



EMPLOYMENT TRIBUNALS

Claimant: Mrs L Griffiths

Respondents: Gloucestershire County Council.

Heard at: Bristol and remotely by CVP, on 9,10, November 2020, and remotely only on 18-22 January 2021.

Before: Employment Judge Hargrove.

Representation

Claimant: Mr A Small of Counsel

Respondents: Mr D Stuart of Counsel.

RESERVED JUDGMENT AND REASONS.

The Judgment of the Tribunal is as follows:

The claimant's claim of unfair dismissal is not well-founded.

REASONS.

1. On 6 January 2020 the claimant submitted a Tribunal claim of unfair dismissal (constructive) having entered into EC between 23rd September and 11th of October 2019. The claimant had resigned by letter dated Friday 21st of June 2019. The resignation was on notice, but the letter did not identify any notice period. It is agreed however that it was and, significantly remained, on notice expiring on 21st September 2020.
2. The respondent submitted a full response on 6 February 2020. Standard directions were sent out on 21st February listing a two day in person hearing in Bristol on 20th/21 August 2020. Subsequently, the hearing was first listed as a hybrid hearing from Bristol from 9th to 11th of November 2020, the claimant's witness Rachel Hodges Cox (RHC) giving evidence by CVP. It rapidly became apparent during the claimant's cross-examination that for a number of reasons the hearing could not be completed during the extended

time allocated. These included the inadequacy of the witness statements, in particular of the claimant, to deal with the issues, which had not been adequately identified in writing in advance of the hearing. The claimant's original witness statement made very limited reference to the documents in the bundle, then 276 pages long. Some of the pages in the bundle were in such small print as to be wholly illegible. For this reason I considered that the case was untriable at that stage. The hearing was postponed and further case management orders were made for the exchange of further witness statements; for the preparation of an agreed list of issues; and a chronology, and their provision to the Employment Tribunal by the 8th of January 2020, prior to the start of the resumed hearing, then to be in person, on Monday 18th to Wednesday, 20 January 2021. This was to give me time to read the revised witness statements BEFORE the resumed hearing. However the parties did not comply with these orders until late on Friday 15th January, and only the respondent's new witness statements were sent to me at that time. The claimant's witness statement, chronology and list of issues were not sent to me by the Tribunal until the morning of Monday 18th of January, leaving wholly insufficient time to read it before the start of the hearing, (which had in the meantime been listed fully by CVP). The witness statement now had 65 footnotes, referring to many more pages in the revised and increased bundle of documents. The claimant's evidence restarted from scratch and the hearing had to be extended by a further two days. Following written submissions and oral submissions by way of reply, judgement was reserved.

3. The legal issues for this hearing have, by agreement between Counsel, not been in contention, and have not been the subject of submission. I nonetheless set them out because in one particular respect they are material to the outcome. It is agreed that the burden lies upon the claimant to prove that she was constructively dismissed as defined in section 95 (1) (c) of the Employment Rights Act 1996: "The employee terminates the contract under which he is employed (with or without notice) – Tribunal's underlining – in circumstances where he is entitled to terminate it without notice by reason of the employer's conduct ". In a well-known passage in the judgement of Lord Denning in *Western Excavating (ECC) v Sharp* 1978 ICR page 221, he said: "If the employer is guilty of conduct which is a significant breach going to the root of the contract of employment or, which shows that the employer no longer intends to be bound by one or more of the essential terms of the contract, then the employee is entitled to treat himself as discharged from any further performance. If he does so, then he terminates the contract by reason of the employer's conduct. He is constructively dismissed". It is accepted that the breach may be actual or anticipatory. An anticipatory breach may occur if the employer threatens, prior to the claimant's resignation to dismiss him, or to do a repudiatory act (without reasonable or proper cause) in the future, but the act or threatened act must be done prior to the claimant's resignation. Not only has the threatened act to have occurred prior to the resignation, but it must have contributed something to the breakdown of trust and confidence . See *Greenaway Harrison Ltd v Wiles* 1994 IRLR page 380; *Kerry Foods Ltd V Lynch* 2005 I RLR page 680. In this case the essential issues are (1) Did the claimant prove, on the balance of probabilities, that the respondent, without reasonable or proper cause, conducted itself prior to the resignation, cumulatively in such a way as to be calculated or likely to destroy or seriously damage the claimant's trust and confidence in the respondent?; See for example *Lewis V Motorworld Ltd* 1986 ICR page 157 Court of

Appeal, and (2) Did the claimant resign in response, in part at least, to that conduct? See *Meikle v Nottinghamshire CC*, 2005 ICR page 1 Court of Appeal, and *Wright v North Ayrshire Council*, 2014 ICR page 77 EAT. There are other issues which arise only if the claimant succeeds in proving that she was dismissed, but the respondent does not assert that, if the claimant was dismissed, it had a fair reason for dismissing her.

