



EMPLOYMENT TRIBUNALS

Claimant: Dr A Abdul-Ahad

Respondent: Niche Science & Technology Limited

Heard at: London South (remotely by CVP)

On: 17 and 18 December 2025

Before: Employment Judge Heath

Representation

Claimant: In person

Respondent: Mr D Flood (Counsel)

JUDGMENT having been sent to the parties on 3 February 2026 and written reasons having been requested in accordance with Rule 60 of the Employment Tribunals Rules of Procedure, the following reasons are provided:

REASONS

Introduction

1. The claimant claims that he was unfairly dismissed by the respondent in a sham redundancy process. The respondent asserts that there was a genuine redundancy situation, and that it adopted a fair process which led to the claimant's dismissal for redundancy.

Issues

2. At the start of the hearing I identified the following issues, which both parties agreed were the issues I had to determine:

Unfair Dismissal

1. *What was the reason or, if more than one reason, the principal reason, for the Claimant's dismissal? The Respondent relies on redundancy.*
2. *If so, was the dismissal within the meaning of s.98(4) ERA 1996, and, in particular, 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? The Tribunal's determination whether the dismissal was fair or unfair must be in accordance*

with equity and the substantial merits of the case. It will usually decide, in particular, whether:

- 2.1. The respondent adequately warned and consulted the claimant;*
 - 2.2. The respondent adopted a reasonable selection decision, including its approach to a selection pool;*
 - 2.3. The respondent took reasonable steps to find the claimant suitable alternative employment;*
 - 2.4. Dismissal was within the range of reasonable responses.*
- 3. If the dismissal was procedurally unfair, what was the chance of the Claimant being fairly dismissed if a fair procedure had been followed?*

Remedy

- 4 What compensatory award should be made to the Claimant, taking into account what is just and equitable in all the circumstances having regard to the loss sustained by the Claimant in consequence of the dismissal in so far as that loss is attributable to action taken by the employer? (ERA 1996, s 123) In particular:*
- 4.1 what past losses has the Claimant sustained as a result of their dismissal?*
 - 4.2 what future losses is the Claimant likely to sustain as a result of their dismissal?*
 - 4.3 has the Claimant taken reasonable steps to mitigate their losses?*
 - 4.4 if not, for what period of loss should the Claimant be compensated?*
 - 4.5 if the dismissal is found to be procedurally unfair, what is the percentage likelihood that the Claimant would have been dismissed fairly in any event, and when would such fair dismissal have taken place? (Polkey v Dayton [1987] IRLR 503)*

Procedure

- 3. I was provided with an agreed 522 page bundle. The respondent called evidence from Dr Hardman, who had supplied a witness statement, and the claimant gave evidence on his own behalf, having also provided a witness statement.*
- 4. I made clear to the parties that I would not read the whole bundle, but would only read the documents referred to by the parties in their witness statements, and the documents which the parties referred me to during the course of the hearing.*
- 5. At the conclusion of the evidence both parties made oral submissions. I*

deliberated, and gave an oral decision.

