

BETWEEN:

**NARAYANAN KRISHNAN**

Claimant

And

**SAMSUNG CAMBRIDGE SOLUTION  
CENTRE LTD**

Respondent

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**WITNESS STATEMENT OF MARK  
HUMPHREY**

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- 1 I, Mark Humphrey of St John's House, St John's Innovation Park, Cowley Road, Cambridge, CB4 0DS, will say as follows:
- 2 I have worked for the Respondent for 9 years, originally as a Software Engineer. I progressed to the role of Manager for the DevOps Application Team (DevOps) in 2017, overseeing a team of on average 6-8 people. This was the team that the Claimant was part of. Throughout my time at the Respondent, I have worked for Stephen Roe, Senior Director, DevSys.
- 3 DevOps is responsible for managing the various online applications used by the Respondent; both Cambridge and worldwide. The customer base for DevOps are all the internal individuals working for the Respondent and its wider group structure. This means that all the systems we work on are considered crucial, as they are the platforms on which the business runs. We routinely inspect, maintain and upgrade the applications but are also responsible for responding to requests for assistance on, or changes to, those applications.
- 4 I have regularly interviewed and recruited for DevOps since I became the Manager for that team. I was involved, alongside Stephen Roe, in interviewing the Claimant and offering the role of Staff Engineer to the Claimant. The Claimant joined my team in January 2020.

**Ticket Logs**

- 5 Should a member of staff at the Respondent have an issue with one of the applications, they will raise an online ticket. That ticket will set out who raised the issue and set out the details of the assistance required. The tickets have a pre-set priority level depending on the description or application the issue relates too. I regularly inspect the ticket log and adjust priority levels - typically first thing each morning, then two or three times in the morning and again two or three times during the afternoon. I do this based on my experience of the tickets that arise or where I know the system may populate an incorrect priority level.
- 6 I can also assign tickets to individuals within DevOps. There is an automatic assignment when the ticket is raised but this is often adjusted by me. I adjust the allocation of the tickets based on my knowledge of who is best placed to respond to the query. That decision would be based on a number of factors, including the knowledge and experience of a team member on a particular application, the availability of a team member based on their workload and the workload of the team in general. I adjust the ticket assignments, typically first thing each morning, then two or three times in the morning and again two or three times during the afternoon.
- 7 Some tickets are raised by DevOps team members themselves. A member of the team would do this because the ticket logs acts as an online to-do list. It can record a job that may be a spin-off task from a task that someone has been working on or be a way to allocate part of a task to another team member.
- 8 The ticket logs make up 95% of the work for our team and would have been the same level of source for the Claimant's workload. The other areas which generate work are, for example, contributing to the team's weekly report, assisting other team members to help them diagnose and fix issues, mentoring more junior members of the team, and on occasion working directly with our customers to ascertain requirements, and to develop and to deploy as per their needs. Though, mentoring, helping other team members and working directly with customers was mainly by other team members and not by the Claimant in general.
- 9 The tickets do not have official deadlines for completion. The ticket list automatically populates a date for the job to be completed, but all the team are aware that these dates are mostly meaningless and are usually ignored. I will normally agree any deadlines directly with a team member if I felt there was a need for a deadline on a ticket I had created or allocated. Sometimes, I would encourage the Claimant to give

tasks a go with a given deadline and then suggest that we catch up in two or three days' time to see what progress had been made [page 251].

