



EMPLOYMENT TRIBUNALS

Claimant: Mr E Hernandez Toro

Respondent: The University of Wolverhampton

Heard at: Birmingham (by CVP)

On: 6 & 7 August 2026

Before: Employment Judge McGough

REPRESENTATION:

Claimant: Mr C Rix (Counsel)

Respondent: Mr R Highnett (Counsel)

JUDGMENT was sent to the parties on 20 August 2026 after summary reasons were given orally at the hearing.

Written reasons were requested after the hearing in writing, but before the judgment was sent to the parties. This is outside the time periods set out in Rule 60(4) of the Employment Tribunals Rules of Procedure 2024.

However, in recognition of the fact that there is a 14 day time period from when the judgment was sent to the parties in which to request written reasons, and in furtherance of the overriding objective to save duplication of work, the time limit for the original request is extended by the Tribunal under Rule 5 because it is in the interests of justice to do so. Written summary reasons are therefore set out below.

REASONS

- 1 The Claimant was a Senior Lecturer in Film, Media and Journalism within the School of Creative Industries at The University of Wolverhampton. His employment was terminated by reason of redundancy on 11 April 2025.
- 2 It was not disputed that the Claimant was dismissed or that the reason for his dismissal was redundancy. The test for whether the Claimant was unfairly dismissed is whether the Respondent acted reasonably in all the circumstances in treating redundancy as a sufficient reason to dismiss the Claimant. The Tribunal must consider whether:

- 2.1 the Respondent adequately warned and consulted the Claimant;
 - 2.2 the Respondent adopted a reasonable selection decision and, in this case in particular, in its approach to the selection pool;
 - 2.3 the Respondent took reasonable steps to find the Claimant suitable alternative employment; and
 - 2.4 the dismissal was within the range of reasonable responses.
- 3 The Claimant's claim focused on three areas of dispute:
- 3.1 whether it was reasonable for the Claimant to be in a selection pool of one;
 - 3.2 whether the Claimant was adequately consulted about being in a pool of one; and
 - 3.3 whether the Respondent took reasonable steps to find the Claimant suitable alternative employment.

Pool of one

- 4 The Claimant says that the Respondent operated with a closed mind, decided on a pool of one early in the process, and gave no real thought to the pooling. He says other Senior Lecturers had similar and interchangeable skills and work and that it was unreasonable not to include them, or at least the course leader of the BA in Journalism, in the pool.
- 5 The Respondent says it considered a number of factors when deciding on the pool including: workload data; course leadership; subject specificity; and treatment of selection pools for senior academic staff in the previous re-organisation process in 2022.
- 6 The Tribunal has considered all the arguments and evidence and is persuaded that the Respondent genuinely applied its mind to the composition of the pool and that it was reasonable for the Respondent to decide upon a pool of one.
- 7 The Tribunal accepts Professor Schofield's evidence that there was a small degree of overlap between the Senior Lecturers in the faculty, but that Senior Lecturers have (and are expected to have) subject specificity. The Tribunal accepts the Respondent's submission that whilst that means there is a degree of similarity of skills between the Senior Lecturers it does not mean that the roles were interchangeable.
- 8 The Tribunal also accepts Professor Schofield's evidence that when considering the pools for selection in this process, the Respondent took into account the challenges about pooling that had been raised by senior academic staff in the 2022 redundancy process and the subsequent agreement with trade unions that senior academic roles were to be treated as unique.

- 9 In terms of reasonableness, taking into account the subject specificity of Senior Lecturers, the retained courses, and the 2022 challenge and agreement with trade unions in respect of selection pools for senior academics, the Tribunal accepts that placing the Claimant in a pool of one fell within the band of reasonable responses.

Reasonable consultation

- 10 The Claimant says that there was inadequate consultation with him about the decision to place him in a pool of one.
- 11 The Respondent says that consultation was extensive and wide ranging and included consultation about the pool, given that its approach of linking redundancy selection to closed courses was at the centre of the consultation.
- 12 The Tribunal accepts Professor Schofield's evidence that there was detailed and extensive consultation about the Claimant being at risk of, and then selected for, redundancy. She described this as starting with a management assumption - that this was a unique post directly related to the course that was due to close - and that as part of the consultation, as a consequence of points raised by the Claimant, the Respondent went back to its data and tested that management assumption.
- 13 The evidence shows there were extensive discussions with the Claimant in his two individual consultation meetings and the Claimant raised a number of arguments and counter-proposals which were considered and responded to by the Respondent.
- 14 The Tribunal therefore finds that there was reasonable consultation with the Claimant about him being in a pool of one.

Alternative employment

- 15 The Claimant says that the Respondent's approach to finding alternative employment for the Claimant fell outside the band of reasonable responses. Broadly speaking, he says this was because:
- 15.1 the Respondent didn't place him on the redeployment register at the time he was placed into a pool of one;
- 15.2 HR was the gatekeeper of vacancies and did not meet with the Claimant to discuss his parameters. Without that, HR couldn't properly decide whether vacancies were suitable; and
- 15.3 the Senior Lecturer in Business vacancy was only sent to him after HR had been prompted by a query from another Senior Lecturer who had been selected for redundancy.
- 16 The Respondent says that the Claimant was placed on the redeployment register once his role was selected for redundancy, that HR monitored the vacancies and that the Respondent had a recruitment freeze in place at the time which limited available roles.

- 17 The Tribunal does not accept that the Respondent should have placed the Claimant on the redeployment register as soon as he was placed in a pool of one. The Tribunal agrees with the point raised by Ms Fraser in her evidence - this would have been pre-mature and before consultation had concluded.
- 18 The Tribunal accepts that it may have been best practice for HR to have spoken to the Claimant about the kind of vacancies that he would have been interested in, but does not accept that a failure to do so takes its approach outside the band of reasonable responses. The Claimant was given information about university vacancies and it is reasonable to expect the Claimant to check those vacancies as well as HR, as the other Senior Lecturer in the Claimant's position had done.
- 19 When the Claimant expressed an interest in the role of Senior Lecturer in Business he was given a pre-interview meeting with the Head of School. Regrettably, the assessment was that the Claimant lacked the subject-specific knowledge and experience for the role. In his evidence the Claimant accepted it would take around six months for him to develop the additional knowledge he required to teach the relevant modules.
- 20 The Tribunal accepts Professor Schofield's evidence that, due to the recruitment freeze and the reduced student numbers, redeployment opportunities were limited. The Tribunal also accepts Professor Schofield's evidence that the 300 hours available for Head of Doctoral Studies role was not a standalone post because there was no funding for it. Those hours had to be absorbed into existing posts.
- 21 The Tribunal therefore finds that the Respondent's approach to finding suitable alternative employment for the Claimant did not fall outside the band of reasonable responses.
- 22 For the reasons set out above, the Tribunal finds that the Claimant's dismissal fell within the band of reasonable responses. The Claimant's claim therefore fails and is dismissed.

Approved by:
Employment Judge McGough
23 August 2026

Notes

Under rule 60, either party has the right to request full written reasons within 14 days of these summary written reasons being sent to the parties and a party must apply for them by writing to the Tribunal.

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

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

