EMPLOYMENT TRIBUNALS

Claimant: Dr Temucin Lunel
Respondent: Low Carbon Hub IPS Limited

Heard at: Reading Employment Tribunal (by video)
On: 10 and 11 August 2026
Before: Employment Judge George

Representation
Claimant: Self representing
Respondent: Ms Erin Bright, litigation consultant

JUDGMENT was sent to the parties on 9 September 2026 and full reasons were requested in accordance with Rule 60 of the Employment Tribunal Procedure Rules. The following written full reasons are therefore provided:

FULL REASONS

1. Following a period of conciliation which lasted between 9 and 21 May 2025, the claimant presented a claim form on 31 July 2025 which included a single complaint of unfair dismissal. The claim arises out of his employment by the respondent charity which started on 1 January 2018. He was dismissed in circumstances which the respondent states amount to a redundancy situation on 9 May 2025. The respondent defends the claim by an in time response presented on 9 September 2025.

2. I have had the benefit of a file for the final hearing which initially ran to 573 pages. Two additional documents were added by consent which means that the final page count is 576. Page numbers in that hearing file are referred to in these reasons as pages 1 to 577 as the case may be. The claimant had separately provided 5 particular documents but those appeared to be elsewhere in the hearing file. There had been some confusion about when the final version of the hearing file had been made available to the claimant but, by the start of the 2 day hearing, he accepted that he was in a position to proceed and was keen to avoid delay.

3. I heard from four witnesses called on behalf of the respondent, the claimant, and a supporting witness. I refused an application for a supplemental witness statement to be relied on by the claimant's supporting witness. Dr Lunel wrote and asked for full written reasons for the liability decision. I did not understand

him to ask for written reasons for my decision to refuse permission for Mr Figuierdo's supplemental statement. In case I am wrong, I extend time to seek written reasons for that decision to 14 days from the date these written reasons are sent to the parties.

4. I heard from the following witnesses:

   a. The claimant himself, Dr Lunel;
   b. Mr A Figueiredo, the claimant's supporting witness;
   c. Mr S Clutton – the respondent's head of Finance and Business Systems;
   d. Dr B Hammond – the respondent's CEO;
   e. Mr S Drummond – the Chair of the Board at the respondent;
   f. Dr M Brookes – now the respondent's Impact Programme Director but previously the Smart Energy Systems Direct and the claimant's line manager.

The Issues

5. I circulated a draft list of suggested issues for an unfair dismissal claim where the respondent defends on the basis that the potentially fair reason was redundancy at the start of Day 1 of the hearing for the parties' comments. There were none and it has formed the basis of the submissions and the decision that I am making.

Unfair dismissal

   a. Was the claimant dismissed?

   b. What was the reason or principal reason for dismissal? The respondent says the reason was redundancy [or some other substantial reason].

   c. If the reason was redundancy, 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:

      i. The respondent adequately warned and consulted the claimant;
      ii. The respondent adopted a reasonable selection decision, including its approach to a selection pool;
      iii. The respondent took reasonable steps to find the claimant suitable alternative employment;
      iv. Dismissal was within the range of reasonable responses.

Remedy for unfair dismissal

   d. Does the claimant wish to be reinstated to their previous employment?

e. Does the claimant wish to be re-engaged to comparable employment or other suitable employment?

f. 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.

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

h. What should the terms of the re-engagement order be?

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

    i. What financial losses has the dismissal caused the claimant?

    ii. Has the claimant taken reasonable steps to replace their lost earnings, for example by looking for another job?

    iii. If not, for what period of loss should the claimant be compensated?

    iv. 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?

    v. If so, should the claimant's compensation be reduced? By how much?

    vi. Did the ACAS Code of Practice on Disciplinary and Grievance Procedures apply?

    vii. Did the respondent or the claimant unreasonably fail to comply with it by [specify alleged breach]?

    viii. If so is it just and equitable to increase or decrease any award payable to the claimant? By what proportion, up to 25%?

    ix. If the claimant was unfairly dismissed, did they cause or contribute to dismissal by blameworthy conduct?

    x. If so, would it be just and equitable to reduce the claimant's compensatory award? By what proportion?

    xi. Does the statutory cap apply?

j. What basic award is payable to the claimant, if any?

k. 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?

6. There was insufficient time available to determine the remedy issues and I have listed a 3 hour remedy hearing, restated the remedy issues, and made appropriate case management orders which were sent to the parties on 9 September 2026.