- 10 Where urgent tickets come up during normal business hours, these are left for the team members to prioritise within their existing workload, unless they reach out to me or other team members for assistance.
- 11 When urgent work comes in outside of normal business hours including across weekends, Stephen Roe and I often tend to pick these up. Usually, Stephen Roe or I will action whatever steps need to be done outside of normal business hours and then pick up with the team the next working day. If Stephen or I are on annual leave or unavailable, we will contact team members to see who is around to help. Someone will always pick up the job in the team, but it is not uncommon for a member of staff to confirm they cannot assist on that occasion, for example, because of childcare responsibilities or being out and about on a weekend.
- 12 The Claimant says that I have a 'well known work of nature & highly insisting approach of constantly switching priorities (like Card shuffler machine)' [page 127]. This is not something I have heard anyone else in the team raise concerns about. Priorities do get switched regularly but that is the nature of the work we do. There is no deadline for most of our tasks and so it is not demanding in the sense of turnaround times but does require the individuals in the team to regularly rearrange their work.
- 13 Regardless of the views held by the Claimant on my work style, he goes on to say that it is 'many times manageable except few other times' and so it is not something that appears to have been a constant problem for the Claimant [pages 127 and 222].

### **Scheduled Maintenance and Weekend Working**

- 14 Should my team need to schedule maintenance work for an application, we will have advance notice of this, of typically 2 to 3 weeks. I will discuss it in a senior leadership meeting, in which we will be told provisional dates which fit with the overall business needs. I will then take those dates to my team and ask who has what availability to assist. Scheduled maintenance often takes place on weekends but is not frequent. The Claimant was involved with scheduled maintenance or more general weekend working on a few short occasions during his 18 months with the team. Examples of this are:

19 December 2020 [page 166]

Work appeared to have been completed by 10.45am that morning and taken approximately 2 hours.

30 January 2021 - [pages 160-165]

13 February 2021 – Work appeared to have been completed over the course of 2 hours and 11 minutes - 7.50am-10.01am [pages 131-142]

13 March 2021 – [pages 143-159]

- 15 There is an expectation that team members will all support each other by taking turns to do the weekend work but, if individuals are genuinely unavailable, they will say so and will be excused. I have never had cause to force someone to do it or had any issues with scheduling dates for weekend maintenance work because of high team unavailability. I have never had someone tell me that they are uncomfortable in working weekends. The team understand that it is part of their job to do this from time to time.
- 16 I may direct the question of who can work a weekend at specific individuals in DevOps, as not everyone works on every application. We try not to clash with birthdays, social gatherings like BBQs [page 253].
- 17 The Respondent has a Weekend Working Policy [pages 74-78] but this does not apply to my team because the Weekend Working Policy applies to employees who work on external customer projects and are asked to volunteer to work at the weekend. DevOps provides support to internal systems and whilst our employees are our customers, they are internal customers not external. The nature of the work we do is not restricted with the same timelines and directives that external customer related issues are. It has never been used by my team since I have managed DevOps. I am unaware of it being used prior to my management either.
- 18 The Claimant said that he was 'told' to perform scheduled Maintenance tasks [page 127]. He also says this happened 'quite often' [page 222]. The Claimant then goes on to say that 'maintenance tasks were assigned along with a lot of other Regular tasks to be performed on Regular Weekdays' [page 222]. As deadlines are not set for tasks, I believe here he is referring to the fact that maintenance tasks would be assigned in addition to the day-to-day regular tasks, so some weeks will be busier than others. Maintenance work is a part of the job, something that the Claimant was well aware of from his experience in a similar role [page 127].

### **Team Contact**

- 19 Every day the team and I will have a video call which is scheduled for 10:00 am and should last for around 15-20 minutes, though the meeting could be longer [page 366]. Sometimes, we would take the opportunity for some of the team to use the meeting to go into deeper discussions on a project or an issue (not everyone would partake in these discussions and may leave the meeting as required). The purpose of this meeting is to round up what has come in on the ticket logs and other systems. We discuss how people are getting on with the tickets allocated to them. It is an opportunity to also share intel and any team news. We have these meetings regularly as the ticket logs are a moving target and this enables us to sync our efforts in the most effective way possible.
- 20 Usually every two weeks, I have a 1-to-1 with my team members and so I would regularly have a call or face to face meeting with Claimant. Those typically lasted 30 minutes. We would discuss the work that he had on, what was going well, what was more challenging along with general team-sharing information [pages 250 and 366].
- 21 Each member of DevOps works autonomously. They manage their own workload and are responsible for prioritising the tasks allocated to them. Given the level of expertise and seniority that the individuals must have to be recruited into the team, I take a hands-off approach and use the daily calls to do a round up to check the status of tasks and pickup any action points that they notify me of. For example, a member of staff might need a hand turning a job around.

