EMPLOYMENT TRIBUNALS

Claimant		**Respondent**
Mrs Shaheen Ghazanfar	**v**	Kazper Restaurants Limited

Heard at: Norwich (by CVP) **On:** 3 and 4 August 2026

Before: Employment Judge M Warren

Appearances
For the Claimant: Mr Humza Ali, the Claimant's Son
For the Respondent: Ms Jo Laxton, Counsel

JUDGMENT having been sent to the parties on 9 September 2026 and written reasons having been requested in accordance with Rule 60 of the Employment Tribunal Rules of Procedure 2024, the following reasons are provided:

FULL REASONS

Background

1. Mrs Ali (as Mrs Ghazanfar indicated she would like to be known as in this hearing) was employed by the Respondent between 4 July 2006 and 25 May 2025. After Early Conciliation between 26 April and 7 June 2025, she issued these proceedings on 18 June 2025 claiming unfair dismissal, notice pay and holiday pay. She was employed latterly as a Shift Manager.

Evidence

2. I had before me witness statements from Mrs Ali herself and then for the Respondents, from Mr Anthony Atherton-Sharpe, Mr Anwar Hussain and Mr Rahim Azim.

3. I also had a bundle of documents in PDF format running to page 360, properly indexed and paginated. No new documents were entered into the Bundle.

4. Before the hearing started, I read the witness statements and read all the documents they referred to. I warned the parties that I would not have

read everything and that if there was anything particularly important in the documents, to make sure they took me to that evidence.

The Law

5. As to the relevant Law, I have prepared a detailed explanation of the Law relating to conduct and unfair dismissal, which will appear in any written reasons.

6. For the benefit of the laymen present I gave a brief layman's summary of the relevant law as follows.

7. An employer can fairly dismiss an employee if the reason for dismissal is one of a number of potentially fair reasons; one of which is misconduct. If the Tribunal decides the reason for dismissal was misconduct, it must then decide whether the employer's decision to dismiss for that reason was a reasonable decision to make. That will usually entail asking whether the employer genuinely believed that the employee was guilty of the misconduct and if so, whether that belief was based upon reasonable grounds and reached after conducting a reasonable investigation.

8. If the employer passes that test, the Tribunal asks whether the decision to dismiss lay within the range of reasonable decisions a reasonable employer might make.

9. My detailed explanation of the relevant law is as appears below.

10. Section 94 of the Employment Rights Act 1996 contains the right not to be unfairly dismissed. Section 98 at subsections (1) and (2) set out five potentially fair reasons for dismissal, one of which at subsection (2)(b) is the conduct of the employee. Section 98(4) then sets out the test of fairness to be applied if the employer is able to show that the reason for dismissal was one of those potentially fair reasons. The test of fairness reads:

> "*Where the employer has fulfilled the requirement of subsection (1) the determination of the question whether the dismissal was 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."*

11. We have guidance from the appeal courts on how to apply that test where the grounds for dismissal relied upon by the employer is misconduct. The first is the test set out in the case of British Home Stores v Burchell [1980] ICR 303. The Tribunal must be satisfied that the employer holds a genuine

belief, based upon reasonable grounds and reached after a reasonable investigation. It is for the employer to show the genuine belief, the burden of proof in respect of the reasonable grounds and the investigation is neutral.

12. If the employer is able to satisfy that test, the Employment Tribunal must go on to apply the test set out in Iceland Frozen Foods Ltd v Jones [1982] IRLR 439. The function of the Tribunal is to determine whether in the particular circumstances a decision to dismiss fell within the band of reasonable responses which a reasonable employer might have adopted. If a dismissal falls within the band the dismissal is fair, if the dismissal falls outside the band it is unfair. In judging the reasonableness of the employer's conduct, the Tribunal must not substitute its decision as to what was the right course to adopt for that of the employer.

13. The band of reasonable responses test also applies to the question of whether or not the employer's investigation into the alleged misconduct was reasonable in all the circumstances. See Sainsbury v Hitt [2003] IRLR 23.