4. Notwithstanding the simplicity of the legal issues in this case I record that the factual issues are complex and require a detailed consideration of social work practice and procedure. The evidence called by the claimant included her additional witness statement (3942 words, plus the substantial footnotes) and the original witness statement of RHC. The respondent's evidence was additional witness statements from Keith Vardy (KV), now Head of Adult social care, but at the time Integrated social care manager in the Council's Learning disability service (LDS); Melanie Jane Walker (MJW), HR business partner; and Caitlin Rose Snuggs (CRS), Shared Lives strategic review manager (SRM).
5. The conduct in question is that of the respondent, in particular by KV and CRS, in the period up to the date of the claimant's resignation on 21st of June 2019, since the resignation must be in response to repudiatory conduct towards her which has occurred, but I accept that words or actions of the respondent's witnesses after that date are relevant insofar as they reflect upon, or help interpret, the actions of the respondent towards the claimant prior to the resignation, and go to witness credibility.
6. **Chronology of principal events.**
 - 6.1. From the 22nd of June 1998 the claimant was employed by the respondent as a frontline social worker specialising in adult care, becoming a deputy team manager, senior practitioner and specialist social worker in a safeguarding adults team before being appointed as registered manager for Gloucester shared lives (GSL) from the 6th of November 2017, working 25 hours per week. She had her own childcare responsibilities, as well as responsibilities for elderly parents .
 - 6.2. GSL provided a service to adults with assessed eligible health and social care needs supported by shared lives carers (SLC) in the home, on a temporary or permanent basis. At that time GSL was situated within children's services. As the registered care manager, the claimant had legal responsibility for maintaining a safe service in accordance with CQC regulations. The claimant's line manager at this time was Amanda Henderson. The claimant's deputy, reporting to her, was Rachel Jarvis.
 - 6.3. After a meeting with KV and her future line manager, Jane Field, in April 2018, Claimant moved with the rest of the GSL team from Children and Young persons services to the adult social care Learning Disability Operations Team (LDO) with effect from May 2018. This was a change also of Office. The claimant continued to be the Registered care Manager for SLC, but now reporting to JF as her line Manager. JF reported to KV, and had originated in Adult Services. Next up in order of seniority was Dawn Porter, Head of Integrated Adult Social Care,(DR) who reported to Tina Reid, Director of Adult Social Care (TR). On an equivalent level was Mark Brandon, Deputy Director of Adult Services, both of whom reported to Margaret Wilcox, Director of Adult Social Care. All of these played a part in subsequent events, but only the claimant, KV and CRS, who subsequently took over the line management of the claimant from JF on 29 May 2019, have given evidence. JF, the claimant's line manager up to 28 May 2019, who must have had an intimate knowledge of the events leading up to the claimant's resignation on 21 June 2019, and to whom the claimant claims

she confided her concerns, has notably not been called by either party. The claimant's case is that difficulties only arose after her move to Adult Services. She does not, however, make any allegations against JF.