### **Hours of Work**

- 22 Our working arrangements have changed in the last couple of years because of the pandemic. Before the pandemic we were far more office based, whereas, because of the various lockdowns, my team were predominantly working from home during the pandemic, as was I. When the rules on working from the office started to relax, we steadily started to return to the office.
- 23 The contracts of employment for DevOps set out the standard business hours for the Respondent but also make it clear that we work additional hours as and when needed without additional remuneration [page 93]. That working arrangement is well known and understood in DevOps as well as in the industry in which we work generally. We have to work outside of normal business hours because the work that we do can cause business disruption. This means that we often carry out larger pieces of work when

less people will be logged in at work, for example, in evenings. Weekend work however is not regular (see paragraph 14 above).

- 24 Every day DevOps is responsible for some automated testing, which will start around 5.00pm-6.00pm. This test function runs without a requirement to be monitored by a member of staff. For this reason, any work on applications or systems which would affect the daily automated testing could not start until the testing was completed. For systems that did not affect the automated testing, evening work was usually delayed until 6pm-7pm, as users of those applications would expect them to be available until at least 6 or 7pm of the business working day. Therefore, the actual hands-on work would then begin around 7.00pm-8.00pm and could last anywhere between 30mins to a couple of hours. The Claimant would not have been involved with this task very often. Two specific examples of when scheduled evening maintenance on a system did occur are:

27 July 2020. Cognidox application upgrade [page 107].

04 November 2020. Cognidox application upgrade [page 108].

- 25 Most team members do additional hours each week and the amount varies depending on their personal arrangements, working style and availability. The Respondent does not record the hours of work of staff. There is no clocking in and out system, either physically or on our IT systems. My focus is on seeing tasks flow in and out of the ticket logs. I do not clock watch the team or micro-manage. I have an idea of the amount of work they have on from looking at the live tickets allocated to them.
- 26 The Claimant worked additional hours most weeks. The volume of additional hours that he worked would have been in part due to how he managed his workload. Not each additional hour worked will have been because of a ticket allocated by me or a colleague. It could have been from a ticket he raised himself that he felt needed quick attention. He will also have had personal commitments at times or decided one evening to finish off a task that he was part way through.
- 27 The Claimant has confirmed that I have never explicitly asked him to work extra hours in the evening/during the week and that he understood additional hours were expected of him as part of his role [pages 127, 222]. He also confirmed that he had never officially asked for time of in lieu for weekend work and that before undertaking any weekend work the lack of time off in lieu was brought to his attention and he still proceeded to work those weekend hours. [pages 245-246].

- 28 The Claimant has said that from mid-March 2020 he believes he worked a minimum of two additional hours daily but a minimum of one hour on Fridays [page 223], so around 9 extra hours a week. The Claimant says that he worked nearly every day from 7.30am-6.30pm at an average of two hours every day as extra hours, except on Fridays when he started at 7.30am and finished at 5.30pm. He says those hours are down to my assignment of work to him [page 44].
- 29 From the oversight of work that I had, I consider that it would be correct to say that on average he was doing several hours a week on top of his 37 normal business hours per week. This is normal for members of DevOps. There will have been occasions when working additional hours would have been unavoidable as the task was time critical, but this was not a daily occurrence.
- 30 I do not consider the additional hours requirements of the role is unreasonable, especially given the autonomy that staff had to handle their own time, the industry in which we work and how we pitch our salaries and benefit package. This was particularly considered reasonable for the Claimant, as his workload was lighter than that of the rest of his team for most of this time with DevOps (see paragraphs 32 and 58 below).
- 31 Even if the Claimant's assumption of 500 hours is accurate [page 223], it is unclear why the Claimant would feel that the Respondent should pay for those additional hours. The Claimant is asking for payment of additional hours that the annual salary and contract has already accounted for. The number of additional hours would have been partly down to the Claimant. It would not have been necessary for all those hours to have been done as additional hours. For example, he may have finished a task one evening to get a head start on the next working day i.e. sometimes he would have been choosing how to manage when that task was actioned.
- 32 I have several members of the team with more tasks and more high priority tasks than the Claimant but who will work the same or less additional hours and so there is a question here of efficiency and prioritisation of work. The Claimant struggled with the prioritisation system we had in place.
- 33 The Claimant is not saying that he should be paid for x number of additional hours because once that limit of x had been met, anything more was an unreasonable expectation. Instead, he is asking for payment of all additional hours, despite knowing



