

THE DECISION AUDIT

Five Real Cases. What ANCHOR Would Have Changed.

Every week, managers make decisions that shape someone's career, health, or livelihood. Most of these decisions are well-intentioned. But intention doesn't prevent escalation, grievance, or tribunal.

Each case below reached an employment tribunal. Each involved a manager making a judgment call without structured support. The failures span performance management, grievance handling, and workplace adjustments. They happened in law firms, NHS trusts, pub chains, IT consultancies, and local councils. The pattern is always the same:

The manager hesitated. Nobody prompted them to consider what was invisible. The decision was made without framing. And the cost escalated.

This document shows what ANCHOR would have surfaced in each scenario — in under three minutes — and how that framing would have changed the trajectory.

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Source: WorkNest survey of 261 HR professionals, reported by People Management, February 2026

CASE 01

The Commercial Director Whose PIP Was Designed to Fail

THE SCENARIO

A commercial director was hired by a major London law firm to grow its cybersecurity consultancy. He was on a salary with a 3% quarterly commission on all fees he originated. Trading conditions were difficult — the cyber market was struggling. For three years, the firm did not calculate or pay his commission.

WHAT THE MANAGER DID

- The firm launched a formal performance management process targeting the director's sales figures.
- During the first PIP meeting, his own manager admitted: "I genuinely do not think there's anything else you can do. This is wrong services, wrong market in the wrong way."
- Despite acknowledging the problem was structural, the firm continued the performance management process.
- Commission owed for three years was not properly calculated or paid.
- When the director resigned, the firm deducted £2,000 for a training course he had been told to stop.

WHAT ANCHOR WOULD HAVE SURFACED

- Decision framing: You're initiating a performance management process. Before proceeding, consider: are the performance targets within the employee's control? If the market is the problem, is a PIP the right instrument?
- Prompt: The employee's manager has acknowledged that underperformance is driven by market conditions. How does proceeding with a capability process align with that assessment?
- Risk flag: Initiating performance management for factors outside the employee's control, particularly after acknowledging this on record, creates significant constructive dismissal exposure.
- Prompt: Has all contractual remuneration (including commission) been calculated and paid? Unpaid contractual entitlements compound any breach of trust claim.

THE GAP

The manager wasn't hostile. He was sympathetic. But sympathy without structured decision support produced the worst possible outcome: a PIP that the manager himself admitted the employee couldn't pass. The tribunal found he was 'doomed to failure' and that the process 'was certainly likely to destroy or seriously damage trust and confidence.'

OUTCOME

Tribunal found constructive unfair dismissal. Firm ordered to pay approximately £24,000 in compensation for unfair dismissal and unlawful deduction from wages. The judge described the firm's handling of commission as 'disingenuous.'

Source: Hemmings v Mishcon De Reya LLP [2024] — Employment Tribunal, London Central

CASE 02

The Employee Whose Grievance Wasn't Resolved Before She Left

THE SCENARIO

An employee raised a grievance about aggressive and intimidating behaviour from a colleague. The employer began a formal grievance process. The employee resigned before the process was completed, saying the behaviour and the employer's handling of it had destroyed her trust and confidence.

WHAT THE MANAGER DID

- The employer acknowledged the grievance and started a formal process.
- Two further stages of the grievance remained when the employee resigned.
- The original tribunal rejected her constructive dismissal claim, reasoning that the unfinished grievance process might have resolved things.

WHAT ANCHOR WOULD HAVE SURFACED

- Decision framing: An employee has raised a grievance about a colleague's behaviour. Before relying on the process timeline, consider: is the employee's day-to-day experience being addressed while the process runs?
- Prompt: What interim measures are in place to protect the employee while the grievance is being investigated? Is the source of the behaviour still present in their working environment?
- Risk flag: A formal process does not pause the duty of trust and confidence. If the employee's experience remains unchanged during the process, resignation risk increases regardless of the process timeline.

THE GAP

The employer did the right thing by starting a formal grievance process. But starting a process is not the same as protecting the employee while it runs. Nobody prompted the manager to ask: 'What is this person's experience right now, today, while we investigate?' The existence of a process became a reason not to act urgently — and the employee left before it concluded.

OUTCOME

The Employment Appeal Tribunal overturned the original decision. The EAT held that an unfinished grievance process is irrelevant to whether the employer's conduct breached trust and confidence. The case was remitted for reconsideration — with the employer now defending a constructive dismissal claim it could have prevented with earlier intervention.

Source: Nelson v Renfrewshire Council [2024] — Employment Appeal Tribunal

CASE 03

The ADHD Employee Whose Manager Didn't Respond

THE SCENARIO

A senior cloud technologist with ADHD joined a major IT consultancy on a six-month probation at a salary above six figures. She disclosed her ADHD diagnosis early on. An occupational health assessment recommended several adjustments: ADHD awareness training for colleagues, coaching sessions focused on time management, and setting achievable, realistic tasks.

WHAT THE MANAGER DID

- The line manager received the occupational health recommendations but did not implement them.
- When the employee invited him to ADHD training, he did not respond to the email.
- The employee took sick leave. Her probation was extended.
- A probation meeting was held in her absence. She was dismissed the following day.
- Her grievance was not resolved before termination.