- 6.4. The first issue relates to office space allocated to the GSL team of shared lives officers (SLOs), of which there were about 10. The open plan office space allocated to the LDO team in general was at least 55 desks, but there was a hot desking arrangement in place. Initially 6 permanent desks were allocated to the GSL team, but the remainder were able to hot desk nearby. There were about 20 or more desks allocated permanently, some to Admin staff, but also to another Team in LDO, the Innovations team, who were allegedly earmarked for desks where SLOs were hot desking. When challenged by the claimant, as the claimant claims, KV said that it was because specialist computer facilities were attached to these desks for the use of the other team. The claimant asserted, and still asserts, that in that respect KV was lying. KV agrees that this was in the event not accurate but says that he had received information to that effect which turned out to be incorrect. He adamantly denies that he lied to the claimant. The claimant asserts that this caused disadvantages to the SLOs because they were handicapped by their proximity to the other team in discussing problems arising in the course of the provision of the SL service, which was performed by shared lives carers (SLCs), whose work was managed by the SLO team.
- 6.5. A second cause for concern from the claimant's point of view was that, as the claimant perceived it, there was a conflict of interest in that the SL team, which provided a service to vulnerable adults, had moved to the management of a team – the LDO team – which was responsible for commissioning the work of the team, as well as other teams providing service. It is disputed by the respondent that there was any such conflict.
- 6.6. There was a meeting between the claimant, JF and KV in August 2018, and the claimant sought help from the health and safety team with regard to desk accommodation. This resulted in 3 extra desks being allocated by KV for the fixed use of the SL team in September 2018. This did not satisfy the claimant's concerns.
- 6.7. **Issues surrounding the appointment of CRS as the strategic lives Strategic Review Manager (SRM) as from 13th of May 2019, and the claimant's line manager as from 29th of May 2019.**
Funding was approved for a strategic review of the SL service and its possible extension in December 2018. There was a proposal to appoint an independent SRM for a fixed term of 12 months. The claimant submitted an alternative detailed proposal that she should be appointed as SRM on 30 hours per week. It is undated (The document bundle refers to a date of 17th of September 2018, B25, but the claimant claims in her chronology that it was submitted on 14 February 2019). The claimant's proposal was not accepted. The vacancy was publicly advertised on 19th of February 2019 (B 45) and there is a job profile at page B 46. JF had access to these documents and expressed some concerns to KV on 13th/14th of February 2019 in particular about the proposal that the successful applicant should also manage the SL team. See B44. There is evidence that the claimant, in a supervision meeting on the 8th of March 2019, had expressed concerns about the external appointment to DP in a meeting and had expressed an alternative option, but the advert had gone ahead. See page B 51. JF also wrote to KV in April 2018 stating that the claimant had told her in a supervision meeting on 29th March that KV had been making derogatory remarks about the SL team. See page B 53.

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- 6.8. The appointment of CRS to the post of SRM, as well as the claimant's line manager, in place of JF is an issue raised by Mr Small in his closing submissions for the claimant at paragraph 15 to 36. It is common ground that CRS took up her post on 13th of May but was shadowing for about two weeks during which she completed induction and training. CRS did not take over the line management of the claimant until 29th of May 2019. JF ceased to be the claimant's line manager on that date, but there are her last notes of supervisions with the claimant which took place on 8 March, B51, 30 April B63, and 28 May, B70. On 8 March the claimant said that she had a meeting with DP to discuss her concerns about the proposal to appoint an SRM, and her alternative proposal. On 30 April the claimant is recorded as having ongoing issues with KV's style of management, and the role of the newly appointed SRM, CRS. On 28th of May the claimant is recorded as feeling undermined and stressed by the situation, and there was to be a reference to occupational health. JF told the claimant that she, JF, was no longer to be involved in SL as the claimant's Line manager, and that CRS was to take over, as approved by the SL Project Board, of which KV was a member.
- 6.9. Relevant to the events taking place from the 13th of May 2019 onwards is a diary of events compiled by CRS from the 13th of May to the 6th of June 2019 at pages B 74 to 78. This is also relevant to the next broad issues raised by Mr Small in his closing submissions at paragraph 37 to 45, concerning an SLC, Alun Hunt, and PH, who had been recommended for appointment as an SLC.
- 6.10. By way of summary, A H was the carer appointed for a service user with challenging behaviours, in respect of whose care there were perceived to be problems. The only source of detail as to those problems is contained in CRS diary entry for the 28th of May at B 75. It is not contained in any of the witness statements. A meeting had been arranged for the 21st of May to discuss the issues, to be attended by the claimant, CRS and a senior practitioner, Addie Elliott. However the claimant had to take emergency carer's leave that morning and emailed CRS at 8:57 am to tell her that she would be unable to attend "so will leave to you to go ahead or re-arrange". the meeting did go ahead. There is a description of what was discussed in CRS email to KV later that day at pages B 68 to 69. It was not copied to the claimant. In the penultimate paragraph there is a reference to the housing benefit (HB) issue which later assumed importance. In the final paragraph CRS expressed "some concerns re-the information to (blacked out name) by the registered manager (the claimant) regarding this process. I have heard from two sources that (blacked out) were told that the reassessment would be "invasive" and asked "are you sure you want to do this..... I am concerned about acceptable standards of professional conduct here, and information given to carers re their expectations and rights". There is also an Eric note of this meeting with AH at page 69A indicating that it was made by CRS on 28 May. The claimant's complaint is that CRS did not communicate with her to explain her concerns until 28 May - CRS's diary note being at page B75, where she notes her concerns re AH in some detail. The claimant complains that she was not kept promptly informed of any concerns about AH, and that the SLC , NH, was told not to speak to AH, pending a full safe guarding investigation, subsequently downgraded to a fact-finding exercise.
- 6.11. The detail about the application by PH to become a SLC to an independent panel member is much less clear, but the claimant was asked by CRS to withdraw it, and did so. The claimant describes at paragraph 19

of her witness statement a discussion with CRS on 19 June, in which CRS “interrogated” her about her involvement.

