



EMPLOYMENT TRIBUNALS

Claimant: Mr M Turner

Respondent: ITEC Training Solutions Ltd

Heard at: Cardiff Employment Tribunal

On: 27 and 28 April 2026

Before: Employment Judge R Harfield

Representation

Claimant: in person

Respondent: Mr George (Legal representative)

FULL WRITTEN REASONS

Background

1. The Claimant brought a complaint of unfair dismissal under section 94 of the Employment Rights Act 1996 ("ERA 1996"). The Respondent contends that the Claimant was fairly dismissed for reason of redundancy. The case was heard on 27 and 28 April 2026.
2. The hearing was confined to liability, due to concerns on the first day about whether there was sufficient hearing time given the number of witnesses, albeit in the event we were able to finish all the witnesses on the first day. I heard oral evidence from the Claimant (3 statements) and from the Respondent's witnesses, namely Ms Hannah Barron, Ms Vicky Galloni, Ms Esther Barnes (two statements) and Ms Ceri Murphy. I was had a hearing bundle totalling 479 pages. The Claimant had prepared a witness statement that was said to be a consolidation of his three existing statements, in part because the page numbering in the hearing file had changed. The difficulty was however that he had not simply cut and pasted the text, the content had changed and had been added to. I therefore said that his original 3 statements should be used rather than this fresh statement, but that when I did my pre-reading, I would read the page references set out in his fresh statement. I received written

closing submissions from both parties which was their preference which for reasons of economy I do not summarise in these written reasons but are incorporated by reference below.

3. The claim did not succeed, with oral reasons being given at the hearing and the short form judgment sent to the parties on 2 June 2026. The Claimant made a request for summary written reasons on 3 June. Regrettably I did not learn of the request until 18 June 2026, and preparation has since been delayed due to the pressure of other judicial work followed by a period of absence on my part. I apologise to the parties for the delay. I have decided to dispense with summary written reasons and instead provide full written reasons.

The issues

4. The issues in a redundancy unfair dismissal claim can be summarised as follows.
 - What was the reason for dismissal?
 - Did the Respondent act reasonably in all circumstances in treating the alleged redundancy as a sufficient reason to dismiss the Claimant. The tribunal will generally consider:
 - was there a genuine redundancy situation?
 - if so, was the Claimant's dismissal attributable to that redundancy?
 - did the Respondent adequately warn, and consult with, the Claimant?
 - did the Respondent adopt reasonable selection criteria, including its approach to any selection pool?
 - did the Respondent take reasonable steps to find the Claimant suitable alternative employment?
 - Was the decision to dismiss a fair decision? That is, was it within the range of reasonable responses open to a reasonable employer when faced with the facts at the material time?

The Law

5. Section 98 of the Employment Rights Act 1996 [ERA] sets out the legal test which must be applied to determine whether or not a dismissal is fair:

“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 justifying the dismissal of an employee holding the position which the employee held.

(2) A reason falls within this subsection if it— ...

(c) is that the employee was redundant, ...

(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 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. Section 139 of the ERA contains the definition of 'redundancy' and provides as follows: -

“(1) 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) The fact that his employer has ceased or intends to cease –

(i) To carry on the business for the purposes of which the employee was employed by him, or

(ii) To carry out that business in the place where the employee was so employed, or

(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 “

7. According to Safeway Stores plc v Burrell [1997] IRLR 200, [1997] ICR 523, 567 IRLB 8 and Murray v Foyle Meats Ltd [2000] 1 AC 51, [1999] 3 All ER 769, [1999] IRLR 562, there is a three-stage process in determining whether an employee has been dismissed for redundancy. This involves looking at three questions:

- Was the employee dismissed?
- If so, had the requirements for the employer's business for employees to carry out work of a particular kind ceased or diminished or were expected to do so?

