearing was reconvened or not, that was, on its face, a decision made in agreement with the Claimant via his CWU representative. But in that case, normally I would expect the Claimant to have the opportunity to comment on the evidence. This may well have rendered his dismissal unfair. However, of upmost importance, the issue was remedied at the appeal stage, which was a full rehearing. The Claimant had the opportunity to address the evidence then and did so. I am entirely satisfied that the Appeal Officer took proper account of that. Indeed he made doubly sure in this Appeal to provide copies of all of the responses that he had received to his questions to the Claimant in good time for comments and observations to be made.
120. Fifthly, the Claimant complained about the Appeal Officer not having been provided with all of the relevant appeal and grievance submissions. However, the Appeal Officer had the key documents that he needed to have in order to determine the appeal and he considered them. He provided an opportunity at the appeal meeting for the Claimant to highlight the important documents that he wished the Appeal Officer to look at. It seems to me that the Appeal Officer clearly considered the main issues and did so sufficiently in depth to render the process fair. This is not to say that the Respondent has any good reason to have failed to progress the Claimant's grievance, which seems to me rather unprofessional for an organisation of the Respondent's size. But that is a separate matter to the appeal and does not render the dismissal unfair.
121. Sixthly, the role of the PCAT team was raised. This was an issue that I touched on myself at the hearing. It seems to me quite troubling in a case such as this, where many of the decisions made by the relevant managers appear to have been informed by a centralised HR advisory group, to not have been provided with any details of the advice that was given. It is not difficult to explain the advice that was given and in many cases I would expect to be told. I cannot see any good reason why any of that information was not disclosed.
122. However, I was told at the hearing that PCAT often gives information and advice orally. What was important for me to consider was whether there was anything to indicate that that advice was either wrong or in some way unfair, but there was nothing in the documentation to suggest either. From considering the documentation about the steps taken and the decisions that were made, it became relatively clear what advice had been provided to the Dismissing and Appeal Officer.
123. The advice would have been no more than to suggest that the actions of the Claimant and his principal colleague, who purportedly committed multiple

inspection failures, could be considered potentially more serious than those of the other drivers. It would also have been that suspension would be appropriate and, potentially, that dismissal might be warranted. Possibly, it would have given advice to properly consider mitigating circumstances. I am satisfied that neither the Dismissing nor the Appeal Officer would have taken any such advice as a firm directive, which is evident from the fact that the Dismissing Officer did not dismiss every driver.

124. So, overall, I am disappointed not to have had further information about this matter but there is nothing that I have seen that suggested any advice given by PCAT was manifestly wrong or unreasonable. Therefore there was no good reason for me to find that its involvement rendered the process unfair overall.
125. Seventhly, the Claimant raised the failure of managers at the Ipswich Distribution Centre to undertake the vehicle checks expected of them. I accept that there was little evidence that the managers had conducted the checks that they are required to do by the Respondent's policies, and/or as regularly as they should have. However, I accept also that vehicle checks are principally a driver's responsibility, which was a point dwelt on by the Respondent at the hearing.
126. It is not for me to assess or determine the importance of "secondary" checks that managers may or may not be required to undertake. Clearly it would be better if they had done so. If they had, then the issue that the Claimant faced may well not have arisen whatsoever. However, if it was simply the manager rather than the workshop that identified the bald tyre, I am not convinced that would necessarily have changed the Claimant's fate.
127. The issue was understood by the Appeal Officer. He took into account whether or not those manager checks took place. In those circumstances, it is not the Tribunal's role to dictate what weight to place on any such failure. If the Appeal Officer determined that that matter should attract limited weight, then that is entirely a matter for the Respondent and the Appeal Officer. It is not an unreasonable position to take bearing in mind the driver's primary responsibility for conducting checks.
128. Eighthly, the Claimant was aggrieved by a comment made by the Appeal Officer that he believed that the Claimant had deliberately disregarded his safety obligations. I can understand why the Claimant is aggrieved because he considers himself to be conscientious and that he conducted the requisite vehicle checks at all relevant times.
129. However, I must not overly dwell on any given words or turns of phrase that people such as the Appeal Officer may use. Essentially, his opinion was that the Claimant had had multiple opportunities to check the Lorry's tyres and had not done so adequately. I do not think he necessarily believed that the Claimant deliberately drove an unsafe vehicle. His decision must be read in context. It seems that the Appeal Officer may have used that terminology as that is the example given in the Respondent's policies of what might constitute gross misconduct. It is only an example, and I have

already accepted that it was reasonable for the Respondent to consider the Claimant's purported failure to amount to gross misconduct, regardless of the exact "label" that was placed on it.

130. The final main point raised by the Claimant related to the peculiar "pausing" of his appeal hearing. I found that inexplicable and I cannot really understand how that happened. Ultimately, I note that it was at the instigation of the Claimant's CWU representative and appears to have mostly related to providing information about whether or not the Claimant's colleagues had appealed their suspended dismissals. They had not, presumably in part as they might have been aware of the risk of a greater sanction.
131. On that basis I do not find that the Appeal Officer himself did anything manifestly unfair. If he had considered how the Claimant might have viewed that event he may have chosen to deal with the matter differently. Maybe he will choose to act differently next time but that is not sufficient reason for me to find that the disciplinary process followed in this case was unfair.
132. Therefore, although I accept that the process leading up to the Claimant's dismissal was far from perfect, it was satisfactory which is all that was required.

Was dismissal within the range of reasonable responses?

133. The final point for me to address was whether dismissal was within the range of reasonable responses to the alleged misconduct.
134. In that regard, all parties at the hearing accepted that driving with a bald tyre was a serious safety matter. My personal view may well be that this is a harsh sanction to have applied for a first-time offence considering all of the matters that I have explained. This includes the uneven tyre wear, the possible ramifications of that, and the apparent diligence with which the Claimant otherwise generally performed his duties (and would likely have demonstrated in the future).
135. However, the overriding factor is that the Respondent is entitled to significant management discretion about matters of this sort. The Respondent has reasonably concluded that the Claimant had demonstrated a repeated failure to conduct checks on the Lorry's tyre, or at least to conduct them properly.
136. It was reasonable for the Respondent to view that failure as gross misconduct. It is difficult for me to see how a decision to dismiss could not be a reasonable response to a reasonable finding of gross misconduct. To the contrary, it seems to me that dismissal is plainly within the range of responses to a finding of gross misconduct.
137. Accordingly, as I have accepted that the Respondent has acted reasonably at all stages, I found that the claim of unfair dismissal was not well-founded and I dismissed it.

Approved by:

Employment Judge M. Hunt

Date: ...2 March 2026.....

Sent to the parties on: 24 March 2026

For the Tribunal Office.

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