- 6.12. There was a first management supervision meeting between CRS and the claimant on 13th of June 2019. There are now two versions of the notes: – page 80A to E signed by CRS on the 14th of June and by the claimant on the 17th of June. This contains 17 comments added by the claimant in the right-hand column. The second, signed only by CRS and dated the 14th of June 2019 contains CRS comments by way of response but also has additional comments. These differences have not been explored during the evidence. The only matter which I consider relevant is that concerning the meeting with AH at page 81, where the claimant states at GL6 that CRS had stated that there was to be a full safeguarding investigation and CRS states at CRS7 that there would be an investigation relating to safeguarding which might trigger a Section 42. Neither Counsel has referred to these supervision notes in closing submission. However the claimant claims at paragraph 13 of her witness statement that the notes at page 80 are inaccurate, and did not originally include her explanations, which she added. She claims however that CRS interrogated her and that it seemed that she was seeking to alienate and undermine her, which “reinforced her belief that CRS could not be trusted”. There is no support for that serious allegation in either version, which was not raised until her formal grievance, on 18 July.
- 6.13. The next salient event is the claimant’s resignation by letter and email delivered to senior managers and also to other members of the SL team at around 10 am on that day, 21st of June. It was addressed to TR. The contents of that letter are of crucial importance because it summarises and crystallises the then reasons for her resignation: – see page B 94, which are however limited to generalised allegations, albeit serious, concerning KV’s treatment of her over a period of a year, the appointment of CRS to take over the operational management of SL, with consequent undermining of the claimant’s authority and responsibilities. She was described as the “blunt instrument of KV and promoted the same negative culture”. She also complained of JF being removed from her line management leaving her team and herself with no support or stability. She also referred to systematic dismantling of her authority, and hostility and deliberate undermining of her decisions.
- 6.14. It is necessary to identify some further events leading up to the delivery of that letter. JF had referred the claimant to occupational health following her final supervision meeting on 28th of May. None of the occupational health records have been disclosed, but MJW of HR had spoken to TR on 11th of June and was informed that the claimant had been advised to raise a grievance. MJW subsequently had meetings with DP and KV on 12th of June concerning the claimant’s final PDR with JF on 28 May. According to MJW performance concerns had been raised including about a shared lives assessment. Meetings had been scheduled for the claimant to meet CRS at 11 am on 21st of June, and thereafter for them to meet KV. The original meeting had been scheduled for the 13th of June – see page 85 “to keep in touch with LG,” but put back to the 21st of June. On 19th of June KV emailed CRS with a list of issues to be raised at that meeting see page B 89. It is not clear from the draft (which has been anonymized) what these precise issues were but it appears that it concerns the complaint meeting with AH, and the supposed discussion of the housing benefit issues with SL carers. It is unclear what precisely took place at the pre-meeting attended by MJW on 21st of June at 10 am, but MJW indicated that some performance

concerns were raised concerning the claimant and that suspension was a possibility. It was at that meeting that the director of social care came in with a copy of the claimant's letter of resignation – See B 94 to B 95. MJW described the meeting in an email to Sarah Barr, also with HR, on the 25th of June see page 109.

The claimant did not attend either of the meetings scheduled with CRS at 11 am, and CRS and KV at 12.

6.15. Events after the claimant's resignation.

A suspension meeting took place conducted by DP on the 27th of June.

This was tape-recorded, probably surreptitiously, by the claimant. See her notes at pages 111-216. DP started to read out a list of issues. It is probable that these were those identified in KV's letter to GP of 26th of June at page B110, nine in number which are prefaced by the observation "These are the reasons why we would have suspended Lucy last (SIC) due to us losing confidence in her ability to undertake her role. "

Mr Small questions how the comparatively innocuous 3 to 4 issues for the meeting on the 21st of June identified in KV's email to CRS on 19th of June at B 89 for discussion at the meeting on the 21st of June could have morphed into a decision that the claimant would have been suspended citing nine more detailed reasons. KV was unable to articulate a particular reason for the change in his oral evidence, beyond suggesting to the Tribunal that something must have come up that he could not remember. Mr Small relies upon this discrepancy to discredit KV's evidence as a whole, including his denial that he had bullied or undermined the claimant.

