



EMPLOYMENT TRIBUNALS

Claimant: Mr Mark Reid

Respondent: (1) SDX Energy PLC
(2) Mr Jayanta Bhattacharjee
(3) Mr Krzysztof Zielicki
(4) Mr Timothy Linacre

Heard at: London Central Employment Tribunal (by CVP)

On: 11-20 September 2024

Before: Employment Judge Anthony
Mr A Fryer
Mr P Madelin

REPRESENTATION:

Claimant: Mr T Ogg (Counsel)
Respondent: Ms A Bennie (Counsel)

JUDGMENT

The unanimous judgment of the Tribunal is as follows:

Detriment for making protected disclosures

1. The following complaints of being subjected to detriment for making a protected disclosure are well-founded and succeed:
 - a. Detriment 1: By a letter dated 30 November 2022 sent by the Third Respondent on behalf of the First Respondent, the Claimant was served with six months' notice of termination and placed on garden leave. This claim is brought against Second Respondent, Third Respondent and Fourth Respondent.

- b. Detriment 4: On 31 May 2023, the Claimant's employment terminated and accordingly the Claimant lost his entitlement to his basic salary and employee benefits. This claim is brought against Second Respondent, Third Respondent and Fourth Respondent.
 - c. Detriment 5: On 29 June 2023, the respondents raised allegations about the Claimant's performance and conduct in a letter from the First Respondent's solicitors to the Claimant's solicitors.
2. The remaining complaints of being subjected to detriment for making a protected disclosure are not well-founded and are dismissed.

Ordinary Unfair Dismissal

3. The complaint of unfair dismissal is well-founded. The Claimant was unfairly dismissed pursuant to section 98 of the Employment Rights Act 1996.

Whistleblowing Dismissal

4. The complaint of automatic unfair dismissal for the making of protected disclosures is well-founded. The Claimant was automatically unfairly dismissed pursuant to section 103A of the Employment Rights Act 1996.

Non-compliance with ACAS Code

5. The Respondent unreasonably failed to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures 2015 and it is just and equitable to increase the compensatory award payable to the claimant by 25% in accordance with section 207A of the Trade Union & Labour Relations (Consolidation) Act 1992.

Polkey

6. We find there should be no Polkey reduction.

Contributory Fault

7. We find there should be no reduction for contributory fault.

**Employment Judge Anthony
20 September 2024**

Judgment sent to the parties on:

30 September 2024

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For the Tribunal: