



EMPLOYMENT TRIBUNALS

Claimant: Mr S Wall

Respondent: Somerset Passenger Solutions

Heard at: Southampton (by CVP) **On:** 25 & 26 June 2026

Before: Employment Judge Scott
Tribunal Member Clarke
Tribunal Member Hole

Representation

Claimant: In person
Respondent: Mrs Patala

RESERVED JUDGMENT

1. The Claimant's claim for unfair dismissal is not well founded and does not succeed.

FULL REASONS

1. By a claim form presented on 21 September 2025, the Claimant, Mr Wall, complained of unfair dismissal.
2. The parties agree that the Claimant was employed by Somerset Passenger Solutions on 5 June 2023 and was dismissed on 9 July 2025. The Claimant contacted ACAS on 17 August 2025 and a certificate was produced on 26 August 2025.
3. The Claim form was received on 21 September 2025 and this claim has therefore been made within time.

Issues

4. At the outset of the hearing the parties and Tribunal discussed the relevant issues in this case. It was agreed that the issues for the Tribunal to determine were as follows:

Unfair dismissal

1.1 Was the claimant dismissed? Agreed

1.2 What was the reason or principal reason for dismissal? The respondent says the reason was conduct. The Tribunal will need to decide whether the respondent genuinely believed the claimant had committed misconduct.

1.3 If the reason was misconduct, 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:

1.3.1 there were reasonable grounds for that belief;

1.3.2 at the time the belief was formed the respondent had carried out a reasonable investigation;

1.3.2.1 Investigating more than the complaint made

1.3.2.2 Not showing the full CCTV at the investigation hearing

1.3.2.3 Not downloading the CCTV

1.3.2.4 Considering the toolbox talk alleged refusal

1.3.3 the respondent otherwise acted in a procedurally fair manner;

1.3.3.1 Delays on 2 occasions to meetings

1.3.3.2 The Claimant did not receive his FWW

1.3.3.3 The Disciplinary manager crossed out all the allegations about the fair driving

1.3.3.4 The Appeal manager said that she had a gut feeling you are not going to change your attitude.

1.3.3.5 Did not take into account Davids statement

1.3.3.6 The Claimant was shown the complaint by a different manager

1.3.3.7 The Stage 3 appeal said it was too severe a sanction for a single offence.

1.3.4 dismissal was within the range of reasonable responses.

Remedy for unfair dismissal

2.1 Does the claimant wish to be reinstated to their previous employment?

2.2 Should the Tribunal order reinstatement? The Tribunal will consider in particular whether reinstatement is practicable and, if the claimant caused or contributed to dismissal, whether it would be just.

2.3 If there is a compensatory award, how much should it be? The Tribunal will decide:

2.3.1 What financial losses has the dismissal caused the claimant?

Case Number: 6034850/2025

- 2.3.2 *Has the respondent proven that the claimant failed to take reasonable steps to replace their lost earnings, such as by failing to take reasonable steps to find another job?*
- 2.3.3 *For what period of loss should the claimant be compensated?*
- 2.3.4 *Is there a chance that the claimant would have been fairly dismissed anyway if a fair procedure had been followed, or for some other reason?*
- 2.3.5 *If so, should the claimant's compensation be reduced? By how much?*
- 2.3.6 *Did the ACAS Code of Practice on Disciplinary and Grievance Procedures apply?*
- 2.3.7 *Did the respondent or the claimant unreasonably fail to comply with it?*
- 2.3.8 *If so is it just and equitable to increase or decrease any award payable to the claimant? By what proportion, up to 25%?*
- 2.3.9 *If the claimant was unfairly dismissed, did they cause or contribute to dismissal by blameworthy conduct?*
- 2.3.10 *If so, would it be just and equitable to reduce the claimant's compensatory award? By what proportion?*
- 2.3.11 *Does the statutory cap of fifty-two weeks' pay or [£105,707] apply?*
- 2.4 *What basic award is payable to the claimant, if any?*
- 2.5 *Would it be just and equitable to reduce the basic award because of any conduct of the claimant before the dismissal? If so, to what extent?*

Relevant law

5. The right not to be unfairly dismissed is conferred by Section 94 of the Employment Rights Act 1996. Where, as here, there is no dispute that an employee was dismissed, the question of whether any such dismissal was unfair turns upon the application of the test in Section 98 of the Employment Rights Act 1996. The material parts of that section are as follows:

"98 General.