- If so, was the dismissal of the employee caused wholly or mainly by that state of affairs? Is the dismissal attributable to the diminution of work?
8. The requirement of a business involves a commercial judgement on the part of those running the business about the priorities of that business. There is no need for the employer to demonstrate that it has made an objective assessment of whether, for example, work is no longer economical or that the business could be made more efficient by making redundancies. It is not the tribunal's role to look behind the employer's decision or require the employer to justify how or why the diminished requirement has arisen, provided the diminished requirement is genuinely the reason for dismissal; Moon v Homeworthy Furniture (Northern) Ltd [1976] ICR 177.
 9. "Work of a particular kind" also does not mean work for which a particular employee was employed; the focus is on the requirements of the business for employees to do work of a particular kind rather than changing contractual requirements for a particular employee or employees; Murray v Foyles Meats.
 10. A redundancy situation can occur when an employer outsources work previously done by employees because the employer no longer needs employees to do the work; Noble v House of Fraser (Stores) Ltd EAT/686/84.
 11. If the employer satisfies the Employment Tribunal that the reason for dismissal was a potentially fair reason, then the Employment Tribunal goes on to consider whether the dismissal was in fact fair under s98(4) Employment Rights Act 1996. In doing so, the Employment Tribunal applies a neutral burden of proof and applies a broad band of reasonable responses; Iceland Frozen Foods v Jones [1982] IRLR 439. The Tribunal must not substitute its own view for that of the employer. The test is whether the employer's decision and procedure fall within the range of reasonable responses open to a reasonable employer in the circumstances and that principle applies to all my considerations.
 12. In Williams v Compair Maxam Ltd [1982] ICR 156, the EAT identified a number of well-known guidelines commonly applicable to redundancy dismissals, although they are guidelines, not mandatory rules. Fairness under section 98(4) depends on an overall evaluation of reasonableness and must not be reduced to a checklist exercise. That said the EAT identified a number of steps that a reasonable employer might be expected to follow when dismissing employees by reason of redundancy, namely:
 - Were the selection criteria used by the employer objectively chosen and fairly applied;
 - Were employees warned and consulted about the redundancy;
 - If there is a union, was the union consulted; and
 - Was there any alternative work available?

13. In terms of selection pools, the key considerations are whether an employer has genuinely applied their mind to the issue of the pool, and whether the choice of pool is within the range of reasonable conduct that an employer could have adopted; Capita Hartshead Ltd v Byard UKEAT/0445/11 and Samels v University of Creative Arts [2012] EWCA Civ 1152. There the Court of Appeal stated that: “*The courts have emphasised that tribunals must not substitute their own view [on what pool is appropriate]. The tribunal has to consider whether the pool chosen by the employer falls within the range of reasonable responses from the employer*”. The Court of Appeal also approved from the earlier case of Taymech v Ryan [1994] EAT/663/94: “... *The question of how the pool should be defined is primarily a matter for the employer to determine. It would be difficult for the employee to challenge it where the employer has genuinely applied his mind the problem.*”
14. Generally, in order to act fairly in a redundancy dismissal case, the employer should take reasonable steps to consider alternative employment, Quinton Hazell Ltd v Earl [1976] IRLR 296, [1976] ICR 296; British United Shoe Machinery Co Ltd v Clarke [1977] IRLR 297, [1978] ICR 70. 175; Hendy Group Ltd v Kennedy EAT 106 (2024). An employer is not under a duty to create alternative employment for redundant employees where none exists.
15. In Haycocks v ADP ROP UK Ltd [2024] IRLR 178 the EAT summarised some guiding principles about, in particular, consultation at [22]: “In terms of consultation some key points are: (a) The employer will normally warn and consult either the employees affected or their representative... (b) A fair consultation occurs when proposals are at a formative stage and where adequate information and adequate time in which to respond is given along with conscientious consideration being given to the response...(c) Whether in collective or individual consultation, the purpose is to avoid dismissal or ameliorate the impact... (d) A redundancy process must be viewed as a whole and an appeal may correct an earlier failing making the process as a whole reasonable... (e) The ET’s consideration should be of the whole process, also considering the reason for dismissal, in deciding whether it is reasonable to dismiss...(f) It is a question of fact and degree as to whether consultation is adequate and it is not automatically unfair that there is a lack of consultation in a particular respect...(g) Any particular aspect of consultation, such as the provision of scoring, is not essential to a fair process...(h) The use of a scoring system does not make a process fair automatically...(i) The relevance or otherwise of individual scores will relate to the specific complaints raised in the case...”
16. The EAT stressed again, however, that when the Tribunal decides whether the dismissals were fair or not, it was not for the Tribunal to impose its standards and decide whether the employer should have acted differently. Rather, the Tribunal should ask the question, did the dismissal lay within the range of conduct which a reasonable employer could have adopted’?

