



EMPLOYMENT TRIBUNALS

Claimant

Ms S Bennett

Respondent

Lucidity Group Limited

v

Heard at: Manchester (by Cloud Video Platform ('CVP'))

On: 7 January 2021

Before: Employment Judge Johnson

Appearances

For the Claimant: Mr S Walker (solicitor)

For the Respondent: Ms L Lawrence (head of operations for the respondent)

JUDGMENT

1. Following the failure of the respondent to present a response in these proceedings and in accordance with Rule 21(3) of the Employment Tribunal's Rules of Procedure, their representative was permitted to participate in the hearing, but limited to cross examination of the claimant using the evidence contained in her witness statement and the hearing bundle. This was consistent with the overriding objective and in the interests of justice as provided by Rule 2.
2. The claimant made a protected disclosure to the respondent consistent with section 43B(1)(a) of the Employment Rights Act 1996 and that this disclosure was made to her employer in accordance with section 43C. This related to the email sent to Mr Ken Wilson on or around 10 January 2019 and which raised concerns about the conduct of Mr G Steel, who was at the relevant time employed as Operations Manager by the respondent.
3. The claimant was subjected to detriments by the respondent in relation to decisions made by Mr Steel concerning staff reporting to him instead of the claimant, suggesting that Mr Wilson blamed the claimant for problems within the respondent's business, failing to progress a grievance, suspending the claimant and failing to review the suspension, commencing a disciplinary investigation and failing to progress the disciplinary process.

4. These detriments were contrary to section 47B of the Employment Rights Act 1996 in that they amounted to acts and/or a failure to act because of the protected disclosure made by the claimant.
5. Accordingly, the claimant's complaint that she was subjected to detriments by the respondent because she made a protected disclosure is well founded and succeeds.
6. The claimant was unfairly dismissed because a principal reason for her resignation were the detriments which arose from her protected disclosure and her complaint of automatic unfair dismissal contrary to section 103A Employment Rights Act 1996 is well founded and succeeds.
7. The claimant's complaint of constructive unfair dismissal is well founded and succeeds because the detriments which have been identified in this judgment also amounted to a fundamental breach of contract destroying the relationship of trust and confidence and the claimant resigned because of these detriments.
8. The claim will now proceed to a remedy hearing which will take place on a date to be confirmed in the Manchester Employment Tribunal with a hearing length of 3 hours (1/2 a day). It is likely that this hearing will take place by way of CVP, but this will be confirmed by the Tribunal in due course.
9. The parties will provide the Tribunal with dates of their unavailability (between the period March and June 2021), by **14 January 2021**.
10. The claimant will provide the respondent with an updated schedule of loss by **14 January 2021**.
11. The claimant will provide the respondent with a remedy hearing bundle and supporting witness statement by **4 February 2021** and restricted to issues relating to remedy only.
12. The claimant will provide the Tribunal with a pdf copy of the updated schedule of loss, the remedy hearing bundle and the claimant's witness statement in support **14 days before the remedy hearing takes place**.

Employment Judge Johnson

Date: 7 January 2021

Sent to the parties on: 25 January 2021

For the Tribunal Office

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.