The Law applicable to the claim

7. It is for the respondent to prove that the reason for dismissal was one of the potentially fair reasons set out in s. 98(1) of the Employment Rights Act 1996 (hereafter the ERA) which include redundancy and what is often referred to as "some other substantial reason"; the comparatively flexible residual provision that it is potentially fair to dismiss for some other substantial reason of a kind such as to justify the dismissal of an employee holding the position which the claimant held. It is well established that a business re-organisation which does not happen in a redundancy situation can potentially be such a reason. An employee shall be taken to be dismissed by reason of redundancy if the dismissal is wholly or mainly attributable to a broad range of situations set out in s.139(1) of the ERA.

> "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 on 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."

8. In Safeway Stores plc v Burrell [1997] ICR 523 the EAT set out a three stage test based upon the statutory formulation:
   i. Was the employee dismissed?
   ii. If so, had the requirements of the employer's business for employees to carry out work of a particular kind ceased or diminished, or were they expected to cease or diminish?
   iii. If so, was the dismissal of the employee caused wholly or mainly by the cessation or diminution?

9. In this case the fact of dismissal is admitted. The issues for the tribunal, identified above, require me to determine whether one or more of the s.139(1) situations had arisen and secondly whether Dr Lunel's dismissal was wholly or mainly attributable to it. In the present case, it is not contended that the respondent had ceased or intended to cease to carry out business altogether or that they had done so at the particular location where Dr Lunel worked. The potentially relevant part of the

definition is that in ss.139(1)(b) ERA. The situations referred to in s.139(1)(b) arise where the requirement of the business for *employees* to carry out a particular kind of work has ceased or diminished, not whether there has been an end to or reduction in that kind of work.

10. If the redundancy situation exists, the employment tribunal has limited scope to investigate the business decision to make the claimant redundant. The employer does not have to show an economic justification for the decision to make redundancies. However, that is qualified by the tribunal's jurisdiction to determine whether the redundancy situation is in fact the reason for the claimant's dismissal and whether it was fair or unfair in all the circumstances within the meaning of s.98(4) ERA.

> "Where the employer has fulfilled the requirements 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. This can involve consideration of matters such as whether the respondent used objectively fair and justifiable selection criteria? Did they give sufficient warning and engage in meaningful consultation at a time when it was possible for the employee's views to affect the decision? Were alternatives to redundancy actively considered? Did the employer properly turn their mind to whether more than one role should be considered for redundancy – to what the pool of employees considered for redundancy should be? Ultimately the question is whether what the respondent did was within the range of reasonable responses.

12. During the course of the hearing, I caused the reports of two decisions of the higher courts and tribunals to be sent to the parties: Valimulla v Al-Khair Foundation [2023] EAT 131 and De Bank Haycocks v ADP RPO UK Ltd [2024] EWCA Civ 1291 because they seemed to me to potentially be relevant. Valimulla includes a helpful summary of previous cases (such as Williams v Compair Maxam Limited [1982] IRLR 83) and the applicable law on the Tribunal's task when it is alleged that other employees should have been considered for redundancy (a challenge to the pool) and when it is alleged there was inadequate consultation. The relevant points in De Bank Haycocks also concerned the requirements of a fair consultation including that it should be done at a stage where it could make a difference to outcomes or still influenced the decision.

13. In Polkey v A E Dayton Services Ltd [1988] ICR 142, the House of Lords explained that a failure to follow correct procedures is likely to make the resulting dismissal unfair unless, in exceptional cases, the employer could reasonably have concluded that doing so would have been "utterly useless" or "futile". Normally an employer contemplating redundancy dismissals will not act reasonably unless he warns and

consults any employees affected, adopts a fair basis on which to select for redundancy and takes reasonable steps to avoid or minimise redundancy by redeployment. However the employment tribunal should go on to consider whether compensation should be reduced to take account of the likelihood that a fair dismissal would have happened in any event.

Findings of Fact

14. I take into account all of the evidence, both documentary and oral, that has been admitted in evidence at the hearing but I do not set out all of that evidence in this judgment. I record my principal findings, those findings which were necessary to make in order to reach conclusions on the issues. Where I needed to resolve conflicting factual accounts, I have done so by making judgment about credibility or otherwise of the witnesses based on their overall consistency and the consistency of their accounts give on different occasions when set against contemporaneous documents where they exist.

15. The claimant's job title throughout his employment was Cosy Homes Project Manager although, as will become clearer, the role that he carried out during those years developed over time.

16. In September 2024 the respondent discovered that their bid for funds from SSEN to continue particular projects failed and that is explained by Dr Hammond in her paragraph 3. She also explained that was unexpected and prompted a financial review among the board and the executive directors of the respondent. The CEO report to the September 2024 board meeting at page 542 makes the same point.