14. Earlier conduct the subject of a warning which has expired may still be relevant to the ultimate decision to dismiss, see Mummery LJ in Airbus UK Limited v Webb [2008] ICR 561, CA. What would be wrong, is to use an expired warning as a trigger for dismissal.

15. In this case, the Claimant argues that he was treated inconsistently with others. Insofar as that argument relates to a claim of unfair dismissal in the context of Section 98(4), the ACAS Code of Practice on Discipline and Grievance Procedures (2015) provides at paragraph 4 that dealing with issues fairly includes acting consistently. By the same token, the ACAS guide explains that does not necessarily mean that similar offences will always call for the same disciplinary action, one has to look at the context of the particular circumstances. This is reflected in the relevant case law and in particular, the cases of Hadjioannou v Coral Casinos Limited [1981] IRLR 352 and Paul v East Surrey District Health Authority [1995] IRLR 305 in the Court of Appeal. These cases enjoin Tribunals to scrutinise arguments of disparity with particular care, because ultimately it is a question of whether, in the particular case, the decision to dismiss was a reasonable response.

16. In this case, the Respondents say that Mrs Ali was guilty of gross misconduct justifying dismissal without warning. The test for gross misconduct, or repudiation, is that the conduct must so undermine the trust and confidence which is inherent in the particular contract of employment that the employer should no longer be required to retain the employee in its employment, see Neary v Dean of Westminster Special Commissions [1999] IRLR 288.

17. Section 207(2) of the Trade Union & Labour Relations Act 1992 provides that any Code of Practice produced by ACAS under that Act which

appears to an Employment Tribunal to be relevant shall be admissible in evidence and shall be taken into account.

18. One such code of practice is the ACAS Code of Practice 1: Disciplinary and Grievance Procedures (2015) which includes the following in respect of disciplinary proceedings relating to misconduct. I have had regard to that code in reaching my decision.

Findings of Fact

19. The Respondent holds a McDonald's franchise and operates a chain of restaurants. It has, according to the ET3 Response, 1,200 employees.

20. The Respondent has policies in place of which Mrs Ali confirmed she was aware. For example:

    20.1. The right to suspend pending investigation, (page 277);

    20.2. The right to withhold notice pay and summarily dismiss somebody in the event of gross misconduct (page 243). Examples of what might amount to gross misconduct are non-exhaustive, (page 281) and include any acts of sexual harassment, the bullying of employees, the abuse of power such as bullying or harassing a junior employee; and

    20.3. A policy of zero tolerance of discrimination, bullying and harassment.

21. Mrs Ali had worked for the Respondents since 2006. She began as a Crew Member, but was promoted to Shift Manager in 2022.

22. In 2023 she was given a written warning for unprofessional conduct. The warning had expired by the time of the events in question and the Disciplinary Appeal Officers say that they took no account of it, although they would have been entitled to do so had they wished.

23. At the time of the events in question, Mr Atherton-Sharpe was a Business Manager, Mr Hussain was the Dismissing Officer and also a Business Manager and Mr Azim who heard the Appeal was Operations Consultant.

24. In April 2025 an Overnight Manager, who I shall refer to as ZC, raised a Grievance about Mrs Ali. She complained that she was under the impression that Mrs Ali might be planning to take her off nights because a number of people had asked her if she was coming off nights? Those people having been given the impression by Mrs Ali that she was.

25. ZC said Mrs Ali would tell people that she was not doing her night duties properly. She complained that Mrs Ali told her off for putting a holiday request in first, ahead of other managers with children. She said Mrs Ali would look for any reason to complain about her, either to her face or to others. She said that Mrs Ali was guilty of double standards and gave as

an example that she would wear earrings under her hijab and when someone suggested to Mrs Ali that she should not be using her telephone on the shop floor, she showed that individual her middle finger and swore at her. Mrs Ali was alleged to have shared with staff the content of the Managers' WhatsApp chat. She said Mrs Ali did not keep confidential a colleague's pregnancy when it was a secret. She said that Mrs Ali was in the habit of referring to senior managers as giving others special treatment. She said Mrs Ali encouraged her (ZC) to ignore the instructions of other more senior managers, sometimes countermanding such instructions and calling them stupid. She said that Mrs Ali would blame her for issues she, (Mrs Ali) had with other managers. ZC said she would often leave work in tears because of the way she had been treated by Mrs Ali.

