



EMPLOYMENT TRIBUNALS

Claimant: Mr M Tolley

Respondent: Birmingham City Council

Heard at: Birmingham

On: 23 June 2025

Before: Employment Judge Edmonds
Dr G Hammersley
Mr R Virdee

Representation

Claimant: Mr K Webster, counsel

Respondent: Mr B Frew, counsel

JUDGMENT

Note: these claims are subject to an Anonymity Order dated 19 March 2025 in respect of certain third parties.

The unanimous decision of the Employment Tribunal is that:

1. Losses flowing from the claimant's dismissal (including pension losses) are attributable to the acts, or failures to act, which infringed the claimant's rights and are recoverable as such under section 49(2) of the Employment Rights Act 1996.
2. The detriments in question do not "amount" to dismissal within the meaning of section 47B of the Employment Rights Act 1996.
3. Paragraph 1 above is without prejudice to any separate arguments that may be made by the respondent in relation to whether compensation should be reduced for any other reason, for example in relation to mitigation of losses. This will be determined at a reconvened remedy hearing on **10 to 12 November 2025**.

Approved by:

Employment Judge Edmonds

23 June 2025

**JUDGMENT SENT TO THE PARTIES
ON**

25 June 2025

A.Kanth

FOR THE TRIBUNAL OFFICE

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision. If written reasons are provided they will be placed online.

All judgments (apart from judgments under Rule 51) and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.

If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings and accompanying Guidance, which can be found here:

www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/