WHAT ANCHOR WOULD HAVE SURFACED

- Decision framing: You're deciding how to respond to occupational health recommendations for an employee on probation. One assumption worth examining: is 'performance' being assessed before the recommended support has been provided?
- Prompt: Have the OH recommendations been actioned? If not, what is the reason for delay — and how does that delay affect your legal position?
- Risk flag: Proceeding to a probation decision before implementing recommended adjustments creates a direct failure-to-adjust liability. Consider sequencing.

THE GAP

The manager wasn't hostile. He just didn't act on the recommendations. The tribunal found the cost of the training was 'not a prohibitive difficulty' and there was 'no plausible reason why it wasn't implemented.'

OUTCOME

Tribunal upheld the claim for failure to make reasonable adjustments under sections 20 and 21 of the Equality Act 2010. Damages still being assessed. The employee had been earning a six-figure salary. Covered by Personnel Today, HR Magazine, HRZone, and multiple employment law firms.

Source: Khorram v Capgemini UK Plc [2025] — Employment Tribunal

CASE 04

The Dyslexic Chef Who Suggested His Own Solution

THE SCENARIO

A chef with dyslexia was hired at a pub owned by a major chain. He disclosed his dyslexia at interview, telling the kitchen manager he could not read or write. The manager said this wouldn't be a problem. The kitchen used screen-based ordering. The chef couldn't read the orders.

WHAT THE MANAGER DID

- A more senior manager told the chef the company would have to 'lay him off' if he couldn't come up with a reasonable adjustment himself.
- The chef suggested a Bluetooth earpiece — a simple, low-cost solution. Occupational health recommended the same.
- Despite both the employee and OH recommending the same solution, the company did not implement it.
- The chef was taken off the rota, then terminated.

WHAT ANCHOR WOULD HAVE SURFACED

- Decision framing: You've hired someone who has disclosed a barrier to the standard process. Before acting, consider: what adjustment would remove the barrier between their skills and the task?
- Risk flag: Telling an employee they need to come up with their own adjustment or face dismissal reverses the legal duty. The duty to adjust sits with the employer.

THE GAP

The chef knew what he needed. OH confirmed it. The adjustment cost almost nothing. But nobody connected the dots at the point the decision was being made. The tribunal noted that the company's treatment 'made the claimant feel worthless, humiliated, suicidal and anxious.'

OUTCOME

Employer conceded failure to make reasonable adjustments. Tribunal awarded approximately £24,000 in compensation. The tribunal found that had the adjustment been made, 'the claimant would have remained in employment.'

Source: Moore v Greene King Retail Services Limited [2025] — Employment Tribunal, Bury St Edmunds

CASE 05

The Administrator Whose Office Got Louder

THE SCENARIO

An NHS administrator had permanent impairments from a brain haemorrhage — including memory problems, concentration difficulties, and sensitivity to noise. She worked part-time in a quiet office. Then a new colleague joined who made frequent phone calls, significantly increasing the noise level. The employee raised concerns repeatedly over more than a year. Eight occupational health reports were produced.

WHAT THE MANAGER DID

- The employee asked to move to a quieter desk. Her manager said he'd ask — but no action was taken.
- When the employee suggested ear defenders, she was told they 'would not be appropriate.'
- The employer discovered she was staying late to work in quiet — and interpreted this as a workload problem.
- After more than a year: 'The amount of time and effort for a small request is astonishing and exhausting.' She resigned.

WHAT ANCHOR WOULD HAVE SURFACED

- Decision framing: An employee with documented noise sensitivity has reported a change in environment. Before responding, consider: is the barrier the workload or the environment?
- Prompt: Eight OH reports have been produced. How many recommendations have been fully implemented?
- Risk flag: Telling an employee 'nothing more can be done' when OH recommendations remain unimplemented creates direct liability.

THE GAP

This case ran for more than a year. Eight OH appointments. Multiple managers. The core request — a quieter desk — was never addressed. Not because anyone was malicious. The tribunal noted the employer's 'intentions were not malicious.' But no one connected her late working to noise sensitivity. No one asked: 'Have the OH recommendations been implemented?'

OUTCOME

Tribunal awarded approximately £27,000. The employee never returned to work. She applied elsewhere and was successful — but the NHS Trust's reference about her sickness absence cost her that job too.

Source: Davies v Gloucestershire Health and Care NHS Foundation Trust [2024] — Remedy hearing

THE PATTERN

What These Cases Have in Common

The manager wasn't malicious. In every case, the tribunal found no hostile intent. The gap was between knowing and doing — at the moment the decision was being made.

The fix was straightforward. A fair PIP process. Interim protection during a grievance. ADHD training. A Bluetooth earpiece. A quieter desk. None were complex, expensive, or operationally disruptive.

The delay compounded the damage. What started as a simple decision became sick leave, grievances, dismissals, and tribunals. The cost escalated because nobody intervened upstream.

Training and processes existed. These organisations had policies, OH, and HR. What they didn't have was structured support at the point the manager was deciding what to do next.

The pattern isn't limited to one type of decision. Performance management, grievance handling, workplace adjustments, environmental changes — the failure point is always the same: the moment a manager hesitates and nobody frames the decision before action is taken.

ANCHOR intervenes at the exact point these cases went wrong.

Not after the tribunal. Not as a training module managers forget. At the moment a manager is deciding how to respond — ANCHOR surfaces what's invisible, frames the decision consistently, and prompts the questions that would have changed the trajectory in every case above.

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What's your version of these cases?

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