26. On 24 March 2025 or thereabouts, an individual who I shall refer to as GE, a manager senior to Mrs Ali, raised concerns informally with Mr Atherton-Sharpe regarding an incident on 11 March 2025 which involved Mrs Ali. He had previously raised the matter informally with Mr Atherton-Sharpe, who had said that he should raise them formally and put his concerns in writing. GE's allegation was that Mrs Ali had stroked his leg under the desk when they were sitting next to each other working on computers. GE was training somebody else sitting next to him at the time.

27. On 8 April 2025, Mr Atherton-Sharpe conducted a grievance meeting with ZC and from that, identified nine grievance allegations concerning Mrs Ali. He went on to interview a number of witnesses. I will run through those interviews:

    27.1. On 10 April 2025, with a person I will refer to as LM. She reported hearing discussions that ZC would be removed from overnight shifts and alleged inappropriate comments made by Mrs Ali.

    27.2. On 10 April 2025, with a person I will refer to as BR. He reported comments made by Mrs Ali about ZC being removed from overnight shifts and described derogatory remarks by Mrs Ali about ZC, describing her as "shit".

    27.3. On 10 April 2025, with a person I will refer to as TK. She gave evidence concerning ZC's concerns. Although she did not hear Mrs Ali say that ZC would be taken off overnight shifts, she had heard various comments allegedly made by Mrs Ali, including her describing people as "shit".

    27.4. On 11 April 2025, with the person referred to above as GE. Mr Atherton-Sharpe spoke to him after being shown the CCTV footage. It was not the original recording. GE filmed the screen image on his telephone. The original tape had been recorded over after 28 days, as is standard practice. GE said that Mrs Ali stroked his leg whilst seated next to him. He was quite certain it was inappropriate touching, not an accidental brush. He also alleged a pattern of

inappropriate conduct and reports feeling intimidated by Mrs Ali. There was a history of issues between them. He had heard from ZC that Mrs Ali told her to ignore him. He expressed that he did not want Mrs Ali to be dismissed, but that he was concerned how she would react to these events and he feared that she would try and ruin his life.

27.5. On 11 April 2025, with a person I will refer to as JS. He reported observing concerning treatment of ZC by Mrs Ali. He had heard her shouting at her. He described Mrs Ali's communication style with ZC as in,

> "a nasty tone, prodding or poking trying to get a reaction".

27.6. On 14 April 2025, with a person I will refer to as JM1. She confirmed ZC had told her that Mrs Ali had told her off for putting her holiday request in before everyone else. She confirmed Mrs Ali shared the Managers' WhatsApp chats with her and was critical about them. She reported bullying behaviour by Mrs Ali towards ZC and she said, (at page 90),

> "Sometimes it feels like she just has to keep putting ZC down, in don't know whether she's putting her down to make herself look better."

She described Mrs Ali's behaviour towards another, a different person, as

> "he only had to breath and she was down on him like a ton of bricks."

27.7. On 14 April 2025, with a person I will refer to as JM2. She reported an incident involving Mrs Ali using a mobile telephone whilst working and when challenged responded by telling her to "fuck off". She spoke of Mrs Ali threatening to have her hours reduced if she disagreed with her. She said Mrs Ali was sly about it, not saying things in front of others.

27.8. On 14 April 2025, with a person I will refer to as RR. He is the first Assistant Manager, senior to Mrs Ali as I understand it. He confirmed Mrs Ali had asked him to take ZC off nights and he had told her he would not do so.