they were part of the requirements of the role and that his contract does not permit him to be paid for those hours.

- 34 I believe that at times in this dispute, the Claimant has taken against the use of the phrase 'volunteer' when it has been said that he had chosen to do additional hours. From my perspective, the Claimant knew that additional hours were required, which was normal for the line of work we do. The amount of those additional hours would have been dictated partly by him and the way in which he worked. If he liked to keep his live tickets down to a particular number, then he may have completed more additional hours than someone else in the team. If he was more of a slow, methodical worker, he may have taken more time to complete tasks than others. I never had concerns about his performance but he did struggle with prioritisation [page 251].
- 35 As there are rarely formal deadlines for tasks and tasks could be shared, it is difficult to understand how the Claimant holds the view that the allocation and timing of tickets were a concern. I think it is more the case that the fast-changing prioritisation was a working-style that did not suit the Claimant. There would always be a long list of tasks which could rarely be completely cleared down [page 252]. Our to-do list is a constant moving target.
- 36 Formal deadlines were set when, for example, our work was blocking a developer or team who were required to make a release to an external customer, or our work was needed for an upcoming set meeting, or an upgrade was needed for a system which was urgently required by another team in order for them to progress.
- 37 The Claimant admits that he only raises his concerns about working arrangements to overcome the financial hardship that he alleges the repayment of certain monies to the Respondent caused him [page 46, paragraph 25].
- 38 The Claimant would ask for support from time to time and I would open up to the team to see who could assist [page 253]. It was not unusual for me to adjust workloads from time to time if needed. The Claimant is correct that he would speak to me if he was finding it difficult to get through all his tasks or he wanted longer to complete it and that from time to time I would adjust his backlog [pages 244-245 and page 338]. He also is right that there is no priority or punishment if a ticket expires or a deadline passes [pages 340].



- 39 The Claimant has also sought support from his colleagues during his time in DevOps when we have been especially busy or it was something that he did not have expertise in. I would re-allocate tickets that the Claimant said he could not do [page 253].
- 40 The Claimant never specifically questioned the number of hours that he worked but in the summer of July 2020 he was struggling with workload generally. On another occasion he referenced that he could not keep up with the backlog. I had to remind him that the backlog is just that and something we steadily work through as a team [page 252].
- 41 The Claimant also refers to never getting time off in lieu '[to which] he was entitled.' There is no entitlement to time off in lieu in his contract [page 93] It is there as an option for me to consider offering as the line manager. I have never done this and am not aware of any other managers using their discretion to offer this. The reason why I have never done this is because the additional hours have always been considered part and parcel of the role so have not been to a point at which I consider it should be provided to a member of a staff on top of their normal salary. The Claimant refers to the team 'never [talking] about it actually', when asked if anyone else in the team ever received time off in lieu [page 246], which shows it was not considered by anyone as something that would be due.
- 42 The Claimant references an occasion in July 2020 in which he ran a Cognidox server upgrade one evening [page 107]. These tasks were allocated to the Claimant by me and whilst it may have required running outside of normal business hours it was likely to have only taken a couple of hours. Likewise, the same activity was repeated in November 2020 by the Claimant. For that occurrence, from notifying staff to finishing took just over 2 ½ hours. [page 108].
- 43 The Claimant says that around 4.30pm on a working day, I would push or allocate work/tickets and then expect him to finish tasks off before normal business hours resumed the next day. However, the Claimant repeatedly states that there were no deadlines for his work, which is normally correct [page 243]. The Claimant also believes that the level of additional hours worked was dictated by the allocation of tickets by me [pages 15 and 243]. Both points from the Claimant are untrue. If I were to adopt such an approach to a working pattern, I would have had complaints over the years.