- (2) 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

Case Number: 6034850/2025

- a. relates to the capability or qualifications of the employee for performing work of the kind which he was employed by the employer to do,
- b. relates to the conduct of the employee
- c. is that the employee was redundant, or
- d. is that the employee could not continue to work in the position which he held without contravention (either on his part or on that of his employer) of a duty or restriction imposed by or under an enactment.

(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."

6. For the purposes of Section 98(2) ERA 1996 'conduct' means actions 'of such a nature whether done in the course of employment or outwith it that reflect in some way upon the employer/employee relationship': *Thomson v Alloa Motor Co Ltd* [1983] IRLR 403, EAT. It is not necessary that the conduct is culpable *JP Morgan Securities plc v Ktorza* UKEAT/0311/16.

7. Where the reason, or principal reason, for the dismissal is established as conduct then it will usually, but not invariably, be necessary to have regard for the guidance set out in *British Home Stores Ltd v Burchell* [1978] IRLR 379, which lays down a three-stage test: (i) the employer must establish that he genuinely did believe that the employee was guilty of the misconduct; (ii) that belief must have been formed on reasonable grounds; and (iii) the employer must have investigated the matter reasonably. Following amendments to the statutory scheme the burden of proof is on the employer on point (i) (which goes to the reason for the dismissal) but it is neutral on the other two points *Boys and Girls Welfare Society v McDonald* [1996] IRLR 129.

Background.

8. The Claimant worked as a driver for Somerset Passenger Solutions (SPS) for a period of just over two years. Prior to that time he worked as a agricultural haulier on a self employed basis for approximately 40 years. His disciplinary record demonstrates that in 2023, he was issued with a written warning for speeding,

downgraded to a letter of concern on appeal. In 2024, that he was had a final written warning in 16 July 2024.

Findings of fact.

9. It is common ground that the Claimant was a professional driver and that this is a safety-critical role requirement strict adherence to road safety laws, operational procedures and passenger-handling standards.
10. The Claimant does not dispute that his disciplinary record consisted of the following:
 - a. 19/09/2023 – security breach. Letter of concern issued
 - b. 02/10/2023 – speeding. Written warning issued
 - c. 24/10/2023 – warning downgraded to Letter of concern on appeal
 - d. 10/01/2024 – collision on site and allowing passengers to walk in a live lane. Final written warning issued.
 - e. 24/01/2024 – appeal upheld, sanction reduced to Written warning.
 - f. 16/07/2024 – Dangerous overtake of third-party vehicle. Final written warning issued.
11. The Claimant accepts that he was speeding on 22 November 2024, but explained that this was due to harsh sunlight. He was issued with a final written warning on 2 December 2024 as this was classified as a major speeding infringement. The Claimant appealed but the appeal was not upheld and his final written warning remained in place.
12. It is common ground that the Claimant submitted a grievance on 20 January 2025, as a result of the operations manager appearing to threaten the Claimant not to submit an appeal. That grievance was upheld, however, the final written warning for speeding issued to the Claimant was nevertheless maintained.
13. The Claimant says that the final written warning issued in December 2024, should, in accordance with the speeding policy have been a formal warning. It is the Respondent's case that it was entitled to take into account the Claimant's disciplinary record, and in particular, the dangerous overtake on 16/07/2024 when considering the sanction to apply.