Findings of fact

17. I will return to some particular points shortly when addressing the key complaints made by Mr Turner but first set out a brief summary of the architecture of the background to this case.
18. The Respondent is an independent training provider who employs around 230 people. The training they provide includes Jobs Growth Wales Plus, Apprenticeships and commercial training programmes. The Claimant commenced employment with the Respondent on 28 March 2022 as a Curriculum Coordinator. His job role changed to Curriculum Manager with effect from 1 May 2023 (contract amendment letter, bundle p.54). Both Curriculum Co-ordinators were made Curriculum Managers reflecting an increase in their curriculum responsibilities and reliance on their in house expertise. Shortly after that a third individual was recruited as a lower level Curriculum Coordinator.
19. In May 2023 it was also agreed that the Claimant would devote two days a week to supporting the London Apprenticeship contract which involved line managing those assessors. As time went on the Claimant expressed concerns that this element of his workload, which was not focussing on the curriculum, was expanding and taking up too much of his time as he became involved in activities such as learner performance and KPI oversight, contract management and reporting, employer engagement and retention activity, Internal Quality Assurance work, and audit preparation and awarding body liaison. In September 2024 the Claimant proposed three potential outcomes although they did not come to fruition or did not result in one of the outcomes the Claimant sought. This was because, as he put it at his consultation meeting on 4 April 2025 [63], he was told by the London Director that it was two three days a week curriculum work and 2 days a week London work – i.e. the work should fit in that time allocation.
20. In early 2025 the Respondent organisation undertook a review the company strategy for the next 3 to 5 years. It was decided that it would be more effective for the business to procure curriculum development support from external individuals or companies on an ad hoc basis as and when required; i.e. they wanted to outsource the work rather than undertake it internally. As explained by Ms Murphy in her evidence, there were changes in the marketplace with the advent of AI and the range of technologies and platforms now accessible to organisations. A decision was made that it was better for them as a business to call on curriculum development on an as needed basis with external providers who would have access to a level of technology and variety of platforms greater than what could feasibly be provided with the in house team of two Curriculum Managers who were responsible for developing the curriculum internally. The business saw it as a more efficient way to get leverage and compete in the competitive marketplace they work in. This is my language not the Respondent's, but they saw it as a way to get quick, flexible, multi platformed curriculum development

materials that would be attractive and help them be competitive in the market where AI and technology advancements are continuing to drive change.

21. This is a point I will return to, but the decision was made, if that outsourcing was to happen, that the two Curriculum Managers posts were potentially at risk of redundancy because the internal provision would not be needed. The Claimant seemed to, at least in cross examination, question whether that decision making had actually occurred, pointing to a lack of, for example, board minutes recording the discussion or decision, or a written business case, or a cost comparison, or communications downwards to heads of department and the like. Ms Murphy's evidence is that they simply do not exist because this particular company does not and did not function that way. I have taken into account the Claimant's point, but I on the balance of probabilities I accept Ms Murphy's evidence (supported by the other witnesses) that this is what genuinely occurred and was the decision making process. I appreciate it could be said that there may be a case for the better recording of decision making, but that is ultimately a matter for the Respondent and fundamentally I accept the evidence that was the decision making process, even if not recorded in writing. It was a genuine business decision.
22. The decision was therefore made to place the two Curriculum Managers at risk of redundancy. It is a point I will return to, but the Curriculum Coordinator was not included in the pool and remains in employment.
23. On 1 April 2025 the Claimant was informed that his role was at risk of redundancy and received written confirmation of that position (bundle pp.56–57). Again, I return shortly to more of the detail of that at risk process. Two individual consultation meetings followed: on 4 April 2025 (minutes at bundle pp.62–66) and 17 April 2025 (minutes at bundle pp.70–73). On 22 April 2025 the Claimant was given written notice of redundancy, terminating his employment with effect from 25 April 2025 (bundle pp.74–76). The Claimant appealed. The appeal was heard by Ms Ceri Murphy and Ms Esther Barnes, neither of whom had any involvement in the original consultation process. The appeal hearing took place on 30 April 2025 (minutes at bundle pp.137–141). A detailed written appeal outcome, addressing each ground of appeal was issued on 8 May 2025 (bundle pp.146–154). The appeal was not successful.

