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Unfair Dismissal and the Importance of Precise Charges

Case: Celebi v Compass.

An employee was believed to have stolen £3,000. The allegation put to her, though, was 'loss of £3,000'. Despite this euphemism, she knew she was actually being accused of theft. A disciplinary hearing found her guilty of 'loss' of the money and she was dismissed.

The evidence from the manager was that she believed the Claimant had stolen the money. The EAT found that theft of the money, rather than loss of the money, was the reason for dismissal.

The EAT held that the lack of precision in the charge meant the dismissal was unfair under 'ordinary' unfair dismissal principles. It was also unfair under the (now repealed) statutory dismissal procedures, as the Step 1 letter did not accurately set out the charge.

The case has been remitted to the tribunal for consideration of an award, in particular whether there should be any reductions for contributory fault and on Polkey grounds (if there would have been a dismissal in any event).