14. The Tribunal have reviewed the speeding policy at p70 of the bundle. That policy states that a major infringement should attract a formal warning. The speeding procedure states that 'discipline procedures would be used as detailed below' and does not indicate that previous non speeding related incidents would be taken into account.
 15. However, the disciplinary policy at p50 sets out at para 5.2 that following a final warning, any further misconduct of a similar nature is highly likely to lead to dismissal, to be held on your personal record for up to 12 months.
 16. The Tribunal accepts that the speeding policy indicates that the Claimant should have been issued with a formal warning, not a final written warning. However, in our view, this policy is not to be read in isolation and the Respondent was entitled to consider the disciplinary procedure together with the speeding policy. The issue therefore is whether the speeding is misconduct of a similar nature to the dangerous manoeuvre of 6 July 2024 and we consider that it was. The Tribunal heard that the Claimant was viewed to have overtaken a lorry at an inappropriately high speed and therefore put passengers at risk. The final written warning therefore addresses issues of dangerous driving and health and safety and therefore must be considered to be similar in nature to an incident of speeding. We therefore find that the relevant procedures allowed the Respondent to issue a further extended final written warning, and that this represented a lesser sanction than was possible under the disciplinary policy.
 17. On 13 June 2025 the Claimant had been driving for the Respondent. As a result of that journey, a passenger made a complaint (p199) which broadly complains about the Claimant's driving for the following reasons:
 - a. The speed of the vehicle
 - b. That the Claimant turned too fast
 - c. That the Claimant let passengers off before a bus stop
 - d. That the Claimant drove with one hand.
 - e. That the Claimant had an altercation with a colleague prior to setting off.
- 3 The Claimant accepts this was a genuine complaint made by a passenger, and that the Respondent was obliged to investigate. In his own evidence, he says that this is complaint was one opinion out of a bus full of passengers all of whom

thanked him when getting off the bus. Nevertheless, the Tribunal accepts that the Respondent had a duty to investigate this complaint and did so in good faith.

- 4 On the 16th June 2025, the Claimant, following completing his morning runs, was informed by a duty manager Chrissy Bird that he was being removed from driving. He was told of the complaint against him and that an investigation meeting would take place. The Claimant therefore waited in the welfare room for that investigation meeting to take place until 4pm. He understood, as explained in oral evidence, that he would be discussing the complaint that day. We accept that this was his understanding of the situation. We accept that the delay occurred without keeping him updated.
- 5 The Claimant was, in the afternoon of 16 June 2025, shown the complaint by a different manager, Jon Peters. The Claimant says that Mr Peters told him that the complaint would not be resolved that day. The Claimant has said that it was procedurally unfair for Mr Peters to have shown him the complaint, yet he was not able to explain what unfairness or prejudice resulted. The Respondent does not appear to dispute that this occurred, and in so far as this is disputed, we accept that he was shown the complaint by a different manager.
- 6 The Respondent says that on 17 June 2025, Jamie Roberts of the Respondent attempted to give the Claimant a Toolbox Talk and that the Claimant refused to sign the sheet to accept the training notes. The Claimant says he wasn't involved in any talk, that he wasn't in the right headspace to learn anything because he was waiting to find out what was happening in the investigation meeting and that he could not accept and sign the training notes, because he could not read.
- 7 The Claimant's account is broadly supported by Trevor Bale at p189, where he records that the Claimant referenced his difficulty reading. The Trainer was Jamie Roberts, who gave a statement at p196, and in that statement he says he was handing out paperwork for a toolbox talk, and that he had a discussion with those that wanted it, or gave it to them to take home. Mr Roberts confirms that those involved were then asked to sign for the form. As a result of this incident, it was reported that the Claimant would not sign to confirm he had received the 'Toolbox talk'.
- 8 Having heard the evidence from the parties, it is not clear which date this toolbox talk in fact took place, either 16 June 2025 or 17 June 2025. Both the Claimant and Respondent at this hearing appear to have proceeded on the basis that it took place on 17 June 2025, but this does not appear to marry up with the contemporaneous evidence.
- 9 The reconvened investigatory meeting notes, dated 23 June 2024 (p180 onwards) confirms that the Claimant was suspended (p182), however, the letter stating the Claimant was suspended was dated several days earlier, on 17 June 2025.