- 6.16. On the day following the suspension meeting, DP sent a suspension letter describing it as a precautionary suspension "pending fact-finding investigation into performance concerns and your ability to undertake the role of registered manager of shared lives". The letter is however silent as to what the concerns were. See page B121 to 122. The claimant responded on the 3rd of July asking for the reasons. However she denied seven of the reasons identified in KV's letter of the 26th of June, which she had not seen but would have been mentioned to her by DP at the suspension meeting on the 27th of June. DP eventually responded on 25th of July – see page B253 – identifying six separate allegations.

I next summarise shortly the matters surrounding first, the claimant's grievance, its investigation and outcome; secondly the investigation into the allegations of misconduct and its outcome; and thirdly the outcome of the investigation by Social Work England in 2020 following the claimant's reporting of the allegations against her to that organisation, which was her professional body.

- 6.17. The claimant's formal grievance notification was not submitted until 18th of July 2019 at pages B133–136. It was accompanied by a very detailed list of 56 events taking place between 6 November 2017 and 17 July 2019, including her resignation on 21st June, making numerous allegations in particular against KV and CRS. The allegations were investigated by Miss L Holder, who produced a report dated 7 August 2019 at pages 153–163, having interviewed the claimant on 23rd July and 5 August, and KV, DP, JF and CRS. Miss Holder found no evidence to support the claimant's allegations of systematic bullying by KV, a conspiracy to suspend her, forcing her resignation, the appointment of CRS to undermine the claimant's position as registered manager, and that the suspension was in retaliation for her grievance (see page B163).
- 6.18. The disciplinary investigation report, also prepared by Miss L Holder, was completed on the 30th of August 2019 following investigatory meetings with

the claimant and the other senior managers, including JF, but no members of the SL team. The report is at pages 187-203. The report found sufficient evidence to warrant a formal hearing on six separate issues identified in a letter from Sarah Barr dated 21st of August 2019 inviting her to a disciplinary hearing on 3 September 2019 and copying her report. See page B176. The allegations identified were: –

- The handling of the application of PH to be an SL carer
- An issue related to backdated funding in respect of housing benefit
- potential failure to notify CQC of a safeguarding concern
- Concerns regarding language used towards SL carers in respect of an assessment
- Concerns regarding the sharing of information with carers with regards to a potential underpayment
- Potentially inappropriate sharing of information with the team in respect of your resignation letter.

- 6.19. The disciplinary hearing was scheduled to take place before Mark Branson, deputy director of adult social care, on 18th of September. The claimant submitted detailed written submissions to be found at pages B255-272, together with a solicitor's letter dated the 12th of September at pages 273-274. The submission was to the effect that the allegations were not conduct issues but at the most capability issues which should have been dealt with by way of a PIP. The claimant did not attend and, as Mr Brunton explained in a letter dated 18 September 2019 at page B277, he made the decision at the start of the meeting not to proceed with the formal disciplinary proceedings: "having read the investigation report, management submission and your own submission and having worked through the various evidence logs it is evident that there are clear management concerns with your performance. However, notwithstanding that they are of sufficient concern to have warranted your suspension so that they could be formally investigated, I would accept the argument in your submission that they amount to performance issues and did not meet the threshold for consideration as gross miss conduct." He accepted that these were matters which would/should have been pursued by way of a PIP, if the claimant had not resigned.
- 6.20. By this stage, the claimant had reported herself to Social Work England. The case was considered, with some input also from the respondent, by case examiners, whose conclusions, notified by letter of 3 August 2020, were that if the case was sent to a fitness to practice hearing there was no realistic prospect of a finding of impairment. This is consistent with the outcome of the disciplinary process.
- 6.21. This concludes the overview of the chronology.