Discussion and Conclusions

24. I turn then to the detail of the Claimant's complaints.
25. The reason for dismissal was the potentially fair reason of redundancy. In my judgment the requirements of the employer's business for employees to carry out the work of Curriculum Manager was expected to cease or diminish due to the genuine business decision to outsource that work.
26. The Claimant's dismissal was mainly caused by that cessation or diminution. Curriculum Manager was his core role. The Claimant in his case has raised the question of the England Apprenticeships and the related non curriculum

responsibilities elements of the job he was doing. The evidence of Ms Galloni and other witnesses is that at the time it was considered that work could be, and was, absorbed by the London Director with no new resources being added. The evidence before me was that it was not considered to be enough to be its own job, even on a part time basis. The Claimant as I understand it questions whether that evidence is correct and whether that consideration was in fact undertaken. I am satisfied that it was and find as a matter of fact that consideration did happen; ultimately for example, the line management of the two assessors would have to go somewhere and be planned for. There was therefore also in that sense a diminution in the requirements of the business for employees to do that type of work too. Or the alternative way of looking at it is that the dismissal was attributable to the expected diminution of work of the curriculum management kind, which was the core element of the Claimant's work; with a knock on view that there was not a viable standalone role to create or maintain for the other element of the England Apprenticeship associated work. Either way the dismissal was therefore mainly caused by or was attributable to that expected diminution of work of a particular kind, and the number of employees required to do work of a particular kind. The dismissal was because of the potentially fair reason of redundancy.

27. I turn therefore to the fairness of the process that was followed.
28. The Claimant complains that only the two Curriculum Manager roles were placed in the redundancy pool and the Curriculum Coordinator role remained and was placed at risk. The Respondent's witnesses' evidence, particularly that of Ms Galloni and Ms Barnes, was that they did consider whether the Curriculum Coordinator should also be placed at risk. They said that they decided, in a meeting, to exclude the Curriculum Coordinator because his role was admin support, he was paid significantly less, and he was not responsible for the development and management of the curriculum which were the elements being outsourced. As I understand it the Claimant disputes this consideration happened, saying that the Respondent has not produced documentary evidence in support of their decision making or comparison of the roles. I have taken his point into account but on balance I accept the evidence of Ms Galloni and Ms Barnes as to the decision making process that they went through and which has an inherent logic to it. The movement to outsourcing would have practical implications for the whole team so it is logical there would be consideration of the Curriculum Coordinator position.
29. I am satisfied that the Respondent genuinely applied its mind to the selection of the pool and that the choice of pool was within the reasonable range of options open to this employer in concentrating on the roles in the organisation which were focused on the development and management of the curriculum.
30. On this point the Claimant also asserts that he was not properly consulted on it. He says that he challenged the pool at each stage of the process. He says he asked at the "at risk" meeting whether the Curriculum Coordinator role was part of the

redundancy and was told that it was not. The Claimant therefore asked a question about the situation, rather than making a challenge and he was given an answer to his question. The Claimant says he also challenged it at the consultation meeting on 4 April but the contemporaneous notes do not show him making that challenge, and this was a meeting in which he had been told there was the potential to discuss matters such as the selection pool, as well as other matters such as alternatives to redundancy. The Claimant also says he challenged it on 17 April but the records simply again show him asking after the closure of the meeting if the Curriculum Coordinator was affected and that he was told that their role was not affected, with no further challenge by the Claimant that he considered the pool had not been properly constituted. The Claimant also did not raise it in his appeal grounds [83-84] or at the appeal meeting.

31. The Claimant ultimately said he did not see the point in raising it because the decision had already been made. But the point of consultation is that it is a two way street. If the Claimant was concerned about the make-up of the pool, he could have raised it so that the Respondent could consider it; that is the point of consultation. He knew what the situation was. The Respondent had decided who they were putting at risk and what their proposals were but it did not mean that there was a closed mind; the Claimant could have questioned or challenged the rationale behind the pool decision or said that the Curriculum Coordinator should be included because he would want to take up the residual Curriculum Coordinator role. The Claimant at the time ably put forward other alternative proposals that he wanted the Respondent to look at and which they did and got back to him on. Likewise at appeal stage the Claimant was told what the options were if there was a basis for upholding his appeal; it was not, in my judgement, a tick box exercise. There was in my judgement the opportunity for adequate consultation on this point.
32. The Claimant complains that he was invited to an at risk meeting, which took place on 1 April 2025, when he was on leave and that he read the email on the morning of his return giving him less than 3 hours' notice of the meeting. He says that he had no meaningful opportunity to prepare. He said in oral evidence that the calendar invite was to a faced to face meeting with no explanation of what the meeting was about, and when he enquired, he was not given any more information. Therefore, in fact earlier notice would not have given him any more time to prepare because he would never have known what he was preparing for in any event.
33. Further, this was not a consultation meeting; it was the first meeting at which he was going to be told he was at risk. There is no obligation to give advance notification for a meeting where employees are being told they are at risk of redundancy and indeed my industrial experience is that it is usually done at little or no notice because the information about that first stage in the process is being given at that meeting in a controlled environment with the consultation then to follow. Two consultation meetings and an appeal process then did follow during which the Claimant was, in my judgement, able to raise whatever points he did. Therefore, in any event any

