



# EMPLOYMENT TRIBUNALS

**Claimant:** M Foulkes

**Respondent:** 2Gether Support Solutions Limited

**Heard at:** London South Employment Tribunals by video

**On:** 22, 23 and 24 April 2024

**Before:** Employment Judge Burge  
Mrs Effeny  
Mr Huggins

## Representation

**Claimant:** Mr Tim Foulkes (the Claimant's brother)

**Respondent:** Ms A Rumble, Counsel

# JUDGMENT

The unanimous Judgment of the Tribunal is as follows:

1. The complaint of unfair dismissal is well-founded. The Claimant was unfairly dismissed.
2. There is a 50% chance that the Claimant would have been fairly dismissed in any event.
3. 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 10% in accordance with s 207A Trade Union & Labour Relations (Consolidation) Act 1992.
4. The Claimant did not cause or contribute to the dismissal by blameworthy conduct and so it is not just and equitable to reduce the basic and compensatory awards.

5. At the relevant times the Claimant was not a disabled person as defined by section 6 Equality Act 2010 because of stroke and stroke related symptoms.
6. The complaints of unfavourable treatment because of something arising in consequence of disability and/or failure to make reasonable adjustments are therefore dismissed.
7. The complaint of direct age discrimination is not well-founded and is dismissed.

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Employment Judge **Burge**  
Date: **24 April 2024**

SENT TO THE PARTIES ON  
**29 April 2024**

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FOR EMPLOYMENT TRIBUNALS

**Note**

Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party asked for them at the hearing or a party makes a written request within 14 days of the sending of this written record of the decision.

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**Recording and Transcription**

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. 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:

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