



EMPLOYMENT TRIBUNALS

Claimant: Mr M Bhatti

Respondent: Secretary of State for the Home Department

Heard at: Liverpool **On:** 4, 5 and 6 December 2023

Before: Employment Judge Horne

Members: Ms J Stewart
Mr J Ostrowski

Representatives

For the claimant: in person

For the respondent: Mr S Lewis, counsel

JUDGMENT

The unanimous judgment of the tribunal is as follows:

1. The complaint of discrimination because of race is dismissed following withdrawal by the claimant.
2. The complaint of discrimination because of religion is dismissed following withdrawal by the claimant.
3. The claimant was unfairly dismissed. His complaint under section 111 of the Employment Rights Act 1996 ("ERA") is well-founded.
4. The claimant's conduct prior to his dismissal was such that it is just and equitable to reduce any basic award of compensation. If the tribunal makes a basic award, it will accordingly be reduced by two-thirds under section 122(2) of ERA.
5. Had the respondent acted fairly, there is a two-thirds chance that the claimant would have been dismissed on 6 December 2023. If the tribunal makes a compensatory award under 123(1) of ERA, the amount that the tribunal considers just and equitable will reflect that finding.
6. The dismissal was contributed to by the claimant's own action. It would not, however, be just and equitable to reduce the amount of any compensatory award under section 123(6) of ERA having regard to that finding.

Employment Judge Horne
6 December 2023

SENT TO THE PARTIES ON
12 December 2023

FOR THE TRIBUNAL OFFICE

Note:

Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party makes a request in writing within 14 days of the date when this judgment is sent to the parties. If written reasons are provided, they will be entered onto the tribunal's online register, which is visible to internet searches.

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/>