disadvantage caused by this initial step (although I can see none) had the opportunity to be corrected as the process continued.

34. The Claimant next says there was a failure to consider alternatives to dismissal. First, he says that he could have been upskilled to be able to do what the Respondent was looking for in house rather than it being outsourced. The Claimant did raise this in the consultation process, and Ms Barnes explained to him that an external company had the personnel and technology behind them to respond quickly to a request. He raised the point on appeal saying that he had already developed high quality digital content and training guides and that upskilling should have been explored but instead outsourcing was pursued prematurely. The point was looked at and responded to at the appeal stage with a detailed explanation given to the Claimant, with the conclusion being that upskilling a small number of individuals would not provide the breadth, scalability or technological capacity required to meet current and future business needs. Ms Murphy spoke about this in evidence again explaining that it had been considered but that with a two person team the width and breadth of what they were looking for was simply impossible to achieve in the timeframes. This was not about the Claimant's skills or abilities or adaptability but about wider logistical capacity and capabilities on offer through the outsourcing model. I accept that evidence which again has an inherent logic to it.
35. I therefore do not find that there was a failure to consider upskilling by the Respondent instead of outsourcing with the ensuing redundancies. I find that it was considered at the initial stage when the Respondent was formulating its strategic plan to outsource, and also when the Claimant raised it through the consultation and appeal process, with his points considered and responded to.
36. The Claimant also raises the scope of the London Apprenticeship role which I have already touched upon in a slightly different context. I accept and find that the Respondent did consider whether there was an alternative here that the Claimant could carry on doing but considered that there was no need to create a standalone role, because the responsibilities could be absorbed by the London Director. The point was considered and the decision reached was within the range of reasonable responses.
37. Before the first consultation meeting the Claimant had been given information about current vacancies. The Claimant said he was not qualified for five health and social care assessor roles, and while there was a leadership and management assessor vacancy, he was not interested in it because he felt it would be a backward step in his career. There were JGW+ roles where he said he did not want to work; he had started there a long time ago and was not the right fit for him. Suitable alternative vacancies in general therefore were explored with him and he was given active encouragement to consider them. They were explored again at the second consultation meeting.
38. The Claimant at that first consultation meeting made two other alternative proposals, building on his skills base. The first related to Apprenticeship England and potential

changes coming in relation to End Point Assessment (EPA) and the formation of a Lead IQA role. His second proposal was someone to support the development of Assessors, IQAs and new starters. Ms Galloni and Ms Barron went away to consider these before the second consultation meeting.

39. At that second consultation meeting Ms Galloni explained the business had explored this and spoken with the account manager at their main provider NCFE who had advised there were not currently any plans to introduce internal sampling within their qualifications, that the current LQA had sufficient qualifications and knowledge, and that the business did not consider the suggested creation of a new role was required. The Claimant pushed back on this saying there was a different award body for coaching that could be spoken to. Ms Galloni explained she had not spoken to them because the NCFE account manager had said there were no plans to introduce sampling and no announcement from the Department of Education about how or when it would be implemented. Ms Barron said she did not think there was benefit in speaking to the other awarding body who would be governed by the same DoE guidance. On the second proposal it was said, as had been said at the first meeting, that someone was currently doing the role, Carly Murry, so it was not a viable option.
40. At appeal stage the Claimant argued that there had been a failure to consider these suitable alternative roles, saying they reflected the responsibilities he was fulfilling and that more should have been done in exploring the EPA situation. At the appeal hearing he added an additional proposal that a new role be created of delivery manager across Apprenticeships, looking at IQA, staff development and EQA visits.
41. In the appeal outcome it was said that NCFE was the respondent's largest EPA. The outcome also sets out the work that was done at appeal stage to look at the DoE website and Institute for Apprenticeships and Technical Education/ Skills England website which contained no timetable for the routes that the Respondent delivered, and it was therefore said the Claimant's proposal was not considered viable. Overall, I consider this exploration, and response was within the reasonable range open to the Respondent in the circumstances, without the need to speak to the other awarding body. The baseline position was looked at, as was the position with their main provider.
42. It was also said by the Respondent that in general the roles the Claimant was proposing were not currently in the business' organisation structure, that all of the Claimant's proposals related to supporting Apprenticeship provisions and that the England Apprenticeship provision was currently loss making. Further in Wales the business was facing funding cuts and the apprenticeship budget reduced by an unprecedented 14%. The Respondent said they had no apprenticeship management vacancies and were not in the position to increase costs within either the Apprenticeship Wales or England contract, specifically at the level of the new job roles proposed. These are business decisions they are entitled to take.
43. I therefore find that the Respondent did give active and conscientious consideration to the proposals the Claimant was making. They had genuine business reasons for