- 44 Before the Claimant, I have never had complaints from the team on work allocation or additional hours. Everyone understands that they do not work a set number of hours but work to get the job done and that is why we are paid a high salary.
- 45 I do not tend to allocate most of my tickets at the end of a working day. If anything, I allocate most of my tickets in the morning, or during the 10:00 am meeting with the team. If the Claimant sees me raise an urgent ticket late in the working day, it is his choice if he then chooses to work all evening on that, when he could have, in most cases, started working on it the next day. If he felt like it needed evening work which he could not accommodate, I would have expected him to let me know so that we could ask the rest of the team who might be able to help. If the team are sharing the additional hours between them, I have no issue if some staff are more available than others. That is inevitable when you have staff with differing commitments and who work at different paces.
- 46 The Claimant refers to me 'thrusting upon [him] many system outage tasks on non-business hours and non-business days, citing as business critical applications' [page 15]. Any system outage tasks that arose outside normal business hours or days would be dealt with by the team. If those situations arose near the end of a working day and needed urgent attention, then I would discuss with member(s) of the team. If they arose during any other part of a working day and were marked urgent, then the Claimant would be expected to prioritise his work. Some urgent tasks or those that take a lot of time to resolve can involve running code/programs that progress in the background, whilst the individual is free to also work on other tasks. Having a certain amount of high priority tickets, does not always mean it takes a lot of time to sort.
- 47 Whilst additional hours are part and parcel of our role, we still manage to work flexibly as a team. By that I mean that should someone need to take time off for an appointment during the working day, that can often be accommodated. It is a give and take scenario. I always try to be accommodating as it is recognised that staff do have to work in antisocial hours as part of their roles. Other team members have commented on the flexibility [page 270]. The team has a friendly and conversational approach.
- 48 Sometimes the Claimant would work a long lunchtime to be able to help out on school trips [page 176]. On another occasion his boiler broke down and so his working arrangements were adjusted so that he could get that fixed [page 116]. Another time, he had a headache and took an afternoon off [page 282]. The Claimant was always comfortable letting me know his whereabouts. For example, when he attended a

farewell drink for a colleague which required a significant time out of the working day, he did not seek my permission first but instead informed me of where he would be, although it is noted that this occasion was post-resignation so there was a slightly more formal tone to his email and an offer to make up hours which would not normally be mentioned [page 176].

- 49 Even after his resignation on 20 May 2021, the Claimant let me know he would be off for an afternoon due to a COVID vaccination. As the manager, I have to approve time off, but we had a working relationship whereby the Claimant could just let me know when he would be off as he knew it would not be an issue as it was for a short period [page 170]. This was not a case where I had preapproved the leave and he was reminding me it was coming up. This can be compared to when the Claimant tried to set out to Stephen Roe when his two-week holiday could be taken without getting my prior sign off [page 186]. Stephen reminded the Claimant that he needed to first have approval from me page [194]. This was a longer period of holiday which I needed to authorise so that I could manage tasks in his absence.
- 50 Before the pandemic, there was the ability to allocate an Amazon voucher should an individual work up to 8 additional hours in the office over a weekend. This time would be recorded by HR for confirmation that the individual was eligible to receive the voucher. This policy got paused during the pandemic because it encouraged staff to work in the office. I did have one individual request Amazon vouchers post-pandemic but as a business we had not reintroduced that at that time and I explained this.
- 51 In place of the Amazon vouchers, managers were informed by HR that we could provide on-spot bonuses for exceptional work. I have not issued one of these to the team at all because we have, since its introduction, been working as normal; busy but normal for us.
- 52 The Claimant has never complained to me that he has had to work more additional hours than he expected to, either in one-to-one meetings (which often overran), an impromptu telephone call or in the team daily meetings. The Claimant says that he 'requested compensation for quite a few times' [page 15]. This is not true. If he had asked, I would have directed him to the terms of his contract but taken a look at his workload as I had done previously. Given that we had had cause to have a closer in-depth conversation during July 2020 (see paragraphs 56-58 below), I adopted a more pastoral approach with the Claimant than others in the team and he never mentioned

