**Leading Employment Law Cases**

Strouthos v London Underground [2004] [back link <http://www.bailii.org/ew/cases/EWCA/Civ/2004/402.html>]

All charges against you have to be precisely outlined; this includes the allegation(s) against you. You have to have all of the evidence that outlines the employer’s case given to you before the disciplinary hearing. This evidence includes all of the documentary evidence and any witness statements that the employer intends to use during the disciplinary process. You have the right to criticise and challenge the employers case, present your own defence including any witness statements and any other evidence that you have.

British Home Stores -v- Burchell [1980] [Back link <http://www.bailii.org/uk/cases/UKEAT/1978/108_78_2007.html>]

The Burchell test requires the employer to apply a three stage test, and must have a ‘genuine belief’ of the employee’s misconduct, based on ‘reasonable grounds’ after having carried out as much investigation as was ‘reasonable in all the circumstances’.

1. It must be ‘established’ by the employer the fact of that belief; that the employer did believe it.

2. The employer had in his mind reasonable grounds upon which to sustain that belief.

3. The employer, at the stage at which it formed that belief on those grounds ‘at any rate at the final stage at which it formed that belief on those grounds’ had carried out as much investigation into the matter as was reasonable in all the circumstances of the case.

Sainsbury’s Supermarket v Hitt [2002] [back link http://www.bailii.org/ew/cases/EWCA/Civ/2002/1588.html]

The ‘range of reasonable responses’ test (as set out in Midland Bank plc v Madden) applies not only for the purpose of determining whether it was procedurally or substantively fair or unfair for an employer to dismiss an employee but also for the purpose of determining whether investigations carried out by the employer were reasonable in all the circumstances. The Court of Appeal made it clear that the “range of reasonable responses” test applies to each of the three branches of the ” British Home Stores v Burchell EAT 1980 ” test and therefore applies to the issues of reasonable belief and adequate investigation.”

Celebi v Scolarest Compass Group UK & Ireland Ltd [Back link <https://www.employmentcasesupdate.co.uk/site.aspx?i=ed6063>]

It has been established by law that for a procedure to be fair the person being disciplined can only be disciplined for the charges that were originally outlined. Any other charges bought and used by the employer during the disciplinary process could render the dismissal unfair.