7. Conclusions.

Looking at the events up to the claimant's resignation, at around 10 am on the 21st of June, I have to decide whether the claimant has proved that the respondent, in particular by the actions of KV and CRS, acted without reasonable and proper cause in such a way as to be calculated or likely to destroy or seriously damage trust and confidence in the respondent by the claimant, and if so, whether she resigned in response to that treatment. I have concluded that she has not so proved. I do not accept that the conduct of the respondent up to the point of the resignation satisfied that test. I consider that

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much of the claimant's discontent with the actions of KV flowed from her views of the appointment of CRS as SRM; the fact that her alternative proposal to be appointed to the post was not accepted; and that her views about the terms of appointment of the SRM (and to some extent those of JF) had not been taken into account. I have in this respect accepted the respondent's case that it was a reasonable management decision to act as it did. There were substantial reasons for the review of the SL service when it had recently transferred to the LDO, and when it was intended to enlarge the service. Nor was it unreasonable to appoint the SRM also as the claimant's line manager in place of JF. JF had only been the claimant's line manager for a year. I have taken into account however the claimant's criticism that CRS did not have either the social work qualifications or the experience that the claimant had, but it was clearly a relevant consideration that the claimant was only available to work part time for 25 hours per week, although I accept that her proposal was to work 30 hours per week. The claimant did not apply for the job although it was a competitive process. In addition, I accept the respondent's case that it was considered that a fresh pair of eyes, not previously involved in the service, should conduct the review. I am not satisfied that KV set out to undermine the claimant or unreasonably criticised her. I consider it likely that the claimant's views of KW were influenced by her fundamental objection to the GSL being moved into and managed by Adult services, and her perception that there was a conflict of interest. I am not persuaded that there was any such conflict and I consider that the decision was a reasonable management decision falling within the definition of reasonable and proper cause. It was clearly appropriate to move GSL from Children's services to Adult services, when the majority of service unit users were adult.

I find that the claimant had no justification for concluding that KV's original decision to allocate only six fixed desks to the team, subsequently increased to 9 when the claimant protested to health and safety, was done deliberately to disadvantage the SLO team. Likewise, having heard the claimant's and KV's evidence, I do not accept that KV's allocation of desks to the Innovations team in proximity to the SLO team was done to disadvantage the SLO team. Furthermore I reject the claimant's contention that the reason he gave, namely access to computer terminals, was a deliberate lie rather than a genuine misunderstanding. I consider that the claimant's belief that KV was lying was fanciful, and she aggravated it by accusing him to his face. I accept that the claimant did not like KV's management style but there is no hard evidence that prior to her resignation, he acted in such a way as to be calculated or likely to undermine trust and confidence.

As to CRS, the principal complaints against her relate to the issues in relation to the treatment of AH and PH, with whom CRS was involved between 21st of May and the end of May as described in paragraph 6.10 and 6.11 above. It is apparent that the claimant did not object to the meeting with AH on 21st of May going ahead in the claimant's absence. There was a delay in notifying the claimant of the outcome, but she was notified on 28th of May. The claimant may not have agreed with CRS decision, but I do not accept that the claimant's authority was seriously undermined by this or the treatment of PH.

I am reinforced in my conclusions by the fact that the claimant did not raise a grievance until weeks after her resignation, and only after she had been suspended. I reject her explanation that she was reluctant to raise a grievance before resigning because of the respondent's possible reaction. She is not the sort of person to shirk challenges. I consider that a provoking factor was her suspension.

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I have considered Mr Small's contentions that the differences between the conduct issues raised by KV in his initial email dated 19th of June at page and the later email of 26th of June undermined his credibility and demonstrates bad faith on KV's part. I have taken into account that KV claims not to remember, and cannot explain the reason for the differences. One possible explanation is that the second letter was a reaction to the content of the claimant's grievance letter of 21st of June, which was highly critical of him. This leads me to a fundamental point: – the claimant has to prove that she resigned in response to a fundamental breach of contract going to its root. I do not accept that any fundamental breach had occurred prior to her resignation. She did not see cavies emails of 19th and 26th of June until long afterwards during the disclosure process. The resignation may have been premature in the sense that if she had resigned following her suspension and the instigation of disciplinary proceedings, which were effectively abandoned, she may very well have had an arguable case that the respondent had then breached trust and confidence. But she did not. Even if the respondent breached trust and confidence by instigating disciplinary proceedings in bad faith, which may well have been the case, it cannot have been known by her at the time of the claimant's resignation , and it does not affect my view of the credibility of the evidence given by KV and CRS in respect of matters prior to the resignation .

Employment Judge Hargrove

Date: 28 January 2021

Judgment and reasons sent to the parties: 01 February 2021

FOR THE TRIBUNAL OFFICE