- 10 The Tribunal therefore finds that the Respondent's notes of these meetings are difficult to rely upon in relation to dates. On p182, the notes record that Mr Wall says this has been going on since 10am yesterday, this would fit perfectly within the narrative of this happening on 16/17 June 2025, but the date of those notes is the 23 June 2025. Given the Respondent has the control of these notes, and has provided no reason for this seeming error, we place less weight on the dates within these notes than on the Claimant's oral testimony.
- 11 It is difficult to understand how the complaint that the Claimant did not take part in the toolbox talk could be part of the investigation, if the toolbox talk did indeed happen on the 17 June 2025, as that was the day the investigation supposedly started. The Claimant explained, and we accept, that he was involved in the investigation process, and waiting for the meeting to reconvene after an adjournment, when this talk was supposed to have taken place.
- 12 If the Respondent's case is to be accepted, then his interview for the complaint started at 08.05 on 17 June 2025, and was concluded at 12.12. The evidence from Nick Cornford is that the toolbox talk took place on 17 June 2026 at around 12.30 , which would be directly after the Claimant had completed his interview about the complaint.
- 13 The Claimant was consistent in his investigatory meeting on 23 June 2025, that this training had taken place on the day he had been removed from driving, so the 16 June 2025. We prefer the Claimant's evidence that this took place on 16 June 2025, although we recognise that the Claimant's witness statement is also confused in this regard as it appears to suggest (paragraph 19) that it was on the day of his investigatory meeting, not on the day he was removed from driving. If the Respondent is correct, then it would be wholly inappropriate to have included within the investigation something that happened after the investigatory meeting had started.
- 14 The Respondent initiated an investigation on 17 June 2025 on the following terms:
- 14.3 It is alleged on 13 June 2025you have Displayed poor driving standards including dropping passengers off in an undesignated location.
 - 14.4 It is also alleged that on 17 June 2025 you have refused to partake and sign a toolbox talk that was delivered to you by the training department relating to Hedgerows.
- 15 The investigation report is at p163, and makes findings considering all of the evidence relied upon. The Claimant says that Dawid's evidence was not taken into account, however, it is clearly featured in the evidence provided within the investigation report. We therefore find that his evidence was taken into account.
- 16 The investigation concludes with findings and facts established, at p169, which indicates that the Claimant drove with excess speed, turned at too high a speed,

moved with doors open, dropped passengers off in an undesignated area, and that he drove one handed through the majority of the trip. Furthermore, that he refused to sign the toolbox talk in the area he was involved in.

- 17 Within potential mitigation, the investigator does not list the fact that this investigation was ongoing when the toolbox talk was supposed to have taken place, as potential mitigation for him not undertaking that training and signing the form. Given that whichever date the talk took place, the Claimant would have been under considerable stress about the investigation, we consider this to be relevant mitigation that should have been taken into account.
- 18 Furthermore, despite the Respondent being aware that the Claimant could not read, this was also not listed as possible mitigation. Again, we consider this to be relevant mitigation that should have been taken into account, given that the Toolbox Talk was being delivered as either a leaflet and explanation or just a leaflet.
- 19 Following this investigation, the investigator recommended that this matter proceed to disciplinary action. On the evidence available, the Tribunal is satisfied that this was an appropriate conclusion for the allegations of dangerous driving but not for the allegation that the Claimant had refused to take part in a Toolbox Talk.
- 20 The Tribunal heard in oral evidence from Mr Moteane that the Toolbox talks are not mandatory. He said they would be mandatory for people free and in the room, but that they are undertaken on a range of days, and not over someone's break. In our view, on either version of the date that this incident took place, the Claimant was waiting for a hearing to be resumed which had already overrun. He was not free, and had any attempt been made to ascertain if he was free, it would have been clear that he was not. Furthermore, we accept that he says he was not in the right frame of mind for training, and it appears the training was primarily reading a document on hedgerows. The Claimant has well documented difficulties with reading, and was in a stressful situation, the Respondent has failed to consider both of these issues in mitigation. Therefore, we conclude that the decision to refer this for disciplinary action is not a reasonable one on the evidence available to the Respondent at that time.
- 21 It is the Claimant's case that the Respondent acted unreasonably in investigating the complaint because the CCTV footage was not fully downloaded. The Claimant refers to the fact that only 38 % of the CCTV footage had been downloaded by the Respondent at the beginning of the investigation period, however, it is clear that the full CCTV was downloaded following the adjournment in the investigatory process. In so far as he was not shown the full CCTV in his investigation meeting, it was shown to him in full at the disciplinary meeting, which he confirmed in oral evidence.

