



EMPLOYMENT TRIBUNALS

Claimant: Mr I Jones

Respondent: Openreach Ltd.

HELD AT/BY: Welshpool (Hybrid) **on:** 16th-18th September 2024

BEFORE: Employment Judge T. Vincent Ryan
Ms P Palmer
Ms Y Neves

REPRESENTATION:

Claimant: A Litigant in Person

Respondent: Ms M Hanmer, Solicitor

JUDGMENT

The unanimous judgment of the Tribunal is:

1. Disability Discrimination: The Claimant's claim that the Respondent failed in a duty to make a reasonable adjustment fails and is dismissed.
2. Unfair Dismissal:
 - 2.1. The Respondent dismissed the Claimant unfairly on 27 July 2023; the Claimant's Claim of Unfair Dismissal is well-founded and succeeds.
 - 2.2. Basic Award: Such was the Claimant's conduct before notice of dismissal, it is just and equitable to reduce the Basic Award by 50%.
 - 2.3. Compensatory Award:
 - 2.3.1. The Claimant is entitled to receive compensation for the loss of his statutory rights and for losses of income for a period of 6 months from the date of dismissal on 27th July 2023, as the Tribunal considers that this is just and equitable in all the circumstances having regard to the losses sustained by him in consequence of his dismissal attributable to the action taken by the Respondent.

2.3.2. Such were the Claimant's actions, and the extent that they caused or contributed to his dismissal, it is just and equitable to reduce the Compensatory Award by 50% and then

2.3.3. The Compensatory Award shall be further reduced by 75% to reflect the substantial risk that the Claimant faced of his being fairly dismissed by the Respondent at that time.

2.4. The Recoupment Provisions do not apply.

2.5. The parties did not have the necessary financial information available that would allow the Tribunal to apply the above judgment to it, and to confirm the total Awards payable by the Respondent to the Claimant. The parties are **DIRECTED** to confirm, by no later than **4 pm on 9th October 2024**, their agreement on the total sum payable (in which case there shall be no amendment of this judgment or further judgment); failing agreement, they shall by that time and date present to the Tribunal, and each other, their respective calculations of the Basic and Compensatory Awards, whereupon the Tribunal shall decide the Awards on the papers without a hearing (unless successfully applied for by either party), and the Tribunal shall issue an amended Judgment.

Employment Judge T.V. Ryan

Date: 19 September 2024

JUDGMENT SENT TO THE PARTIES ON 24 September 2024

FOR THE TRIBUNAL OFFICE Mr N Roche

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing (and no such request was made) or a written request is presented by either party within 14 days of the sending of this written record of the decision.