28. After these interviews, Mr Atherton-Sharpe concluded that there was a pattern of complaints concerning bullying, harassment and unprofessional conduct that required formal action. He therefore invited Mrs Ali to attend an Investigation Meeting. The invite was on 20 April 2025.

29. On 21 April 2025, Mrs Ali responded indicating that she would not be attending and provided a statement written for her by a solicitor, (page

101). The letter from the solicitor included complaint about the lack of notice.

30. The meeting was rearranged for 23 April 2025. Witness statements and interview notes were sent to Mrs Ali on 23 April 2025 and the Investigation Meeting took place on 23 April 2025, conducted by Mr Atherton-Sharpe. Mrs Ali was accompanied by a Trade Union Representative.

31. Mrs Ali denied the allegations of bullying, harassment, unprofessional conduct and sexual harassment. She alleged a conspiracy against her. She said that the allegations were made up and that people were lying. She also said that ZC had misunderstood her attempts to help her. She made an allegation that GE had suggested that she give him a massage. She suggested GE had sought out the CCTV footage, looking for something to use against her. The CCTV footage was reviewed during the meeting and Mrs Ali denied that she had touched GE, saying it was not clear that she had done so.

32. Mrs Ali suggested that Mr Atherton-Sharpe should interview further witnesses, that is a person I will refer to as KC and a person I will refer to as FM, which he did.

33. KC, a Shift Manager, confirmed that she had overheard GE's remarks about a massage, saying to the effect that Mrs Ali took it as a joke.

34. FM, a Crew Member, said she had not witnessed any of the alleged inappropriate conduct by Mrs Ali.

35. A formal Disciplinary Hearing Chaired by Mr Hussain took place on 25 April 2025. Mrs Ali attended with a Trade Union Representative. Mrs Ali confirmed that she had all the documents from the investigation. The allegations were considered false. Mrs Ali continued to deny wrongdoing. She maintained the allegations against her were part of a conspiracy against her and that, "they hate me". Mrs Ali suggested GE made up the allegation about her touching him because he does not like her and she challenged that he had not raised it earlier. They watched the telephone recording of the CCTV footage. She continued to deny that she had touched GE's leg; she said she had touched her own leg.

36. Mr Hussain adjourned the hearing to give Mrs Ali and her Trade Union Representative the additional statements that had been taken from KC and FM, after discovering they had not previously been provided to her. After the meeting resumed, Mrs Ali having nothing further to add, the meeting was drawn to a close.

37. Mr Hussain reviewed the evidence and prepared a Disciplinary Hearing Report concluding that the allegations were substantiated and that dismissal was appropriate, (page 141).

38. On 28 April 2025, Mr Hussain issued an Outcome Letter which was sent to Mrs Ali. This told her that the allegations had been upheld and that she

was summarily dismissed for gross misconduct. I shall quote from the Outcome Letter as appropriate, (page 147) as follows:

> "I am upholding the following allegations against you:
>
> - Bullying or harassing ZC since October 2024 to 19 March 2025;
> - Making unprofessional inappropriate comments regarding other managers and talking about their performance in front of other staff members;
> - Making grossly unprofessional comments, inappropriately sharing messages from managers with other staff members;
> - Making grossly unprofessional comments about reducing / removing shifts from other staff / managers without appropriate authority – misuse of power;
> - Bullying and harassment and gross unprofessional behaviours towards another manager (salaried);
> - Gross unprofessional conduct by swearing at another employee; and
> - Sexual harassment towards another employee.
>
> During the hearing you consistently denied any wrongdoing around the above issues in spite of the considerable array of evidence against you and failed to demonstrate any meaningful remorse or willingness to take accountability for your actions. Whilst I am taking into account your previous disciplinary record and length of service with the business, I consider the offences in question to be of a very serious nature. … In spite of your status as Shift Manager (and therefore responsible for setting appropriate standards of behaviour which you need staff to model) have acted in direct contravention of these standards. On the available facts therefore I am satisfied that you are guilty of having engaged in conduct which falls within the remit of gross misconduct and do not consider there to be any legitimate basis from the facts to warrant the application of a lesser sanction short of dismissal."