6. On 3 February 2026 the claimant requested written reason.

Facts

7. The respondent is a company that provides scientific and clinical support services to biotech and pharmaceutical companies involved in drug development. It was set up by Dr Hardman, a scientist with a background in clinical pharmacology and therapeutics.
8. The claimant is a medical doctor with expertise in immunology, oncology, immune-oncology and global pharmaceutical drug development.
9. In the summer of 2020 Dr Hardman was approached by a former colleague who wondered whether the respondent was able to put some work the claimant's way. Dr Hardman was aware of the claimant, having had some professional dealings in the mid-1980s with him. Dr Hardman and the claimant had several calls, and reached out to a few colleagues to see if they could provide the claimant with work. There was further contact between the two men, and in the end Dr Hardman proposed to offer the claimant a zero hours contract, as Dr Hardman was not confident he would be able to finance sufficient work for the claimant to cover the salary he required.
10. The respondent employed the claimant on a six month fixed term contract as a Chief Medical Officer ("CMO") commencing on 30 November 2020. The agreed purpose of his position was to work closely with management, team members, clients, ethical committees, regulatory bodies, payer organisations, and other stakeholders, as well as on ad hoc basis, to identify and provide medical input, opinion, expertise, and advice, oral or written, that could promote the company and bring in projects.
11. There were further discussions about the claimant's employment, and he was employed on a permanent basis from 1 April 2021.
12. The respondent's business had been split into two functions - medical writing and regulatory affairs, and separately clinical operations. The claimant had been brought in to develop a new series of services and a separate office was created, that of chief medical officer. In reality this office consisted simply of the claimant.
13. The respondent operates in a heavily regulated environment. I formed the impression that the proposed services which the claimant was to introduce involved establishment of relationships and potentially long lead times while frameworks were put in place to deliver services. The hope was that the claimant could be heavily involved in bringing in business for the respondent. However, an idea for a business project alone was insufficient. Work had to be done to establish the required frameworks, to build relationships with customers and give them the confidence that services could be delivered.
14. From 2023 onwards the pharmaceutical and biotech sectors, where the respondent gets most of its work, faced a challenging period, due to regulatory changes, economic pressures and operational difficulties. It

appears that ambitious projections for business growth were not coming to fruition. By summer 2023 the performance data indicated that the respondent's work was decreasing. In a report presented to the respondents board on 13 April 2023, a downturn in revenue in various parts of the organisation of between 1.3 and 9.7% was shown between 2020 and 2021. It was also observed that the claimant was "piggybacking" on project management and medical writing jobs which had not been costed to include his input. A similarly negative picture was presented in board reports of 22 May 2023 and 24 July 2023.

15. Dr Hardman gave evidence that the claimant's involvement or piggybacking on other departments was mainly because the claimant had none of his own projects to focus on. He also gave evidence that overhead costs had increased substantially from 2021 to 2022 to make the bleak economic climate for the pharmaceutical industry even worse for the respondent. In 2023-2024 the respondent failed to achieve its annual turnover target by more than £1 million. Trading conditions had become more difficult with reduced number of projects and many projects that were promised having to be put on hold while funding was obtained. Several key clients had cancelled project and there were other significant pressures.
16. The respondent's employees maintain records of their time on the projects they are working on so that the cost of their work can be reconciled against charges passed onto the clients. Data from the time recordings was in the bundle. The data suggests that the claimant in early 2024 had been operating in his role at around 20 to 25% of the available time on chargeable projects. Mainly these had been on medical writing jobs which did not include any estimate for his involvement which impacted on their budgets. The claimant himself accepted that he was "under-employed" while working for the respondent.
17. The effect of all of this was that the respondent, and Dr Hardman in particular, began to have serious concerns as to whether the CMO role was still viable. The amount of revenue generated by the role was negligible, the overheads were high and the trading conditions extremely challenging.
18. There were ongoing discussions between Dr Hardman, the finance director and a business adviser as to the finances and operation of the company. By spring 2024 the respondent determined that the office of the CMO was showing no signs of becoming financially viable.
19. On 8 March 2024 Dr Hardman exchanged messages with the claimant on Teams. There had been little interaction between the two men the previous few months, and the claimant commented at the start of the exchange "*Why the selective radio silence?*". There was a discussion about the need to get more work in and the fact that this takes time. The claimant pointed out that the BOTh project (a business venture of the claimant's) and a Saudi project had not come to fruition. Dr Hardman accepted that as he was the boss he was the one who takes the blame. Dr Hardman was frustrated at the claimant's stance and felt the need to bring the conversation to an end.
20. Dr Hardman concluded that a redundancy consultation exercise needed to be started to consider the future of the CMO role.

