



EMPLOYMENT TRIBUNALS

Claimant

Ms Veronica Davies

Respondent

Central and North West London
NHS Foundation Trust

Heard at: Watford

On: 24 March 2021

Before: Employment Judge Tynan

Appearances

For the Claimant: In person

For the Respondent: Ms C Ibbotson, Counsel

COVID-19 Statement on behalf of Sir Keith Lindblom, Senior President of Tribunals

This has been a remote hearing on the papers which has not been objected to by the parties. The form of remote hearing was by Cloud Video Platform (V). A face to face hearing was not held because it was not practicable during the current pandemic and all issues could be determined in a remote hearing on the papers.

JUDGMENT

The Claimant's complaints that the Respondent discriminated against her on grounds of age, race, disability and sex, and her claim to a redundancy payment are struck out on the basis that they have no reasonable prospects of success.

SUMMARY REASONS

I gave reasons for the Judgment at the hearing on 24 March 2021 and, as noted below, will provide detailed reasons in writing should these be requested. However, in summary, I am satisfied that the complaints in question should be struck out pursuant to Rule 37 of the Employment Tribunals Rules of Procedure on the basis they have no reasonable prospects of success.

As regards the discrimination complaints, although section 8.1 of Form ET1 was completed to indicate complaints on the grounds of age, race, disability and sex, it remains unclear that the Claimant intended to actively pursue such complaints. The Preliminary Hearing Bundle provides no indication that the Claimant raised concerns during her employment that she was being discriminated against. She

asserts in Form ET1 that racism is rife at the Respondent but has provided no details of why she says she was discriminated against or why the harassment and intimidation alluded to by her, but about which she has provided no particulars, was related to any protected characteristics or hers or anyone else. Form ET3 does not identify any health condition from which she suffers or disability relied upon by her, nor has she provided details of the facts and matters relied upon in support of any complaint of discrimination. The Claimant told me that her son experienced a mental health crisis in June 2020 and that this has significantly affected her. However, this was some months after she was dismissed from the Respondent's employment. The only identified health issues during her employment with the Respondent are work related stress in 2018 and stated low mood as a result of the menopause when she was appealing against her dismissal. Neither is identified as being a condition with significant long term effects. The Claimant completed Section 12 of Form ET1 on the basis that she did not have a disability.

It will only exceptionally be appropriate to strike out discrimination complaints where the central facts are in dispute. Here, the Claimant has not provided even the most basic facts in support of her complaints for it to be said that the facts are in dispute or to identify what facts are in dispute. Whatever difficulties the Claimant may have experienced in her personal life and recognising that she is representing herself, in the 14 months since her dismissal the Claimant has failed to set out what she says happened to her. She still could not identify the basis of her complaints at the Preliminary Hearing and I have no confidence she would do so even if I allowed her a further opportunity to consider her position. She seems entirely unable to articulate why she might have been discriminated against.

The Claimant does not suggest that her role was redundant. She does not seemingly challenge the Respondent's stated reasons for dismissing her (namely conduct and/or performance), even if she disputes that it acted fairly in the matter. She has not advanced any explanation for why she might be eligible to a statutory redundancy payment. In the circumstances, the complaint should also be struck out as having no reasonable prospect of success.

Employment Judge Tynan

Date: 25/3/21

Sent to the parties on:

For the Tribunal Office:

Note

Reasons for the judgment having been given orally at the Hearing, detailed 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.