17. Following discussion of the consequences of that, there was a Strategy Committee meeting on 6 November 2024 at which they resolved to develop a business plan. That record of the meeting starts at page 544. It is clear from passages in the minutes, particularly at pages 545 and 546, that they resolved that the domestic retro fit business would not be a priority and that they would de-prioritise Smart Community Energy Schemes in the short-term. It is also recorded that Dr Brooks, who was the claimant's line manager, was going to propose a solution to what is described in that document as the "conundrum" of the claimant.

18. There is a draft business plan dated 14 November 2024 (page 548) and that includes, at page 551, a budgeted staffing cost. This proposed the deletion of more than one post including the claimant's. Mr Drummond explained in his paragraph 6 that a budget was discussed at a board meeting at that time and it anticipated three named redundancies; the claimant was one of those. He makes that comment to emphasise that the planning process for redundancy began before 2 December 2024.

19. His oral evidence expanded on his perspective on the situation as the Chair of the Board of Directors. The Board comprised both Executive Directors and non-Executive Directors. He said that at the end of Project LEO the respondent had considered whether to keep the claimant on. The had a cash surplus so had

decided to keep him on. When they did not get the follow on to Project LEO, which has been named Project LEON, it was clear that they needed to reduce costs. Mr Drummond said that Dr Hammond and he had had a chat which was to go to the next board meeting, which I understood to be the November 2024 one, to see where the costs reductions were going to come from.

20. At that board meeting (in November 2024) the CEO presented a reduction in the budget and a print out from the accounting system of the staffing costs in the format that is at page 551. He described the roles and the individuals as essentially the same thing. He emphasised that what page 551 was talking about was the removal of posts rather than the redundancy of people. However, he was not the only witness who said that in an organisation the size of the respondent the posts and the people broadly speaking equated to each other. The board approved that and left the management with scope to deal with the detail according to Mr Drummond. He repeated, "We approved the budget which had three positions named as eliminated, and then the board was not involved with the individuals process and did not meet again."

21. The respondent argues that the process did not require the board to make decisions about employment of personnel, it was not a task for their level. But, it seems to me that one of the questions I have to consider is whether Dr Brooks approached her part in the redundancy process with a genuinely open mind; whether the executive board, comprising herself, Dr Hammond and Tim Jones, approached whatever their role was in the process with an open mind, about whether the post should be deleted, and the other arguments that were raised by the claimant.

22. I asked Dr Brooks who made the decision that the post was redundant. and her answer was quite broad. She said that "we were considering that as a potential redundancy we took a while to deliberate it" and then she said that

> "I wrote the business case. That was my proposal with respect of what we needed to do strategically, alongside an analysis of all of the roles within my team and where we were strategically within the priority and that analysis reflected the board discussion we had had. Following that it was an executive board decision that was signed off by the CEO."

23. I understood her to be saying that, ultimately, she had written the business case and proposed it to the board. However, the last business case in time in evidence before me is dated February 2025 and I find that it pre-dated the "at risk" meeting when the claimant was told he was at risk of redundancy. I find that Dr Brooks performed the analysis of the roles in her team in the business case. The last one is dated February 2025, and following that, the decision was an executive board decision signed off by the CEO.

24. Before we get to February there was an incident on 2 December 2024 which Dr Brooks describes in her paragraphs 5 and 6. This led to an investigation into the claimant's conduct. The outcome was dated 13 January 2025 (page 168) and it was concluded that no disciplinary action was needed as a result of the way that the claimant expressed himself in the Teams meeting.

25. There was a December business review of roles (page 157). I have taken that into account in its entirety as well as another iteration shortly after that. I can see from page 169 that the proposal was to replace the claimant's post with a Community Benefit Services Programme Manager role. There is a statement at page 162 within the business review that different skills are required to those required of the Project Manager for Cosy Homes Oxfordshire for LEO and that strategic analysis skills are not strength of the claimant whose performance in certain skills is described as inadequate. I do not read those as being provisional or conditional statements. That is not consistent with the language that is used.

26. There was another iteration of the Redundancy Business Case dated 10 December 2024 at page 555. It is referred to as documents supporting a case for redundancy and, in particular, it talks about proposals to make a number of employees redundant, and that that will be a reduction in salary cost overall. Two employees, the Company Secretary, see page 564, and the Business Development Manager, page 568, left following signing settlement agreements. As I understand it they were offered terms and they left.

