

Monday Morning Dispatch

YOUR WEEKLY EMPLOYMENT LAW NEWSLETTER FROM CHADWICK LAWRENCE

Coming
up this
week...

- In the final part of Daniel's series of videos on fire and re-hire provisions, we explore a potential defence available to employers.
- In the news, we take a look at a case where an autistic Wetherspoons employee has been awarded over £25,000 after a tribunal found the pub chain failed to make reasonable adjustments during a disciplinary investigation into his use of an employee discount.
- Last few tickets remaining for our upcoming Mock Tribunal - **[register below now!](#)**

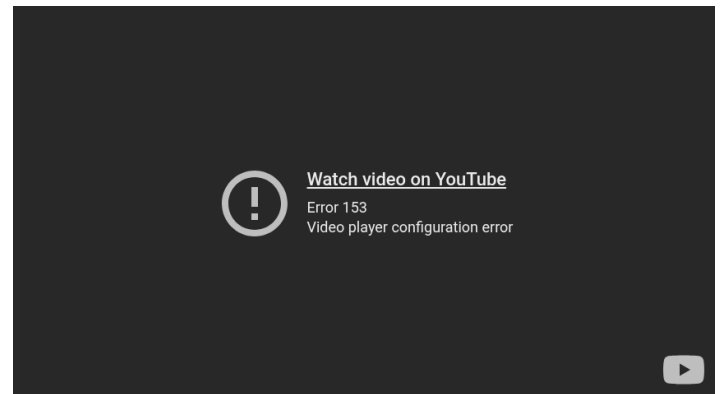
The Media Hub



Fire and Re-hire - Part Three

In the final part of our series of videos on fire and re-hire provisions, we explore a potential defence available to employers. We discuss employers in financial difficulties and the difficulty in meeting a high threshold for justifying changes in such circumstances. We finish the video by commenting on the need to demonstrate general fairness in any consultation exercise in order to defeat an unfair dismissal claim.

🌐 Fire and Re-hire - Part Three



In the News



Autistic Wetherspoons Employee Awarded £25,000 After Tribunal Rules in His Favour



An autistic Wetherspoons employee has been awarded over £25,000 after a tribunal found the pub chain failed to make reasonable adjustments during a disciplinary investigation into his use of an employee discount.

Background

Brandon Halstead, who worked as a Kitchen Associate at The Albany Place in Trowbridge from 2019, took his mother and family out for a meal in August 2023 at a different Wetherspoon's pub. He ordered food using the chain's smartphone app and applied his staff discount. While he ticked the relevant boxes for the privacy policy, he was unaware that the policy limited its use to a maximum of four diners, including the employee.

Days later, Mr Halstead was called in by a colleague, whom he had never spoken to before, to discuss a "*potential violation*" of the discount rules. Crucially, Mr Halstead was *not* informed that this was a formal investigation and was not given any explanation regarding the meeting's purpose. During the meeting, he disclosed his autism and completed a Neurodiversity Plan, stating his wish for his mother to attend formal meetings as support.

Not only did he disclose his autism during the investigation meeting, but he also completed a Disability Checklist in 2019 when he first began working at Wetherspoons.

A further investigation ensued, with his mother present. She explained that she helps her son with routine planning and that he requires clear written instructions due to his autism.

Despite this, Mr Halstead was subsequently invited to a disciplinary hearing on charges of "*dishonesty*" and "*abuse*" of his discount privileges, which were labelled as gross misconduct. While the letter advised he could bring a colleague or trade union representative, it did not offer any adjustments for his autism nor invite his mother to attend.

On the same day, Mr Halstead submitted a doctor's note confirming he was signed off with anxiety, which he said was worsened by the investigation. Furthermore, an occupational health assessment later confirmed he was unfit to work and needed one-to-one guidance to understand policy documents.

In December 2023, Mr Halstead was called to a hearing citing "*some other substantial reason*" for concern, due to a breakdown in relations. However, the tribunal later observed the relationship was still "*repairable*" as Wetherspoon had started to recognise its duty to provide reasonable adjustments.

After initial mediation failed to reach a satisfactory conclusion, Mr Halstead filed a claim with the Employment Tribunal in March 2024. The following month, after appropriate adjustments were eventually put in place (which the tribunal did describe as "*exemplary*") he returned to work.

Nonetheless, the tribunal ruled that Wetherspoon had failed to make reasonable adjustments during the earlier stages of the investigation, which put him at a substantial disadvantage.

Specifically, the judgment states that the following adjustments could have been taken to avoid this disadvantage:

- a) "*Sending forms accessible to employees in advance to the claimant;*
- b) "*Explaining any important policies or documentation to the claimant on a one to one basis;*
- c) "*Prior notice of meetings where it is explained what the meeting is about;*
- d) "*Contact to be made with Ms Halstead in advance of any meeting;*

e) Right to be accompanied to any formal meeting by Ms Halstead;

f) Ensuring that HR files follow an employee if they transfer to another pub so that important information about disability is in the right place and accessible to the right people at the right time;

g) Attempting to resolve issues informally where possible; and

h) Checking in with the claimant to see how he is doing and if he requires any assistance with anything.”

A claim for disability-related harassment was dismissed, but Mr Halstead was awarded a total of £25,412, including £18,500 for injury to feelings for failure to make reasonable adjustments.

Takeaways

This case serves as a critical reminder of employer’s obligations under the Equality Act to support neurodiverse employees throughout workplace proceedings- not just after issues have arisen.

Particularly, employers should give clear notice and explain the purpose of any meetings to ensure the employee has a full understanding of the circumstances.

This is exemplified by Mr Halstead informing the tribunal that “all it had to take was someone to sit down and explain things in a way I understand.”

Upcoming Events



Seminars & Events Autumn/Winter 2025

Mock Tribunal Event: Disability Discrimination & Flexible Working



TIME

8:30 AM – 12:00 PM

LOCATION

Weetwood Hall Estate, Leeds, LS16 5PS



🌐 Mock Tribunal Event

Contact Us



For questions, feedback, article ideas, or story contributions, email boxhr@chadlaw.co.uk and we'll be in touch.

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