21. On 26 April 2024 at an at-risk meeting took place between Dr Hardman and the claimant. Dr Hardman sent the claimant minutes of the meeting afterwards, which apparently were not challenged. These minutes included:

- a. The aim of the consultation document was to provide more information about proposed changes to the CMO role.
- b. A detailed review of business in terms of workload and future work prospects had been carried out.
- c. Numerous factors affecting the business were set out including economic turbulence which was stifling activity in the marketplace. Trading conditions had become more difficult with a further steady reduction in projects. Competitors and consultants were desperately chasing a diminishing supply of new workload, leading to it only being possible to secure new workload at uneconomically low fee levels. The market had slowed down in the sectors that might be served by the CMO. The CMO had been operating at around 20 to 25% of available time on chargeable projects. Some projects had been cancelled. Overheads had increased substantially and measures would be taken to reduce the current level of costs within the business.
- d. A proposal was set out as a result of the review which involved the reduction in number of positions currently employed around the office CMO. This was, as I have stated above, an office of one – the claimant.
- e. The claimant's role had been identified as being at risk of redundancy. A period of consultation would start *"during this time you will have the opportunity to ask questions and suggest alternative solutions to avoid the need for redundancy. It is important to remember that no firm decisions regarding redundancy has been made at this stage. This is a proposal and we are now entering a period of consultation to work with you to try mitigating the need for redundancy. We are open to considering other ways to help sustain our operating efficiencies. Please raise any potential solutions or proposals with me."*
- f. The claimant was told that he would be invited to attend individual consultation during which he would have the right to be accompanied and proposals would be discussed. The claimant would have the right to put forward any alternatives to redundancy he wished to put forward and to seek alternative employment. A timescale 2 to 3 weeks was set out.

22. On 26 April 2024 the claimant was invited to a first consultation meeting on 30 April 2024. The information provided at the at-risk meeting was reiterated. The claimant was told that a two-stage consultation process would commence. He was told that the respondent would not make a final decision the meeting would be conducted by an a HR consultant and Dr Hardman.

23. The first consultation meeting took place on 30 April 2024. The claimant attended alone and confirmed he was happy to continue with the meeting

without accompaniment. He was told the purpose of the meeting which was to consult on the proposed changes to the CMO role and to listen to any proposals he may have an answer any questions and to advise on next steps. Dr Hardman asked if the claimant wished him to run through the challenges that the respondent was facing. The claimant said that he already had that there was no need to repeat them. He asked to present his response and said that *"I expect no interruption"*.

24. The claimant then read out a statement which she was later to provide in writing after the meeting. He referred to Dr Hardman as Mr Hardman at this meeting and through the consultation process. This statement included:

- a. The claimant's assertion that Dr Hardman's plans to make him redundant were a clear case of unfair dismissal which contravenes part X of the Employment Rights Act 1996. He said this had legal and reputational consequences which he planned to pursue and publicise with the vigour that Mr Hardman knew him for.
- b. He said that the unfair dismissal was based on *"baseless blame, victimisation, ageism, scapegoating and mobbing, which is typically found in work environments that have poorly organised production or working methods and incapable or inattentive management and that mobbing victims are usually "exceptional individuals who didn't demonstrated intelligence, competence, creativity, integrity, accomplishment and dedication"*.
- c. He said *"Mr Hardman plans to dismiss me, is a big surprise, as he had never discussed my specific workload with me, or even proposed a reduction in my hours, which I would have been ready to consider in order to help him and his company"*.
- d. He challenged the assertion that there were difficulties in the industry and suggested that the market was estimated to grow in his field.
- e. He said that the company's failure to attract projects and customers was down to Dr Hardman and that he was looking for a scapegoat in the claimant. He said that Mr Hardman had put forward a textbook case of gas-lighting and an attempt to gain some self-worth.
- f. He said that the failure of the business had unbalanced Dr Hardman, and that his status could be helped by appropriate support not by sacking the claimant. He asserted that Dr Hardman had indicated that an hour of his time was more impactful than a team working for a whole week.
- g. He said that Dr Hardman's claim that he has tried to sell CMO services would be scrutinised by an industrial tribunal judge.