- 22 It is not disputed that the Claimant was suspended, as claimed, nor that he was kept waiting for a further 4 hours following his investigation meeting for that suspension to be confirmed.
- 23 It is not disputed that the Claimant attended a disciplinary hearing on 2 July 2025 with Mr Moteane. The Tribunal found Mr Moteane to be a straight forward and candid witness. The Claimant says that Mr Moteane confirmed in the meeting that the CCTV did not show any concerning driving, however, in oral evidence, Mr Moteane said that he had repeated the Claimant's own case back to him, but this was not him confirming to the Claimant that he agreed.
- 24 The Claimant confirms at p209 that he has sent the CCTV, and it is clear from the record of the interview that he has been shown the evidence again.
- 25 At p215, during the disciplinary meeting, the Claimant confirms that the backend crossing was blocked from the backend of the bus and he should have told passengers to go to the designated stop to alight. The Respondent says that this is an admission that he did drop passengers off outside of the bus stop and we accept that it is.
- 26 The interview record refers to Mr Moteane saying that the speed was mostly 32 – 34 mph at p214, and the Claimant responded saying that Chrissy and Jon had said speeding was not the issue at the investigatory stage. The Claimant acknowledges he could have slowed down, and given more distance. But the Claimant also reflects that the buses speeds are not necessarily accurately recorded.
- 27 At p211, the Claimant confirms that he was driving one handed. He says 'it's the way I drive'. He also confirmed in oral evidence that he consistently drives one handed, though he did clarify that he would not have driven one handed for the full journey.
- 28 The Claimant took the tribunal to p219, where the record states '*there is no reason for the Dawid points, I don't see anything in this. Moorhouse farm, there is no other gesture in the CCTV. It was in one m. I didn't see excessive speed. The speed the bit we have viewed, I can see the speed coming down, if we believe what he says. Monty reads the complaint. If you speed up it would have logged as speeding. I do believe you blocked the PFS exit but didn't stop the traffic (sic)*'.
- 29 Unfortunately this part of the notes makes no real sense, and could be interpreted either supporting the Claimant or as a summary of what the Claimant had expressed being read back to him. In so far as anything is clear from these notes, it is that the bus blocked an exit when passengers got off the bus and that the Claimant expressly accepts that he drove with one hand.
- 30 However, at p220, the Claimant's representative, says 'the speeding we have put to bed without any evidence'. This supports the Claimant's version of events, that

at the time of the meeting, the speeding issues did not appear to be significant. We therefore accept that during the disciplinary meeting, the speeding issues were not viewed to be significant. However, the Tribunal does also take into account that the Claimant also agrees that he needs to reduce his speed as required p217.