39. Mrs Ali had at that time exceeded her accrued holiday to date and therefore no accrued holiday pay was due.

40. On 2 May 2025, Mrs Ali lodged an appeal against dismissal, (page 149). Her Grounds of Appeal in summary were:

    40.1. Her responses were not fairly considered;

40.2. Dismissal was too severe a sanction bearing in mind her length of service and clean disciplinary record, (which is not strictly speaking true);

40.3. There was a lack of impartiality and not all information had been provided in a timely fashion; and

40.4. The evidence was not sufficient to support the conclusions and the decision had been reached based on personal belief rather than concrete evidence.

41. On 7 May 2025, there was a later version of the Grounds of Appeal, (page 153). Mrs Ali said her reasons for appealing were that the allegations had been made maliciously and the evidence presented did not prove them.

42. Mr Azim was appointed to hear the appeal. He is senior to Mr Hussain.

43. By letter dated 8 May 2025, Mrs Ali was invited to attend an appeal hearing on 16 May 2025, (page 155).

44. The Appeal Hearing took place on 16 May 2025, conducted by Mr Azim. Mrs Ali was accompanied by a Trade Union Representative. The notes of the hearing are at pages 160 – 167. Mrs Ali was able to advance a number of challenges to the investigation, the witness evidence and the CCTV evidence. In particular:

44.1. She challenged that a third person was sat at the desk with GE and her in the CCTV recording. He was on the right hand side of GE with Mrs Ali on GE's left. He was being trained by GE at the computer terminal. She said he had not been interviewed about what had happened.

44.2. She complained that her allegation that GE suggested she give him a massage had been ignored.

44.3. She complained that it was improper for the CCTV recording to be only available on a telephone recording made by GE. She complained about the lack of a date and time stamp. She said it could have been tampered with, although at no stage and not in this hearing, has Mrs Ali ever actually suggested that in fact she was shown a recording that was false.

44.4. She acknowledged that she had not raised these points in the original hearing and said that was because she said she felt rushed.

44.5. She said that because she has kidney disease, she sometimes has to tap her leg because it becomes numb and that is what she was doing in the recording. She said she had not mentioned that before because she had not seen the recording properly, before.

44.6. She said that GE was malicious. She was not sure why ZC raised a grievance against her.

44.7. She alleged that because she had been suspended, the decision had already been made.

44.8. She told Mr Azim that there was nothing she would have done differently.

45. After the hearing on 18 May 2025, Mr Azim interviewed a number of other people including a person I will refer to as AG, that is Mrs Ali's estranged (I think) husband, (the note is at page 188). This does not appear to add anything to the case.

46. Also on 18 May 2025, Mr Azim interviewed a person I will refer to as BK, (page 191). She confirmed that Mrs Ali had told her that GE was bullying her and she had told Mrs Ali to tell Mr Atherton-Sharpe. She also said she had not seen GE bullying her.

47. Also on 18 May 2025, Mr Azim interviewed KC. She said she did not see GE bullying Mrs Ali, but that they did not get on and that they could both be difficult to work with. She confirmed that she had heard GE ask Mrs Ali for a massage. Mrs Ali's reaction had been to laugh and smile.

48. On 21 May 2025, Mr Azim interviewed a person I will refer to as ZM, the person sitting to GE's right in the CCTV footage. He reports that he did not witness the alleged touching incident that features in the recording. Mr Ali on behalf of Mrs Ali refers to what is written in the notes of the interview, (at page 202) as follows:

> "No, I was spoken to and shown a video by Anthony but I didn't see what I saw on the video at the time so I will say I didn't see anything."

Mr Ali suggests that indicates that ZM was shown the telephone recording twice but on the second occasion, he did not see what he saw the first time, therefore suggesting the recording had been tampered with. That is not what ZM is noted as saying, that is a misreading of those words.