27. Moving forward to January2025, there was a revised business case for the Cosy Homes role dated 30 January which it at page 567. In the meantime, there had been a meeting scheduled on 16 January that was attended by Dr Hammond and Dr Brooks as well as the claimant. This was one of the outcomes recommended by the investigation, the outcome of which is at page 168. The purpose was to follow up regarding the gap between the role that "Tim Lunel plays (or wants to play), the need of LCH, and if and how that gap can be closed". This was the meeting that Dr Hammon left somewhat suddenly without excusing or explaining her departure at the time that she left.

28. The next significant item in the chronology is the last dated business case that is at page 173.

29. That is immediately followed in the hearing file by an at risk meeting on 11 February 2025. It is said in the minutes that no final decision has been made but the claimant's case is that that was not in fact the case.

30. There was a first consultation meeting on 18 February which was conducted by a Croner Face2Face consultant but Dr Brooks, as a representative of the respondent and a line manager of the claimant, was present. The minutes of that are at page 197. It was outlined that there would be a series of consultation meetings and, on the face of it, the structure of an at risk meeting and three consultation meetings, then a decision followed by communication of the decision is textbook. However, I have got to look at whether in substance that process was, in fact, approached with an open mind, and whether the claimant was genuinely given an opportunity to feed into the decision before it was finalised; when it was still possible for him to influence the outcome.

31. On 24 February, the claimant sent an email to Osney Lock Hydro which seems to have led to some difficulties. It is referred to in Dr Hammond's paragraph 9. The email itself is at page 218. She and Dr Brooks explained their surprise about

this email as being that it seems to them to communicate to a third party, Osney Locks Hydro, information about priorities of the respondent when those had not been cleared with the claimant's line manager. They were also surprised that it was copied to Dr Hammond, who was serving as voluntary capacity of Osney Lock Hydro, had two hats and explained that she was discomforted by this.

32. The claimant was also in a similar position of potential conflict in that he was, at the time, he was employed by the Low Carbon IPS Limited but his interest in the field more generally led him to volunteer his time for a local community scheme in Hook Norton where he lives. The implication of Dr Brooks' and Dr Hammond's evidence was that the claimant's actions in sending this email caused some embarrassment and put Dr Hammond, in particular, in a difficult situation. I find it a little bit difficult to understand why it provoked the strength of reaction that it did. Nevertheless, that was their evidence, and this was the day before the second consultation meeting was due to take place on 25 February 2025.

33. On the same day, the claimant was supposed to have his annual review with his line manager. That ended up being cancelled in somewhat contentious circumstances which led to the claimant putting in a grievance about the behaviour of Dr Hammond, because when he arrived to meet with his line manager, Dr Hammond had been there. She said they had previously been discussing the email from the day before.

34. Although the annual review did not take place, the consultation meeting between Dr Brooks and the claimant nevertheless took place. The minutes of that are at page 237. In that second redundancy consultation meeting the claimant raised a concern about his annual review having just been cancelled. He explained that that was important to him because he did not have a clear job description.

35. That seems to be common ground. The claimant had a job title that had been his from the start of his employment but the number of days that he worked for the respondent had expanded; he had taken on different tasks. That is also common ground. Viewed objectively, it is important for the job descriptions to be clear and to match the roles being carried out, particularly when an employer is entering into a redundancy process which involves a reorganisation, and I use that in a non-technical sense. It is important if you go into that sort of reorganisation and you state that a role is earmarked for deletion to have an up to date job description so that there is no or limited dispute about whether the role is in fact affected by the redundancy. If credible or plausible doubts are raised about the basis of the assessment that the role is not needed then no reasonable employer would fail genuinely to address those concerns. The reasonable employer in that situation needs to consider whether the employee is doing something different so that it affects whether the post is deleted? Does it affect the degree of overlap with the new post in the restructure?

36. The respondent's case is that they thought the tasks covered by the role that the claimant filled were not tasks that they needed to have done anymore but that they actually needed a different set of tasks done. In the present case, the job description predated the expansion of the claimant's move from two days to four

days a week and there were challenges to what the employee's role was, what his day to day function is. That is why I consider that there were credible or plausible doubts in the present case as to whether the job description was a sound basis for the respondent's assessment of what the claimant did.

37. It is obviously fair to say that the respondent is in the position of the management, they can choose what priorities their business follows. I accept that. Nevertheless, they need a reasonable basis for their decisions. Furthermore, the purpose of a consultation process is genuinely to take on board with an open mind observations that are made by the employee. The respondent needs to consider whether any decision that has been taken before the employee's input needs to be altered in any way to take into account of their input and what they have said. It is clear from those consultation minutes that the claimant argued that he way his role was described in the business case was not agreed and that is something that he has maintained through this case. What he said was not spurious or obviously wrong because the development of the role over time was common ground.