- 31 The Claimant states in the interview record on p218 and 219, that the Claimant acknowledges he has to change, that it is only him that can do it, to reduce his speed and distance between cars in front and stopping in the right place. The Claimant explains this in oral evidence, that he was telling them what they wanted to hear, and how he could be better, but that there was no admission of fault. The Tribunal does not accept this explanation. A plain reading of the information and 'telling them what they wanted to hear' was that the Respondent was given evidence that the Claimant accepted he was in the wrong, and therefore this was evidence the Respondent could rely upon. It may be that the Claimant hoped this would result in a lesser sanction, but that was his own choice. The Respondent was entitled to rely on the Claimant's admission of fault.
- 32 The statements that the Claimant made in his disciplinary hearing were such that they were admissions that the Claimant should have driven differently and would do so in the future. The Respondent was entitled to treat those admissions as evidence of his driving performance during that incident.
- 33 Subsequently from the disciplinary the CCTV was not saved and the Respondent acknowledge that it should have been. This was an error. However, the Tribunal has accepted that the Claimant had access to the CCTV evidence during the investigation and during the disciplinary stage.
- 34 It is common ground that the Claimant had an appeal to Miss Ingram. The Claimant asserts that Miss Ingram said that '*she had a gut feeling that he would not change his attitude towards the company*'. This is not reflected in the notes which were reviewed by his representative and Miss Ingram denied saying those words at the hearing. She says and acknowledges that she would have reflected that she did not think he would change his driving.
- 35 The history of this matter shows that the appeals process has been successful for the claimant on a number of occasions, which does not indicate that the company was bias against him. It is difficult with the tenor of the meeting, to see why Ms Ingram would refer to the Claimant's attitude to the company. In oral evidence she referred to there being a lot of positive regard for the Claimant, and this seems to be reflected by the witness evidence supporting him from various staff members relating to the toolbox talk and the conversation with Dawid. There does not appear to be a suggestion from the Respondent that the Claimant was anti-company and therefore the Claimant's account does not ring true and we do not accept that Ms Ingram said that his attitude towards the company would not change. We therefore prefer Ms Ingram's version of these events.

- 36 It is not disputed that at the stage 3 appeal, the CCTV was not available. Furthermore, that the outcome of the stage 3 appeal was that the sanction was too severe. Whilst the Claimant's dismissal was maintained, it was not found to be gross misconduct and he was paid his notice.

Conclusions

- 37 It is not disputed that the Claimant was dismissed.
- 38 The next question is whether the Respondent has made out that the principal reason for dismissal was conduct. We accept that it was. The Tribunal has the benefit of seeing the Claimant's disciplinary history, together with the initial complaint, and the investigation and the Claimant's own admissions in the investigatory and disciplinary meetings.
- 39 The Claimant has said in submissions that he was dismissed because he challenged the company's position on seatbelts, but that does not feature in his witness statement, nor was it put to the witnesses. We do not accept that the Respondent had a different reason for dismissal, other than conduct. We accept that there was no ulterior motive to remove the Claimant, particularly as his appeals previously have been upheld.
- 40 The Tribunal is satisfied that the investigation was undertaken by someone appropriate and that it was sufficiently detailed considering the size and resources of the Respondent.
- 41 In particular, we consider that it was reasonable to investigate further behaviour revealed once the CCTV was considered, that did not feature within the initial complaint. We have accepted that the Respondent had a duty to investigate the complaint and did so properly. No good reason was put forward for why the Respondent should not consider blameworthy conduct that was apparent during CCTV footage when considering a complaint. In our view, given the nature of the Claimant's job, the Respondent had a duty to ensure the Claimant was driving safely and in accordance with procedures.
- 42 Furthermore, we do not accept that any failure to download the full CCTV record at the initial investigation meeting undermined the investigation.
- 43 However, we have found that the investigation timeline in relation to the Toolbox Talk is confused. The Claimant had mitigation that was not considered in the investigation, and appears to be being sanctioned for something he was not required to attend or sign. Furthermore, when he was unable for good reason to adequately undertake the learning this was not taken into account as mitigation. It was, in our view, not reasonable to investigate this matter, and it was certainly unreasonable to escalate this to a disciplinary matter.