49. On 22 May 2025, Mr Azim reinterviewed GE. He addressed the timing of his complaint and the massage allegation raised by Mrs Ali, (page 204). He said he had originally raised the allegation with someone called Kay Atherton-Sharpe, presumably a relative, in the week commencing 17 March 2025 but she had told him to raise it with Mr Anthony Atherton-Sharpe, which he says he did the same day. He said that Mr Atherton-Sharpe had told him to put it in writing and at this stage, he had not shown them the recording. He said he made the recording on 9 April 2025 and showed it to Mr Atherton-Sharpe on 11 April 2025.

50. Mr Azim wrote to Mrs Ali with an outcome on 23 May 2025. The appeal was dismissed and summary dismissal was confirmed. He noted:

50.1. That a proper and fair process had been followed.

50.2. On the CCTV recording he wrote, (page 211),

> "During the appeal meeting you strongly disputed the interpretation of the CCTV footage relating to the allegation of inappropriate contact with a colleague. You stated the footage, which showed your hand moving beneath the table, was misunderstood and that you in fact were tapping your own leg due to numbness caused by a medical condition. … The footage itself has been reviewed and confirmed to be genuine. At the moment your hand moves under the table, there is a visible and clear reaction from [GE] and you appear to smile briefly during the interaction. There is no observing or indication of you tapping your own leg or standing, and no physical movement consistent with the explanation provided to me at the Appeal Hearing or at both the Investigation and Disciplinary Hearings. In fact, the CCTV evidence corroborates the allegation and effectively diminishes the credibility of your account.
>
> While you raised concern the footage was shown to you by a mobile device rather than on a USB, there is no evidence that the footage was altered or manipulated, and its authenticity has been verified."

50.3. He confirmed he had spoken to the additional witnesses and they did not support Mrs Ali's contention that the allegations were made up, nor materially changed the facts established in the investigation.

50.4. He noted the WhatsApp messages between Mrs Ali and ZC that Mrs Ali had produced between October and December 2024 only, indicating she said that there was no bullying. He commented that it was entirely possible for someone to feel bullied but still interact on WhatsApp in this way.

51. The statements Mr Azim had taken from the additional witnesses were sent to Mrs Ali in early June 2025, (page 215).

Conclusions

Reason for Dismissal

52. Having heard oral evidence from Mr Hussain and Mr Azim and having reviewed the evidence they had before them, I find that the reason for the dismissal was misconduct and that they genuinely believe that Mrs Ali was guilty of the misconduct for which she was dismissed.

53. The question is, did they have reasonable grounds for that belief based upon a reasonable investigation? Note the test is reasonable, not perfect. Or to use Mrs Ali's expression, not necessarily concrete.

CCTV Footage

54. On the CCTV footage, Mrs Ali argues that circumstances surrounding the recording on the telephone are suspicious. It makes sense to me. If GE knew as he probably did that the source of the recording would be deleted after 28 days, it was a sensible precaution to film it on his telephone. It would, of course, have been better if he had raised the issue and secured retention of the original recording before it was deleted. However, Mrs Ali never categorically denied that what is in the recording is accurate.

55. The Respondent satisfied itself that the recording was genuine and it was entitled to reach that conclusion. To suggest that the lack of a date and time stamp somehow completely undermined the veracity of the evidence, is clutching at straws.

56. I have, of course, watched the recording a number of times. It is on its own inconclusive, but the fact is it shows Mrs Ali's hand go underneath the table. One catches a glimpse of her hand in the position that could have been on GE's leg, but one cannot be sure. However, at that moment GE's head turns towards Mrs Ali, to his left, corroborating that perhaps his leg was touched by her and he was reacting. There is also the merest fleeting glimpse of perhaps a smile on Mrs Ali's face, indicating mischief. One cannot be sure. The recording is corroboration of GE's allegation that Mrs Ali ran her hand along his thigh. Mr Ali, on behalf of Mrs Ali, suggested that the recording does not accord with GE's description of what happened, that her hand went from the top of his thigh to his knee, (page 78). I disagree. That could well have been what happened. It could also well have been that Mrs Ali tapped her own leg, as she suggests.