38. Important points were raised clearly in the second consultation meeting. The disagreement about the starting point for the respondent's decision that the claimant's role was redundant (in other words what the claimant was doing and what his role was) meant that there was a particular difficulty for the claimant in not having had the annual review or the discussion about his role which was one of the grievance outcomes.

39. Over the weekend at the beginning of March 2025, Dr Hammond looked into the claimant's email account for work with the respondent and although it is not explained in quite so many words in her witness statement, it seems that this led to a decision to suspend the claimant for suspected gross misconduct. That is at page 260.

40. There are five bullet points highlighted in the suspension letter. I am not going to go into that in any great detail but, broadly speaking, there was an investigation into whether the claimant had acted inappropriately in a number of respects including allegations arising out of the email of 24 February.

41. Later on 10 March 2025, the claimant presented a grievance (page 263) against Dr Hammond. Broadly speaking, he alleged (as he has in these proceedings) that various vexatious incidents or actions taken by her (e.g. leaving precipitously on 16 January 2025, her reaction to the Osney Lock Hydro email) amounted to bullying and harassment.

42. On 13 March the claimant sent a separate email (page 277), arguing that this was a pattern of behaviour by the CEO who has tried to push more than one person to resign from the respondent.

43. Both of those grievances went through an investigation process and both were dismissed. I have not been asked to adjudicate in detail on those processes which have not been challenged through the evidence. It is more that the fact of the decisions is relied on by the claimant as supporting his argument that this

was a sham redundancy.

44. Once those grievance processes had been dealt with, the redundancy process resumed with an interview for what is now called the Net Zero Programme Manager role, on 22 April 2025. The interview was carried out by Dr Brooks, Mr Clutton and Tim Jones. Dr Brooks in her witness statement referred to pages 505 to 507 as evidencing their decision that the claimant did not evidence the essential criteria for the role. However, during her oral evidence by video, it became apparent that she was looking at feedback notes which had not been disclosed within the proceedings. They were subsequently disclosed and added to the hearing file by consent at pages 574 to 577. The interview was intended to be recorded but something went wrong with the recording. Mr Clutton gives very brief evidence about that in his witness statement.

45. The claimant had produced a written application (page 436) in which he set out to provide evidence allocated under headings of the particular skills and capabilities that he understood to be needed for the role for which he was applying. Mr Clutton said that he had read it prior to the interview but not during it. Dr Brooks was clear that the decision on whether to appoint or not, the decision on whether the claimant was appointable, was only made on evidence produced in the interview.

46. Dr Lunel's evidence, which I accept, was that he was not made aware of that until he attended the interview itself and found that the interviewers had not been provided with the documents that he had sent in in writing. Mr Clutton does say that he considered the claimant's approach and demeanour did not match the requirements for the role. He was not strongly challenged on that. However the claimant did challenge Dr Brooks to the effect that he had, in fact, demonstrated the essential criteria for the prospective role and provided evidence on it as he referred to examples that were set out in the document that is at page 436.

47. The claimant was unsuccessful in his interview for that post. I accept that the way that the process was structured was that, at that stage, he was the only person interviewed ahead of it being open for an open recruitment process.

48. There was a final consultation meeting on 24 April 2025. The representative from Croner Face2Face conducted that meeting. The minutes are at page 402. He states that the respondent has taken the view that the alternative role requires different skill set. I have read those minutes and do not see in them an answer to the points that had been raised in the second consultation meeting by the claimant about whether other members of the team should have been considered as having overlapping roles and the lack of an existing accurate job description for himself.

49. The claimant raised the same point in the final meeting where he challenged (page 403) how the respondent could assess the new role as not a suitable alternative for him to be offered (without interview) when his existing job had evolved and his annual review was outstanding. It was stated in response (page 404) that the roles were considered to be difference. The claimant asked for the rationale to be provided. Notwithstanding that, the outcome letter (page 430)

does not contain one. Neither does it seem to have included the report that was prepared by Croner that is dated 30 April (page 422). That report makes a recommendation that the respondent inform the claimant that the role is redundant and, at para.26, restates but does not explain that the new role required different skills to the existing role.

50. On 9 May the claimant was made redundant. He appealed and, ultimately, he was offered a meeting with a different Croner Face2Face consultant. He withdrew the appeal because the timescales meant that he had to contact ACAS and decided to do that rather than pursue the appeal.