25. After the presentation of this statement Dr Hardman commented that the claimant was not engaging in the process of consultation but had decided to present a combative response. The claimant said he had provided facts. Dr Hardman and confirmed the CMO role was at risk of redundancy but that proposed changes were not finalised and that the role was only at risk and no final decision had been made.

26. Dr Hardman asked if the claimant had any further proposals and he confirmed that he had said everything in his statement. He asked Dr Hardman to deliver his response as soon as possible so he could proceed with his life. He said Dr Hardman was determined to progress with this unfair dismissal, which Dr Hardman thought would protect him legally but which was not going to. He said further meetings would not achieve anything apart from Dr Harding presenting further false statements and that he would not bring a representative to any further meeting and as soon as he was dismissed he would go to an industrial tribunal.
27. Before me the claimant asserted that he had and he was proposing working reduced hours. However, in his written statement which he read out he used the conditional perfect tense "*which I would have been ready to consider*". He does not set out that he was ready to consider a reduction in hours, and read in context with the rest of his statement and what he said during the meeting, it is quite clear that he was not proposing working reduced hours. Quite the contrary he was indicating an unwillingness to engage in the process and setting out that he expected to be dismissed and that he would take the company to the tribunal. I reject the claimant's assertion that he was actively proposing a reduction in working hours. He was just asserting during the meeting and in his written statement what he says he would have done.
28. On 24 May 2024 Dr Hardman invited the claimant to a second consultation meeting. He provided notes of the previous meeting, which apparently were never challenged. He said the respondent had the opportunity to deliberate on proposals and would like to discuss them with the claimant. He gave the claimant the opportunity to be accompanied. If he had any questions he should feel free to contact Dr Hardman. In the letter he said that there were two vacancies in the business, Associate Medical Writer with a salary range of £28-£30,000 and Clinical Research Assistant with a salary range of £36-£40,000. Job descriptions were said to be provided, but were not in fact attached. They were sent later. On 28 May 2024 the claimant emailed Dr Hardman asking him to clarify whether these positions were being offered as an alternative to this CMO position. Dr Hardman's response the same day was "*No. These positions are currently open.*"
29. Because the claimant had made serious allegations in the statement he had read to the first consultation meeting, which he had sent subsequently, Ms Wade, an HR professional, invited the claimant to a grievance meeting concerning the content of the statement. The claimant responded that he would consult with his employment solicitor before responding to the invitation. Ms Wade chased up with an email on 30 May 2024. The claimant responded that he was sick and the meeting was cancelled.
30. On 3 June 2024 the claimant commenced sick leave providing a fit note for two weeks. Because of this, consultation was paused. On 11 June there was correspondence relating to the claimant's entitlement to sick pay which had expired. The claimant replied saying that he would consult a solicitor. There was further correspondence including a response by the claimant on 17 June 2024 in which he asserted that respondent's enterprise of unfair dismissal had had serious impacts on his health.
31. On 24 June 2024 the respondent invited the claimant to a second

consultation meeting. The claimant responded on 26th of June 2024 accusing Dr Hardman of being proud of depriving his family of income for not accepting the unfair dismissal enterprise. He later apologised for this email which he sent in difficult personal circumstances.

32. On 2 July 2024 a second consultation meeting was held. The meeting started with a disagreement as to whether this was the second or third meeting. Dr Harding then read a statement which included:

- a. Dr Hardman asked for more concrete details around the top level suggestions the claimant had made. He pointed out that the claimant's services had been offered to virtually all of the respondent's existing and prospective clients, but most had rejected proposals.
- b. He set out that within the sector sales are dependent on service companies demonstrating professional capability, experience and excellence. He said it was hoped that the consultation period would open up discussion around the future sales and marketing strategy. Any future plans would benefit from the claimant proposing a valid delivery schedule requirements and defining developmental milestones.
- c. Dr Hardman addressed three suggestions with which the claimant had proposed which were not viable solutions. These were BTh Analytics and Xploratum, the Saudi Project, and Investigator Initiated Trials. For a variety of reasons which he set out these were not viable proposals likely to generate any significant remuneration within an appropriate timescale.
- d. Dr Hardman expressed the hope that the claimant would continue with the redundancy consultation process and hope the claimant would fully engage in discussions. It was his intention to continue to hold meetings to seek to identify alternatives to redundancy.