57. The Respondent is entitled to form the view that the recording corroborated GE's account and accept what he alleges happened.

58. I agree that Mr Atherton-Sharpe and Mr Hussain might have thought to ask ZM what he saw. Mr Azim did though and ZM said that he saw nothing.

59. Any unfairness was corrected on appeal and in fact would have made no difference to the outcome. In any event, an investigation has to be reasonable, not perfect and the Respondent would have been entitled to take the view there was no need to interview ZM.

Bullying

60. On the allegations of bullying, there was before Mr Hussain and Mr Azim a reasonable body of evidence that Mrs Ali conducted herself towards some of her colleagues in an inappropriate manner contrary to the Respondent's policies.

61. The Respondents were entitled to conclude that they accepted the evidence of those individuals and preferred their evidence to that of Mrs Ali. It was a reasonable conclusion to reach based upon a reasonably thorough investigation.

62. Mr Ali says their credibility is undermined by lack of precise dates. Sometimes that is true, sometimes it is not. It is natural that people do not remember exact dates and it can sometimes be less credible if precise dates are recalled. In this instance, the Respondent's officers were entitled to believe what they were told.

63. I find that the Respondent reached a reasonable conclusion after conducting a reasonable investigation.

Fair Procedure

64. Was a fair procedure followed? Ultimately, everyone who should have been interviewed was interviewed.

65. Mrs Ali was also interviewed and given an opportunity to respond to the allegations during the investigation process. It is nonsense to suggest that the Respondent had to give 48 hours' notice of an investigatory meeting. Sometimes it can be appropriate to give no notice, but in this instance Mrs Ali had plenty of notice.

66. Mrs Ali knew what the allegations were before the Disciplinary Hearing. At the hearing, she had every opportunity to respond fully to the allegations. She was given a right of appeal which she exercised. At the appeal the Appeal Officer was thorough and followed up on the points that she made. She was accompanied by her Trade Union Representative every step of the way.

67. Mr Ali complains that Mrs Ali was not given some statements until during the Disciplinary Hearing. That is true, but the hearing was adjourned so that she and her Union Representative could read them. They had nothing further to add and they did not suggest they needed more time to consider them. There was unfairness, but no consequence flowed from that.

68. Similarly, Mr Azim did not share the additional statements he had taken after the Appeal Hearing with Mrs Ali before he reached his decision. Again, no unfairness or consequence flows from that.

69. I conclude a fair procedure was followed.

Range of Reasonable Responses

70. Was the decision to dismiss inside the range of reasonable responses?

71. The Respondent makes clear its zero tolerance policy towards bullying, harassment and discrimination. All employees are aware of that. The

Respondent had evidence that Mrs Ali was bullying colleagues and was behaving inappropriately in a serious way.

72. As Mr Hussain noted, Mrs Ali showed no remorse, no regret and no recognition that her conduct warranted criticism. Although Mrs Ali says she was treated more harshly than others, she has produced no evidence that is so.

73. Allegations of inconsistent treatment have to be examined in considerable detail, for every case is different. Mrs Ali did not mention inconsistency of treatment in her ET1 nor during the disciplinary process. For the first time, in her witness statement, she mentioned a senior manager who was investigated for sexual harassment and was merely moved stores. She herself said he was investigated, but not that the allegations against him were upheld. I do not know the detail of that person's case, I do know that Mrs Ali was found by the Respondent, to have been guilty of more than sexual harassment; bullying and other inappropriate conduct.

74. Notwithstanding Mrs Ali's long service, which the Respondent took into account, dismissal was inside the range of reasonable responses.

75. For these reasons, Mrs Ali's complaint of unfair dismissal fails.

76. I find on the balance of probabilities, that Mrs Ali was guilty of misconduct and therefore not entitled to notice pay. No accrued untaken holiday pay falls due and that claim fails also.

Approved by:

Employment Judge M Warren

Date: 9 October 2026

Sent to the parties on: 27 October 2026

For the Tribunal Office.

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