Discussion and conclusions

51. The first issue is whether the claimant was dismissed. He was dismissed; that is comment ground.

52. The next issue is, what was the reason or principal reason for dismissal and was it a potentially fair reason. The respondent relies on section 139(1)(b) ERA where the reason for dismissal is redundancy if it is wholly or mainly attributable to the fact that the requirements of that business for employees to carry out work of a particular kind, or 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.

53. Cost cutting can amount to a redundancy situation where there is an intention to reduce costs by reducing headcount; where the same work is going to be carried out by fewer people. This is relied on by the respondent in that there had been a loss of funding.

54. I accept that the respondent genuinely made the decision about what the priorities for the future activities of their entity were going to be. That is a judgment that the tribunal should be slow to interfere with. It is really the respondent's business to decide that, provided they are make a genuine assessment and there is some logic to it. Here, I accept that there had been the failure to gain funding for particular projects that would have been a follow on from projects the claimant had in the past been carrying out. That was not in the immediate past because the projects had come to an end.

55. The assessment of the claimant's role by the respondent at a relatively early stage in the restructuring process was that it had two particular areas of activity: domestic retrofit services and smart community energy schemes (MB para.21). Those are referred to in pages 180 to 187 in particular at page 184:

> "The Cosy Homes Project Manager role also took on responsibilities for work on the smart products and services during LEO and these aspects of the role were maintained after LEO to continue work on the development of the concepts. The Project LEO role was focused on delivering real world smart energy trials. Activities since the end of LEO have been limited to scoping/desktop exercises. However it was anticipated, and included in the funding bids, that we might eventually come back to real world trials and that this aspect of the Cosy Homes Project Manager role would require resourcing. In the meantime the Cosy Homes Project Manager

> had time to contribute to the development of bids and feasibility of operational models. Time was also spent supporting community groups in our network that are interested in similar projects."

56. When those assessments were made, the respondent does genuinely address the question of what the claimant's role was albeit from their own perspective.

57. They have shown there was a need to reduce costs. I rely on Dr Hammonds evidence about the loss of funding, Mr Clutton's evidence about the burden of salaries being unsupportable and Mr Drummond's evidence that it was because of a cash surplus that the claimant had been kept in employment in the short term in anticipation of LEON. The information about this in the latest business case in time, that is at page 173, is that delivery of trials is no longer a priority and it refers to the loss of funding. I accept that that was what they genuinely thought about the claimant's role. It is proposed, at that stage, it says, to remove the claimant's role and introduce a full-time Innovation Programme Manager.

58. A statement that none of the roles that the respondent anticipates recruiting are considered suitable for the claimant's skill set was made in the December business case and carried forward to the February 2025 business case. This was, in essence, a definitive statement and it created the real risk that when Dr Brooks approached the consultation meetings, she was strongly influenced by the position that she, herself, has set out in the drafts that the post is going to be removed and that the claimant's skill set does not meet the new post.

59. The claimant's case is that this was not just predetermination based on an assessment of what he was doing that was flawed, and unfair because it did not start from the right position of pinning down his job role and giving him a fair opportunity to explain where he disagreed about it. His argument is that this was part of a pattern to try to force him to leave.

60. The first thing that he now relies on - which has been adopted during the course of the litigation - no doubt because of the emphasis in the respondent's evidence on the business cases dating from December 2024 and February 2025, and, indeed, earlier than that - is the position of the respondent on his relationship with Fractal Network, the organisation that is run by Mr Figueiredo. I accept the respondent's argument on this and find, based on her annotations to the documents at page 60 to 62 themselves, that the point at which Dr Hammond seems to become aggravated by, if I can put it in summary form, the relationship between Hook Norton Low Carbon and Fractal Network, is when she read that application by the claimant having opened his email account in early March 2025. That is because the comments themselves suggest it is not the relationship itself that she takes issue with (and the claimant says she had known about the relationship since August 2024), but the detail in the application. It is the detail of which she is so critical in strongly worded terms.

61. The claimant has looked for explanations for reactions seemed to him to be unreasonable in relation to this and a number of other events, and he landed on a desire to oust him from an early stage. I do not think that is an inference that evidence will bear. I do not find that this is evidence of a state of mind on the

part of Dr Hammond predating December 2024 or predating September 2024. Part of the reason I find that is because the loss of the funding objectively seems to have been the trigger for the restructuring. However, my conclusion principally rests on the wording of her comments which I accept were made in early March 2025.