33. Dr Harding said in the meeting that available alternative roles had been provided and said *"If you want to express an interest in these roles you can"*. The claimant asked if those roles being offered were suitable to his experience and expertise. Dr Hardman replied that he was required by law to make the offers. The claimant asserted that this was an attempt to humiliate him as two junior positions had been offered which were not suited to his experience. He said that on 28 May 2024 Dr Hardman had stated that the roles were not being offered as an alternative to the CMO role but were positions that were open. He asked why he was being informed of them as they were not suitable. Dr Hardman said that the positions were for the claimant to apply for if he wanted to. The claimant wondered whether he would be offered a cleaner's role. The claimant was asked if he wanted to ask any further questions and he responded that he would respond in writing.

34. On 10 July 2024 a human resources officer invited the claimant to a grievance meeting. The claimant's response was *"What grievance?"*. After further correspondence it was confirmed that no further action would be taken on the grievance, and that given observations made by the claimant

about GDP are they a officer would destroy the document she possessed.

35. On 17 July 2024 Dr Hardman invited the claimant to a third consultation meeting to take place on 22 July 2024. There was correspondence about whether or not this would be postponed but a postponement request was refused.

36. On 22 July 2024 for the third consultation meeting was held. The meeting included:

a. The claimant read a statement which he subsequently sent to the respondent. This statement included:

- i. An allegation of yet another attempt at whitewashing the respondent's unfair dismissal enterprise against him and he described Dr Hardman's statement at the second meeting as *"a tissue of gas lighting, vindictiveness and abdication of truth"*.
- ii. He described the attempt to convene a *"kangaroo court"* in the guise of a *"phantom grievance process"* that he never raised. He said that one of the perpetrators had appointed herself the judge jury and executioner. He was referring here to the fact that Mrs Hardman, Dr Hardman's wife and a senior employee at the company, was the person appointed to hear the grievance.
- iii. He referred to the insult of being offered two junior technical positions not suited to his experience.
- iv. He stated *"These attempts only further incriminate the Niche Owners and deepen their legal and reputational jeopardy. We will be submitting all details to the central London industrial tribunal and provide them to the Niche employees, official bodies and customers, as well as the LinkedIn community."*
- v. He accused Dr Hardman of obfuscation and muddying the waters in his response and said he would be submitting 71 documents to the central London industrial tribunal demanding that Dr Hardman explains why he ignored them. He set out various other issues he proposed asking the Tribunal to compel Dr Hardman to provide evidence about.
- vi. He said that Dr Hardman had made false claims and had confessed to being an incompetent leader.
- vii. He addressed Dr Hardman' claims about BOTH and Xploratum, the Saudi project and IIT and said that Dr Hardman was putting forward false claims.
- viii. He set out various testimonials to his own ability.
- ix. He said that Dr Hardman was *"obviously happy living at the bottom of the pond, eating garbage, thus resisting my attempts at pulling them out and giving him better*

nourishment. I wonder if his employees realises that Mr Hardman views them as lowly creatures eating discarded rubbish!"