- 44 In relation to whether the Respondent acted in an otherwise procedurally fair manner, we accept that there were multiple delays which upset the Claimant and were avoidable or could have been handled better.
- 45 As a matter of fact we have found that the Claimant was well aware of his final written warning from July 2024, and that Dawids statement has been taken into account.
- 46 We have considered that the complaint was shown by the Claimant by a different manager, but no unfairness attracts to that action.
- 47 We accept that the Disciplinary manager felt in the meeting that the speeding allegations had not been made out. Furthermore, having reviewed the speeding policy, the Tribunal concludes it was not in line with the policy for a sanction to be applied for speeding. The policy sets out that an investigation can be undertaken where there is a complaint, so the investigation was appropriate. However, it goes on to confirm
- 'upon further assessment and for the purposes of speeding, an assessment of speed for a duration of no less than 20 seconds will be considered in determining breach of the policy.'*
- 48 We heard that the onboard devices would only be triggered at a certain speed, and after 40 seconds, but there are good and cogent reasons why CCTV alone is not used, because we are told it is not reliable. However, the only evidence presented to the Claimant was CCTV evidence, in addition to the complaint. Further, the stills provided, did not clearly show the Claimant speeding, rather that he was driving at 36mph slightly before the speed limit changed.
- 49 It may be that the CCTV evidence showed clear speeding. However, we have found as a matter of fact that the parties thought it was not significant during this meeting, and indeed we conclude it is not reasonable for him to have disciplined on the evidence available.
- 50 The Respondent reconvened the disciplinary hearing on 9 July following further delays in which we accept that the Claimant was left waiting with no notification.
- 51 The Respondent dismissed the Claimant for unsafe driving including
- 51.3 Driving one handed,
 - 51.4 Passenger comfort
 - 51.5 Speed of driving
 - 51.6 Driving distance to the vehicle in front
 - 51.7 Blocking a pedestrian traffic light
 - 51.8 Bus stop procedures.

- 52 We accept that the decision by the Respondent to find the Claimant culpable in driving one handed, driving distance to the vehicle in front, bus stop procedures and blocking a pedestrian traffic light was within the range of reasonable responses. The Claimant admitted the offences and could plainly be seen to have committed them.
- 53 We therefore accept that the reason for dismissal was conduct.
- 54 We have considered whether dismissing someone for these issues was in the range of reasonable responses. The Claimants final written warning for an earlier dangerous manoeuvre in July 2024 was not appealed, or raised as an issue in this claim form. As a result, we accept that the decision to dismiss in relation to driving one handed, driving distance to the vehicle in front, bus stop procedures and blocking a pedestrian traffic light, which generated a customer complaint and followed a final written warning, was within the range of reasonable responses.
- 55 The Claimant had indicated he could improve, however, the Tribunal finds the appeal managers view that this was unlikely to be well-founded on the evidence before her. The Claimant had a long disciplinary record in a relatively short period of employment. Indeed, during this hearing, the Claimant has argued that there was nothing at all wrong with his driving in any instance presented to the Tribunal, despite admitting to the Tribunal that he drives one handed a lot of the time. In his view, he is able to do so safely.
- 56 However, in so far as the Claimant was dismissed also because of failing to take part in the Toolbox talk and speeding excessively, this was procedurally unfair. Whilst the Claimant accepted he should slow down in the future, he did not admit he was speeding, and he provided this admission having already been told that the speeding was not being considered as a problem either in the investigation or in the disciplinary meetings.
- 57 In our view, notwithstanding the unfairness set out in paragraph 56 above, the Claimant would, in any event, have been dismissed at the same date due to the fact that he was culpable during the incident on 13 June 2024.
- 58 This is because even after removing the procedurally flawed allegations, namely the toolbox talk and speeding, the remaining misconduct was sufficiently similar in our view to his previous misconduct that had already resulted in a final written warning. Specifically, it related to unsafe driving because:

58.3 The Claimant dropped passengers in an unsafe and undesignated location

58.4 The Claimant blocked an exit while passengers alighted

58.5 Driving one handed for extended periods

- 59 In our view this was safety critical, and the Claimant made clear admissions about the behaviour and his need to improve. These admissions, together with the passenger complaint and the CCTV evidence viewed at the disciplinary stage, provided compelling grounds for dismissal. The stage 3 appeal manager upheld the dismissal even without CCTV, confirming that the outcome did not depend on the procedural defects. In light of the Respondent's duty to ensure passenger safety, and the Claimant's repeated history of similar misconduct, in our view, the dismissal was inevitable.

Approved by:
Employment Judge Scott
6 August 2026

JUDGMENT SENT TO THE PARTIES ON
14 August 2026

Notes

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

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/