requesting extra compensation whether that be money, a voucher or time off in lieu, until after he handed in his resignation.

53 The Claimant raised his concerns following his resignation and following conversations with HR he raised a grievance on 7 June 2021 [page 222-224]. Amongst others, I was interviewed as part of the grievance process. A copy of the minutes of my interview is at pages 250-255.

54 There would be no reason for me to order people to work an evening or weekends. Everyone knows additional hours are part of the job and so when I request it, people will commit if they know they can help or look to do so the next time around. The team have always been responsive, so I cannot think of a time where I have had to strongly recommend someone do additional hours because I felt it was their turn or that they needed to work harder. Everyone has pulled their weight and contributed to the team, so we have not had issues with this.

55 Colleagues at my level and those who work in my team have confirmed the way of working as part of their meetings in the grievance investigation, as follows:

Line Manager 1 and 2 = requests for out of hours always done on a volunteer basis and no engineer was forced to do this work [pages 235- and 237].

Team Member 1 = there are requests for out of hours support but the work will go ahead irrespective of who signs up for it. Confirmed has refused to work out of hours/weekend work and no repercussions for doing so [page 272].

Team Member 2 = line manager is clear in stating what high priority is and where time should be spent. Weekend maintenance/out of hours work is agreed in advance. DevOps are not told to do the work and it is by agreement between us [page 268-269].

Team Member 3 = Confirmed work is assessed every morning at 9am every day, to ensure team is working on right priorities. Project work is assessed twice a week. Any out of hours work/maintenance was asked for on a volunteer basis. If a particular person managed the system being worked on, that person agreed the date with manager for the work to take place. Never forced to work out of hours and only ever volunteered [page 265-266]

56 The Claimant's grievance was not upheld. I was found to have supported the Claimant by reducing his workload and keeping his workload stable. It also concluded that the

Claimant undertook the weekend/out of hours work in the knowledge that he would not receive any additional payment, compensation or time off in lieu. Lastly, it found that his contract was clear that extra hours worked were without any extra remuneration [page 319].

- 57 The Claimant appealed the grievance outcome [page 321]. The appeal upheld the original grievance findings [pages 371-372]

### **The Claimant**

- 58 In July 2020, the Claimant said he was struggling with the fast pace of the work and the workload and not having his family with him during the pandemic. It was clear that he was struggling and I encouraged him to speak to Lucy Bedford who is one of the Respondent's mental first aiders, as I was concerned for his wellbeing as we were mid-pandemic, he was without family and on his own the majority of the time [pages 250 and 256-257]. He relayed to Lucy that he was struggling personally and at work and so we changed some of the ways in which we work together to assist him. I lightened his workload and reduced the high priority issues that were allocated to him so that he felt matters were more manageable [page 251]. It was clear he had problems with the pace and prioritisation but there was never a specific issue raised about the amount of hours he was working and I had no issues with the quality of his work. His work issues were that he was struggling with how to complete tasks and in what order when there were multiple tasks to be completed and prioritisations would change.
- 59 We started to encourage the Claimant to work from the office on some days so that he saw other people. I had no further requests for adjustments from the Claimant from July 2020 onwards. The Claimant confirmed that it had all been dealt with [page 246].
- 60 From July 2020, the Claimant received less tickets than his team members and I would also outline the priority for him as he struggled with prioritisation [page 251]. Once his family had joined him, the Claimant appeared a lot happier.
- 61 As summarised in the grievance investigation report, in my interview I set out that I have kept the Claimant's workload lighter than others in the team. He would normally be given three active tasks with the rest being backlog tasks, making a total of around 20-30 tickets. Other team members would have more tasks. The Claimant would not often be given high priority tickets [pages 315-316].