- x. The claimant concluded by saying *"In summary, I repeat my position. The Niche owners have embarked on an unfair dismissal enterprise which they are now ready to turn into action. Everything they have said and done since initiating it, further incriminate them and deepens their legal and reputational jeopardy."* He said that they had two options, which was essentially pay him two years' salary or be sued and face reputational damage. He concluded *"In addition, once an application is made, I will be making the details public in the Daily Mirror where I am in conversation with their industrial relations reporter, in forums such as LinkedIn, and to Niche employees, customers, AHPPI and EUFMED, amongst others"*.
 - b. After he completed his presentation to the meeting the claimant said *"do your worst Mr Hardman"*.
 - c. Dr Hardman set out that on the basis of the claimant's comments there were no further proposals or questions arising. He confirmed the CMO role was confirmed as redundant effective from 31 July 2024. He said the claimant would be paid four weeks' notice. He gave the claimant a right of appeal against the decision.
 - d. The claimant's response was *"you will be sorry"*. Dr Hardman responded *"I am"*. The claimant responded *"Not as sorry as you will be, mark my words"*.
 - e. There was further conversation about garden leave and the last day of work. It was confirmed that the claimant's employment would end on 31 July 2024. The claimant responded *"I will enjoy this. Thank you for allowing me to destroy you professionally"*.
37. 22 July 2024 at 3:06 PM the claimant emailed Dr Hardman subject *"Bad news!"* He said *"All employment tribunal cases are conducted in public and therefore confidentiality clauses are not relevant to such hearing"*.
38. The dismissal by way of redundancy was confirmed by letter of 23 July 2024. Again a right of appeal was set out and financial details of the termination were set out. The claimant did not appeal against his dismissal. On 24 July 2024 he emailed Dr Hardman to ask *"Does your vindictiveness know no end?"* as he was entitled to 4 weeks written notice. On 25 July 2024 he sent a further email again threatening to make information known to Niche employees, the daily Mirror, LinkedIn, and the respondent's customers. He spoke about making the details public in a tribunal claim and welcomed being sued by the respondent as this would also be in the public domain. He concluded *"I will then sit back and watch you disintegrate in public. Quite a spectacle. PS you are so incompetent you cannot even spell my name!"*.

The law

39. Section 139 Employment Rights Act 1996 ("ERA") provides:

For the purposes of this Act an employee who is dismissed shall be taken to be dismissed by reason of redundancy if the dismissal is wholly or mainly attributable to—

(a)...

(b) the fact that the requirements of that business—

(i) for employees to carry out work of a particular kind, or

(ii) for employees to carry out work of a particular kind in the place where the employee was employed by the employer, have ceased or diminished or are expected to cease or diminish.

40. Under section 98(1) Employment Rights Act 1996 ("ERA") it is for the employer to show the reason for dismissal and that such reason was potentially fair one under section 98(2). Redundancy is one such potentially fair reason. Some other substantial reason is also one such reason, and a business reorganization can fall within that category.

41. Section 98(4) ERA provides that:-

"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".

42. Tribunals are entitled to satisfy themselves that the redundancy situation is genuine, but it is not their function to go behind or examine the commercial merits of the decision to reorganise a business, so long as it is established that the decision to make redundancies was based on proper information and consideration of the situation (*Moon v Homeworthy Furniture (Northern) Limited* [1977] ICR 117, *Berkeley Catering Ltd v Jackson* UKEAT/0074/20).

43. General principles relating to fairness in redundancy process emerge from *Polkey v A E Dayton Services Ltd* [1988] ICR 142 where it was held that an employer will not be acting reasonably unless it:

- a. Warns and consults affected employees or their representatives;
- b. Adopts a fair basis on which to make selections for redundancy; and
- c. Takes reasonable steps to avoid redundancies.

44. In *Williams v Compair Maxam Ltd* [1982] ICR 156 guidance was given on the factors which the tribunal should consider when assessing fairness within a redundancy process: -

- d. The employer should seek to give as much warning as possible of impending redundancies to employees;
- e. It should consult them or their unions about the best means of achieving redundancies, including the applicable criteria in selecting for redundancies;
- f. That criteria for selection should, so far as possible, not depend solely on the subjective opinions of decision-makers;
- g. Selection is made fairly according to the criteria; and
- h. The employer will take reasonable steps to offer alternative employment instead of dismissing.

45. In looking at all these elements it is not for the tribunal to substitute its own view, but to assess whether the employer's actions fell within a range of reasonable responses open to a reasonable employer.