rejecting the proposals and their position was within the range of reasonable responses open to them.

44. The final point the Claimant raises on the question of suitable alternative employment is about the Internal & Partnership Co-ordinator role. Ms Morgan moved internally into the role. She was sent a letter confirming the change to her contract through a change of job title on 30 April with an effective date of implementation of 22 April. The Respondent's change of circumstances form records this as an internal move with an effective date of 29 April 2025. It is not in dispute that the Claimant was not told about this role or given (if it was a vacancy that he could potentially apply for) the opportunity to apply for it.
45. The Respondent's evidence is in effect that there was no live vacancy. They say it was a realignment of Ms Morgan's roles and responsibilities that the business sometimes did. Other examples given were turning a counsellor into a clinical lead role, or when the Claimant became a Curriculum Manager. There was no change to Ms Morgan's terms and conditions or to her salary, but it was in effect an update of her job description and realignment of her duties to reflect how her responsibilities had grown over time, particularly with regard to responsibility for data with subcontractors. Ms Morgan's old job title also did not create a vacancy to backfill.
46. I accept the Respondent's evidence. I do not find this was a true vacancy but instead what had happened was a decision to in effect update Ms Morgan's job description and job title to reflect over time what it was she had been doing, together a business need to be seen to capture her responsibility for subcontractor data management. I do not consider it to be outside the range of reasonable responses for the Respondent to not treat it as some kind of vacancy that the Claimant would have opportunity to apply for.
47. In general, I do not find the Respondent's actions in relation to suitable alternative employment were outside the range of reasonable responses.
48. The final main point made by the Claimant is that he considered the outcome in his case was pre-determined. He says that this is shown by him and his colleague not originally being given a 3% companywide salary increase. He says that his access to systems was also removed or restricted in the consultation process. He also says because ultimately the decision on appeal did not change it therefore was not capable of genuinely correcting what he says were defects in the process. He also points out that the appeal happened after his termination date.
49. I do not find that the outcome was pre-determined. I consider there was genuine and conscientious consultation with the Claimant throughout, as shown in the meeting minutes and the appeal outcome. He was also given the opportunity to raise what he wanted to raise, and what he did raise was considered and responded to with reasons. It is often the case that appeals are considered after the termination date, and it was carefully explained to the Claimant at appeal stage what could potentially happen if

the decision was overturned in terms of re-engagement or redeployment. Just because a decision maker does not agree with what the individual is asking for does not of itself mean that there was not a genuine opportunity to have the case and arguments genuinely considered, and I find that the Claimant did have that genuine opportunity.

50. On the issue of pay, Ms Barron explained how all employees with leaving dates in April were not included in the payroll process initially and it was reviewed on appeal. The pay position was capable of adjustment; as indeed the Respondent did. I do not consider that shows a pre-determined mindset that the Claimant's situation would remain the same whatever it was he said. Likewise, he had opted not to work whilst he went through the process and his restrictions to access was explained to him in the process, including his ability to make requests for access that would be granted if he explained why needed it. The Claimant was at risk of redundancy and that was the reality of the circumstance that he and the Respondent were dealing with if alternatives to redundancy were not found; the points the Claimant is raising here cannot be looked at in a vacuum.
51. For all these reasons I find the dismissal was fair.

Approved by:

Employment Judge Harfield

11 September 2026

SENT TO THE PARTIES ON

15 September 2026

Lauren Chambers
FOR THE TRIBUNAL OFFICE