- 62 It is unclear therefore why nearly one year later when he raises his grievance that he says in his grievance hearing that the difficulties he was experiencing in July 2020 were the cause for him to resign, as he had previously confirmed all was fine and had not raised any concerns between then and his resignation. [page 286.]
- 63 The Claimant has alleged that my '*nature of managing work responsibilities*' caused him '*immense stress*' at various points in his employment with the Respondent [page 15]. Whilst I understand that this is not relevant to the case with the Employment Tribunal, I consider this to be completely unreflective of the working arrangements between me and the team. We have a very collaborative work life. It was certainly not ever mentioned by the Claimant in our performance appraisals [page 109-144] or in our regular one-to-one meetings.
- 64 In fact, when we had his appraisal in November 2020, we both commented on the fact that he had encountered personal difficulties throughout the year mainly due to the pandemic preventing his family from joining him in the UK. I did comment at that time that '*he can worry about the amount of tasks on his plate*'. I noted that not everything needs to be dealt with the same priority [page 110]. One colleague, Simon Nicoll, commented positively in that performance appraisal process by saying that the Claimant had willingly worked the weekend with him on one occasion [pages 112-113]. The Claimant acknowledged and agreed with the write up of the feedback for this appraisal [page 115] which had clearly touched upon the difficulties he had encountered that summer.
- 65 This contrasts with the account the Claimant appeared to give a year later in November 2021 where he says he was '*told to work with / support fellow Teammates on weekend upgrades*'. [page 127]. He was never told to do this by me. He would have been asked like all other team members and he could have declined if he was unavailable.
- 66 I found out that the Claimant had resigned from his employment on my return from annual leave around 10 May 2021. I was made aware that he referenced pressures at work as his reason for leaving [page 119,]. The Claimant had explained that he would not be able to do weekend tasks much longer [page 223] and so I believe that the fast-paced nature of work and the general working hours arrangements did not suit the Claimant once his family were present and required more support.
- 67 Following his resignation, the Claimant contacted me directly to let me know of a vaccination appointment he would need to take on 8 June 2021. This was not objected

to by me although again it was informed to me not requested. I had to flag this would be recorded as medical leave, which the Claimant actioned and booked 9.30-4pm for this. The Claimant subsequently requested time off in lieu. I responded to explain that was at my discretion and I had not requested that he work the particular Saturday that he had referred to. [page 225-226].

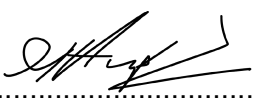
68 My last notable contact with the Claimant was when he emailed to say he was going on sick leave. He said it was certified by a GP but did not at first provide the Fit Note. He went on to say that as there was a COVID case reported he did not want to go into the office. It was unclear which of these points were the reason for his absence but he did subsequently send in the Fit Note to HR later that day [pages 381-385].

69 I am aware that the Claimant and the Respondent produced some data summaries drawing down on data that showed the times that the Claimant was active on several applications. I understand that the Claimant is keen to show that he worked a set number of hours above the normal business hours. Using the data in this way is not sensible as it does not show the actual time worked. At best, it would show he did work outside of normal business hours but that is to be expected as it is part of the Claimant's contracted hours of work [pages 384-432].

70 The Claimant's use of rounding figures will give a distorted figure and is not showing the true picture of what a typical week would look like in his role [pages 399-432].

71 When the Respondent produced their data summary, they compared the Claimant's hours with that of a colleague in DevOps who was doing similar work and was also full-time. As I would expect, that shows that the Claimant's hours were below that of others in the team who were full-time. That reflects that his workload was lighter than others and he had less high priority tasks.

72 This statement is true to the best of my knowledge and belief.

Signed:  .....

Dated: 18 July 2022 .....