62. The next factor which is described as a vexatious incident is the investigation into the 2 December 2024 Teams meeting. Both Dr Brooks and the claimant say that they accepted the outcome of the investigation at page 168. What I have heard about it and read about it in the statements that were part of the investigation, does not make it sound like the most serious incident that happens between a line manager and the person who reports to them. Dr Brooks says that she felt that the relationship was the same afterwards. That is a little difficult to square with the level of distress she stated that she experienced at the time. However, what I do find is that this was instigated by Dr Brooks and not by Dr Hammond. So, it does not fit a pattern of the claimant being presented with vexatious incidents that are an attempt by the CEO to force him to leave.

63. Thirdly, there was the meeting on 16 January 2025. The claimant did not know as at the date of that meeting that there was a business case, approved at board level, that included a proposal to delete his post. When Dr Hammond explained in oral evidence her reaction being frustration that the claimant, despite his senior level status, had not enquired about the business case before the meeting, that seems to me to be somewhat illogical. Surely the business case should have been confidential until the redundancy process had started otherwise the claimant would have found out by reading it what the respondent was proposing? Also, the purpose of the meeting was to discuss the gap between the role the claimant was to have and the needs of the respondent as part of a grievance outcome. So, even on Dr Hammond's account of her own reaction rather than the claimant's account of what he observed, it does not seem objectively to be justified by what she has explained to be in her mind at the time. Nevertheless, it must have been a high pressure time concerning for the respondent's business that they had not obtained funding that was going to be so important to their future plans. Furthermore, this incident took place after the claimant's post had been earmarked for redundancy and, indeed, after the two other people whose posts had been earmarked for deletion had left the business. I do not consider her behaviour to be part of a concerted effort to force him to leave.

64. Then there is the cancellation of the review meeting on 25 February. Dr Hammond states that she does not know why it was rescheduled (in fact it was postponed and not rescheduled). Dr Brooks said she wanted to postpone it because she had not been able to process the email from the claimant to Osney Locks Hydro and was stressed about the prospect of having the conversation with the claimant about it. As I have already said, the consequence to the claimant of having not having that review were very unfortunate in the context of the redundancy process. It is somewhat hard, objectively, to understand Dr Brooks justification for cancelling the meeting but there were two scheduled for the same day and I accept that it was her decision not Dr Hammond's. It was not reasonable management however to overlook the importance to the employee of not rescheduling that meeting.

65. Next the claimant relied on his suspension with effect from 10 March. Dr Hammond's explanation for investigating the emails that had been sent by the claimant, I think emails generally in his outbox, orally, was that arising out of his email that was copied to her in her voluntary capacity to Osney Locks Hydro, she checked what emails everyone had been sent to make sure everyone was supported. That was slightly at odds with what was in witness statement in that, in her witness statement at paragraphs 14 and 15, she said that she did so because she had to attend a meeting on the claimant's behalf to represent the respondent. She also says in paragraph 17, that one of the reasons she accessed it was concerns that the claimant was involving colleagues in redundancy matters. Again, that is slightly difficult to square with her oral evidence and it led to other information that she found looking in the claimant's inbox and what the claimant says was his personal folder on the respondent's OneDrive. It was that which Dr Hammond regarded as a basis for suspension. I do not think this is completely explained; I regard it as not fully explained behaviour. It does not reflect very well on Dr Hammond but I do not need to look into it in detail and I have not been asked to look in detail into whether the basis for it was justified.

66. The allegations made at the time of suspension were wide-ranging. The consequence to the claimant was that he remained suspended without access to his emails until he was dismissed, and the investigation was not taken any further. The claimant has said that he was using his work OneDrive for personal purposes and that they did not conflict with his obligations to the respondent. The respondent would not have known that unless they investigated but.

67. The claimant asked Dr Hammond why the respondent did not investigate given that would potentially be the cheaper option. He argued, if it had been gross misconduct they would not have needed to pay him a redundancy payment.

68. This is one of the factors, not on its own but with other matters, that leads to an inference that the respondent, through the executive board, including Dr Brooks and Dr Hammond, expected the claimant to be made redundant. I infer that they thought there was no need to investigate the claimant's alleged misconduct because he was going to be made redundant. I do not have direct evidence of the reason why they chose to progress the redundancy process rather than a disciplinary investigation. They referred to receiving advice, to there being a discussion, but I did not think there was a good explanation for taking the step of suspending somebody for a relatively long period of time in the middle of a redundancy process and not investigating the allegations against them.

69. The other thing that causes me to draw that inference is the lack of evidence that the claimant's points about his job description (made in the consultation meetings) and his points about whether other people it the team should be considered for redundancy were genuinely considered afresh after the 25 February 2025 consultation meeting in which they were raised.