46. In terms of establishing a pool for selection, the employer is to be given considerable latitude and the tribunal is to consider whether the choice of the pool is within the range of reasonable responses open to an employer in the circumstances. Identifying the pool is primarily a matter of the employer and the pool does not have to be confined to employees doing the same or similar work. It is difficult to challenge the establishment of the pool if the employer had genuinely applied its mind to the consideration (*Taymech v Ryan* UKEAT/663/94, *Capita Hartshead Ltd Byard* [2012] IRLR 814).

47. The question of reasonable alternative employment is viewed through the reasonableness test under section 98(4) ERA, and, again, the tribunal is to consider whether the respondent's efforts fell within the range of reasonable responses. In *Thomas and Betts Manufacturing Co v Harding* 1980 IRLR 255, CA, the Court of Appeal ruled that an employer should do what it can so far as is reasonable to seek alternative work. The tribunals, however, are not to impose an "unreal or Elysian standard" (*British United Shoe Machinery Co Ltd v Clarke* [1977] IRLR 297).

48. Under the principal in *Polkey*, where there is a failure to adopt a fair procedure at the time of dismissal, dismissal would not be rendered fair just because the procedural unfairness did not affect the end result. Compensation can be reduced to reflect the chance of dismissal taking place had a fair procedure been adopted. Additionally, it is open to the tribunal to have regard to misconduct discovered subsequent to dismissal, not on the question of the fairness of the dismissal, but on the issue of what, if any, compensation it is just and equitable to award (*W Devis & Sons Ltd v Atkins* [1977] IRLR 314).

Conclusions

Reason for dismissal

49. It is for the respondent to establish the reason for the dismissal. The law sets out that it is not the function of the tribunal to sit in judgement on the business rationale behind the redundancy decision.

50. The respondent's case is that, essentially, the claimant had been employed as a department of one to pursue certain business ventures. Over the course of a few years it became clear that the ventures were not succeeding in that insufficient business was being generated to cover the costs of the role. Adverse economic circumstances compounded the situation. There was a cessation or diminution in the business is requirement for a CMO role. The role was redundant and therefore it took steps to consult with the claimant, consultation was unsuccessful because of the manner in which the claimant engaged in it and there was no option but to dismiss.

51. The claimant summarises his case in the final paragraph of his witness statement in which he says:

In summary, I was unfairly dismissed by Niche to cover up for the business failure and incompetence of Tim Hardman who had over 3 and a half years refused to introduce each of the many services that were on my experience and expertise, which I wanted to introduce to Niche that would have expanded its business and substantially boosted its income.

52. In essence, I find that the claimant is asking me to conduct the sort of enquiry which the law says is not for me to conduct. He is essentially saying, if Dr Hardman had not been incompetent the business would have functioned in a way such that the need for my dismissal would not have arisen.

53. That is an enquiry which the law says is not for me to conduct. The claimant has acknowledged during these proceedings that he was underemployed. He has not effectively challenged the fact that the work he was involved in was not bearing fruit, choosing instead to say that Dr Hardman's failings were the reason behind it.

54. It is not necessary for me to make detailed findings as to reasons behind the fact of there not being sufficient business to sustain the role. I find as a fact that there were not sufficient projects to sustain the CMO role and that economic circumstances were challenging. I find that there was a cessation or diminution in the requirement of the respondent's business for work to be done in the CMO role. There was, as it is sometimes expressed, a genuine redundancy situation.

55. I further find that the reason why the respondent dismissed the claimant was because of this state of affairs. The respondent has established that the reason for dismissal related to redundancy.

Fair warning

56. My impression of the claimant's case is that he suggests that fair warning of a redundancy situation was not given to him in that over the course of time before the consultation process it had not been discussed with him that projects were not coming to fruition.

57. I have no doubt that the redundancy exercise did come as something of a surprise to the claimant. However, I do not accept, given that the claimant acknowledges that he was underemployed during his employment, that there was no discussion about the fact that the projects he was employed to deliver were not bearing fruit.
58. The evidence before me suggests that Dr Hardman reached a conclusion in the spring of 2024 that redundancy was something that would need to be explored. He therefore had an at-risk meeting with the claimant on 26 April 2024. There was a first consultation meeting on 30 April 2024 a second one on 2 July 2024 and a third one on 22 July 2024.
59. I conclude that the warning of potential redundancy fell within the band of reasonable responses open to a reasonable employer.

