



# EMPLOYMENT TRIBUNALS

## Claimant

## Respondent

Ms K Gibson

v

The London Borough of Hounslow & others

**Heard at:** Watford

**On:** 1 July 2019

**Before:** Employment Judge Henry

**Members:** Mrs S Low  
Mrs I Sood

## JUDGMENT ON REMISSION FROM THE EMPLOYMENT APPEAL TRIBUNAL

The unanimous decision of the Tribunal is that:

The claimant's claims for detriment in respect of her claims as set out as detriments 1 and 2 of the claimant's additional information served on 23 November 2016, were dismissed on withdrawal by the claimant at the hearing, and there is no basis on which they can be adjudicated upon for the reasons that follow.

## REASONS

1. On the matter being remitted to the tribunal for a determination in respect of the claimant's claims for detriment in respect of her claim as set out as detriments 1 and 2 of the claimant's additional information served on 23 November 2016, on the grounds that these matters had not been dealt with by the tribunal.

2. On the matter being remitted on terms that:

“83 The Tribunal will be bound by its existing findings, and shall not hear any evidence afresh but shall consider the submissions of both parties and the evidence that was previously before it at the Liability Hearing to make findings and decide ...”

the tribunal finds as follows:

3. On the morning of the first day of the full hearing, Mr T Ogg of Counsel, on behalf of the claimant, in addressing the issues for the tribunal's determination, withdrew the said complaints of detriment which were then not further considered by the tribunal.
4. In respect thereof, the tribunal made reference thereto by its paragraph 4 of the tribunal's judgment, in the following:

“4. For completeness, it is here recorded that at the commencement of the hearing, the claimant withdrew her complaints in respect of; detriment on a threat to her teaching licence, identified by her additional information as detriment number 1, and of false allegation of having “in appropriately handled a child” identified by her additional information as detriment number 2.”

5. In respect of the party's submissions, these disclosures were addressed as follows:

- 5.1 By written submissions on behalf of the claimant, it states at paragraph 34:

“The claimant's case is that she was subject to the detriment set out in paragraphs 72 to 96 of her first claim ([49] to [53]), and paragraph 5 to 21 of her second claim ([114] to [116]). This will be developed orally in submissions.”

- 5.2 The claims for which the matter has been remitted for the tribunal's determination were set out at paragraphs 65 to 68 in respect of detriment 1, and paragraph 69 to 71 in respect of detriment 2.

- 5.3 The respondent by their written submissions in respect of the said detriments, provide:

**“Detriment 1 – Threat to Teaching Licence July 2014**

The respondents (sic) have withdrawn this alleged detriment.

**Detriment 2 – False allegation**

The respondents (sic) have withdrawn this alleged detriment. “

- 5.4 The typographical errors were noted as referring to the “respondent” which should have referenced the “claimant”.
- 5.5 The tribunal received no submissions in respect of detriment 1 or 2, of the claimant's additional information served on 23 November 2016.
- 5.6 In the circumstances, whilst the matter has been remitted for a determination of detriments 1 and 2, as set out by the claimant's additional information served on 23 November 2016, these were not matters before the tribunal for the tribunal's determination and were not matters for which the tribunal received evidence.

5.7 In these circumstances, the tribunal dismiss the claimant's claim for detriment, that:

5.7.1 "after a meeting with Child A's mother in July 2014, Ms Small suggested that the claimant did not have the right to teach in the UK, because she did not have a Teaching Licence in the United States of America (the claimant is American). Ms Sidhu was in the room when the suggestion was made. That allegation was false, and was an implicit threat that Ms Small may attempt to remove the claimant form her job. And

5.7.2 that on 21 November 2014, a meeting was held at around 11.30am between the claimant, Ms Small and Ms Sidhu to discuss the concerns the claimant had raised regarding health and safety of pupils at Crane Park.

At that meeting, Ms Small made an allegation against the claimant, and "other cosmos staff", that they had "inappropriately handled a child" some two months previously. The name of the child was not provided, nor was the person who made the allegation named. The allegation was completely unsubstantiated, and was intended to be understood as a threat of disciplinary action, it is assumed so as to deter the claimant from raising any further concerns".

5.8 We make a judgment recording that, the claimant's claims for detriment in respect of her claims as set out as detriments 1 and 2 of the claimant's additional information served on 23 November 2016, were dismissed on withdrawal by the claimant.

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Employment Judge Henry

Date: .....2/7/19.....

Sent to the parties on: ...2/7/19.....

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For the Tribunal Office