70. Additionally, the respondent approved a budget which was achieved by the deletion of his post. There is also the wording of the business case which, whilst it does express the deletion of the post as a proposal, also speaks of creating an alternative position which it states the claimant does not have the skills for.

The wording is not – for example – that a post is being created which requires different skills and the claimant will have the opportunity to apply for it. The assessment of his skills is in emphatic terms despite there then being no new job description, person specification or skills matrix.

71. Although I do not draw the conclusion that there were ulterior motives on the part of Dr Hammond that she was trying to force the claimant out, those factors lead me to the conclusion that the firm expectation was, from before the consultation process started, that the claimant was going to be made redundant because, in effect, the decision had already been made.

72. Going through the statutory questions, was there a redundancy situation? Yes, the respondent has persuaded me of that for reasons that I have explained.

73. Next is the question of whether the reason for the claimant's dismissal was that situation. Again, I find that it was.

74. However, when it comes to the question of whether the respondent acted reasonably or unreasonably in all the circumstances, there are various factors that cause me to conclude that the respondent did not act reasonably in all the circumstances.

75. First, I consider warning and consultation. The claimant was not consulted at a time when he was in a position to influence the decision because the evidence is that respondent had firmly decided to delete his post before the consultation. Then the respondent did not provide reasoned answers to his challenges about whether or not his existing role was what the respondent thought it was or still fitted his job title. This causes me to conclude that they did not genuinely consider whether he had been, in fact, carrying out roles that were within their vision of strategy for the future and whether he should have been considered alongside other people in the team. These issues were not reconsidered as a matter of fact after he had made his observations about them and they were, objectively, worthy of consideration.

76. The next question I need to consider is whether the respondent adopted a reasonable selection decision including its approach to a pool. My conclusion on that overlaps with that about consultation. So long as an employer applies its mind rationally to the question of pooling, it is not wrong in principle for there to be a pool of one role. But no reasonable employer faced with the reasoned challenges that this claimant made about what the activities of the members of the team were, would have failed to reassess it. Potentially, they could reasonably have come to the same view but they would have to have an open mind. The inference I draw is that Dr Brooks and Dr Hammond expected the claimant to be made redundant. The costs saving by deletion was in the budget and the business case was not reassessed. I understand that smaller scale redundancies by small organisations with limited personnel to deal with this sort of exercise require a commonsense approach to the details of process. I am not saying that the claimant's individual position on redundancy had to be approved at board level but, if there was a genuine delegation to the executive board, one would expect to see evidence that they had applied their minds to what the claimant said in the consultation meeting or at least evidence from Dr Brooks that

she did. Her evidence was weak about the decision making process. I do not accept that either of them did genuinely apply their minds to consider whether there was merit in what the claimant had argued.

77. There is then the question about whether the respondent took reasonable steps to find the claimant suitable alternative employment. Their argument is that the new roles, skills and criteria meant that it was not a straight swap for an existing role. That probably is the case, but it is a bit difficult to be certain about it in the absence of a job description for the claimant prior to the reorganisation. However, that is probably not the claimant's strongest argument on the question of redeployment.

78. The evidence however of the claimant's alleged poor performance in interview is weak. It was disclosed late; there is no satisfactory explanation as to why it was disclosed late. Possibly there is an explanation as to why the detailed explanation on the recording is not available but what information there is in the feedback form does not link the criteria back to the particular questions that were asked in the interview. That makes it hard or impossible to work back to what the claimant said. There is some evidence to support the respondent's position that the claimant did not evidence the essential criteria. It is not strong evidence.

79. The claimant was only told on the day of the interview that his application form would not be considered. He came anticipating a different kind of interview and it seems to me that no reasonable employer would fail to ensure that an employee who is seeking to avoid redundancy was able to prepare properly and fairly for the interview. He was the only candidate for interview so he might well have wondered what purpose the application form had if not to inform the interviewers. Furthermore, there was a real risk that Dr Brooks started with a closed mind and a fixed view that the claimant did not have the qualities for the post because that is what was written by her in the business case some four months previously. Her evidence was that they had been advised that it was necessary to interview the claimant and they had originally not been intending to. All of that suggests that she did not approach the interview with an open mind as to whether the claimant could show that he met the criteria for the alternative post. I do not think there was a reasonable approach to an alternative employment.

80. For all those reasons, the decision to dismiss for redundancy was outside the range of reasonable responses although I accept that redundancy was the predominant reason for the decisions to dismiss.

Approved by:

Employment Judge George

31 October 2026

SENT TO THE PARTIES ON

1 November 2026

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FOR THE TRIBUNAL OFFICE

Notes

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

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