Consultation

60. Consultation should be meaningful. It is a dialogue between employer and employee with a view to informing the employee of the situation and exploring steps to mitigate the chances of redundancy dismissal and explore options for alternative employment.
61. On examination of the contemporaneous written documentation and hearing the evidence of Dr Hardman I am satisfied that the respondent engaged in the process with the genuine intention to explore what was possible. The response from the claimant was combative from the outset. He took the position early on that he was being railroaded into dismissal through a sham process. He pulled no punches in the way he articulated this. He accused Dr Hardman of being incompetent and dishonest and relished the opportunity of pursuing litigation and embarrassing him. Employment tribunals are well aware that redundancy situations can be stressful and emotionally fraught. However, the attitude displayed by the claimant in this process was singularly unhelpful.
62. Consultation really did not get off the ground. The reason it did so was because of the way the claimant failed to engage with the process and the manner in which he chose to confront the respondent. This left practically no room for any exploration of mitigating the possibility of a redundancy dismissal.
63. I conclude that the respondent genuinely engaged with the claimant with an open mind but came up against accusations of bad faith from the outset. This probably doomed the consultation process from the beginning. Nonetheless, the contemporaneous evidence suggests that the respondent still sought to engage. It considered proposals put forward by the claimant and gave reasoned responses to them.
64. I do not accept the claimant's assertion that he meaningfully proposed a reduction of hours. He uses the conditional perfect tense that he would have considered a reduction in working hours. That alone does not suggest a proposal to work reduced hours. However, set in context with what the claimant was saying throughout the consultation process it was abundantly clear that this was not a proposal he was considering. The proposals he put forward were essentially that the respondent should pay him two years' salary or be subject of litigation and reputational embarrassment. This is no

way to conduct meaningful consultation.

65. I find, in the circumstances, that the respondents consultation with the claimant fell within the band of reasonable responses open to a reasonable employer.

Selection

66. This was a case where a defined section of the business, which was the claimant's role alone, being identified as potentially redundant. I find that the employer conscientiously applied its mind to whether any other employee needed to be placed in the pool with the claimant. Given that it was a stand-alone role there clearly wasn't any other employee.

67. The way the consultation ran meant that there were no selection criteria to consult on and to apply. The process was realistically about exploring the possibility of mitigating the redundancy dismissal rather than identifying who would be involved in the process. It was only ever consultation about the claimant's role. If that role was redundant and there were no alternatives then dismissal was an inevitability. I conclude that this approach fell within the band of reasonable responses open to a reasonable employer.

Alternative employment

68. The obligation on the employer is to take reasonable steps to offer alternative employment as an alternative to dismissal. The claimant had been employed in a very senior and well remunerated role. There was no real suitable alternative role, but the respondent took the step of notifying the claimant of the two vacancies. I note that Dr Hardman was asked by the claimant on 28 May 2024 whether positions were being offered as an alternative to the CMO position, and he responded "*No. These positions are currently open*". However, during the course of the consultation meetings it was explained that these were offered as alternatives. Realistically speaking, these alternatives were totally unsuitable for someone with the experience and expertise of the claimant. However, they were the only positions that were vacant. Had consultation gone differently, and the claimant had adopted a less confrontational stance, it may be that different alternatives might have been explored. As I have set out above, working fewer hours was not something that claimant put forward. I conclude that realistically there were no alternatives to be offered the claimant. There is no obligation on the employer to offer alternative employment when none exists.

69. I conclude that the steps taken by the employer in respect of alternative employment fell within the band of reasonable responses open to the employer.

Conclusion

70. In all the circumstances I find that the reason for dismissal was redundancy, and that the dismissal was not unfair. The claim is dismissed.

Approved by:

Employment Judge Heath

16 February 2026