



# EMPLOYMENT TRIBUNALS

BETWEEN

**Claimant**  
Mrs C Conde

AND

**Respondent**  
Cornwallis Care Services Ltd  
Trading as Addison Park Centre

## JUDGMENT OF THE EMPLOYMENT TRIBUNAL

**HELD AT** Bodmin

**ON**

30 September 2021

**EMPLOYMENT JUDGE** N J Roper

### Representation

**For the Claimant:** In person, assisted by Mrs M McGuire, Friend  
**For the Respondent:** Mr S Clarkson, Director

### JUDGMENT

The judgment of the tribunal is that the claimant's claims of direct race discrimination are hereby dismissed.

### RESERVED REASONS

1. In this case the claimant Mrs Cristina Conde claims that she has been directly discriminated against on the grounds of her race. The respondent denies the claim.
2. The parties have given their written consent for this matter to be determined by an Employment Judge sitting alone pursuant to section 4(3)(e) of the Employment Tribunals Act 1996
3. I have heard from the claimant, and I have heard from Mr Stuart Clarkson (who is the Managing Director of the respondent company). I was also asked to consider statements from Ms Jemma Scott and Mrs Bridget Varney on behalf of the respondent, but I can only attach limited weight to these because they were not here to be questioned on this evidence.

4. There was a degree of conflict on the evidence. I have heard the witnesses give their evidence and have observed their demeanour in the witness box. I found the following facts proven on the balance of probabilities after considering the whole of the evidence, both oral and documentary, and after listening to the factual and legal submissions made by and on behalf of the respective parties.
5. The respondent company Cornwallis Care Services Limited is a care provider. The claimant Mrs Cristina Conde is of Filipino nationality. The claimant was employed as a Senior Care Assistant at the respondent's premises Addison Park Care Home in Callington in Cornwall. The claimant's continuous period of employment commenced on 24 October 2013, and she moved to the Callington premises in December 2016.
6. An incident took place on 18 August 2017 which led to the claimant's suspension pending a disciplinary investigation into potential physical ill treatment of a patient. The respondent investigated the matter, and it determined that it was appropriate to deal with its concerns by way of further training, and by moving the claimant from nightshift to day shifts so that she could be more closely supervised. The respondent did not proceed with that disciplinary investigation, but there was a background of concern about the claimant's working practices.
7. A further incident then took place between the claimant and a resident JB on 20 April 2018 which led to the claimant's dismissal. In short, another employee namely Ms Jemma Scott reported that when JB was demonstrating challenging behaviour, the claimant pushed a plastic nappy sack in JB's face and then put a pillow across her face. The claimant has always denied these allegations.
8. Ms Scott reported the events at the time to her supervisor and on 29 April 2018 the respondent's registered manager Mr Anstis met with the claimant and suspended her on full pay. This was confirmed by Mr Anstis in a letter to the claimant on 30 April 2018. The respondent informed the Police and the relevant care authorities. The Police requested that the respondent should not carry out its own investigation. On 8 June 2018 Mr Anstis wrote to the claimant confirming that he had been informed that the Police were taking no further action and that the respondent could now proceed with its own investigation, and that the claimant was required to attend an investigation meeting. Mr Anstis also met with Ms Scott and interviewed her, and the minutes of that interview confirm that Ms Scott the claimant "put a bag over the mouth of JB and JS [Ms Scott] took it away, but then the claimant got a pillow and put the pillow over her face".
9. There was then an investigatory meeting on 14 June 2018 which was chaired by Mr Anstis, and the claimant attended and was represented by Mrs Palmer her union representative from Unison. At that interview the claimant denied the allegations as presented by Ms Scott, but she did confirm a number of matters which the respondent perceived to be inappropriate practice and potential abuse. This included failing to wear the necessary protective equipment of gloves and apron, and the claimant grabbing a cushion or pillow in front of her body to protect herself from the resident JB who was spitting at her, and the claimant then approaching JB holding the cushion. This indicated to the respondent that the claimant had failed to act on the previous concerns raised resulting in her suspension and subsequent training, particularly with regard to de-escalation in the face of challenging behaviour from dementia residents.
10. The matter proceeded to a formal disciplinary hearing on 6 July 2018. This had been rearranged to accommodate Mrs Palmer the claimant's representative, but at short notice she was unable to attend, and the claimant and Mrs Palmer confirmed that the meeting could go ahead and the claimant was accompanied by a companion namely a nurse and work colleague Lisa Phillips.
11. The disciplinary hearing was chaired by the respondent's Operations Director Mrs Bridget Varney. On the evidence before her which included the claimant's comments Mrs Varney concluded that the claimant had failed to follow the relevant care plan and despite the earlier concerns and training had failed to act appropriately to de-escalate the situation when confronted with challenging behaviour by JB. Mrs Varney concluded that the allegations raised against the claimant were substantiated and that her actions amounted to gross misconduct. She decided to dismiss the claimant summarily, and she confirmed

- this in her letter to the claimant dated 16 July 2018. The effective date of termination of the claimant's employment was 16 July 2018.
12. Mrs Palmer of Unison then advised the claimant on an appeal against the dismissal, and she presented an appeal on behalf of the claimant, to the effect that the allegations against the claimant had been fabricated by Ms Scott. The appeal hearing took place on 16 August 2018, and it was chaired by Mr Stuart Clarkson the respondent's Managing Director, from whom I have heard. The claimant was accompanied by Mrs Palmer. Mr Clarkson reviewed all the evidence and the claimant's comments and decided to reject the appeal. By letter dated 28 August 2018 Mr Clarkson confirmed that the claimant's appeal was unsuccessful, and that her dismissal stood.
  13. At no stage during the disciplinary or appeal process did the claimant ever assert that she had been discriminated against, or treated less favourably in any way, because of her race.
  14. On 24 February 2020, after the claimant issued these proceedings and Ms Scott had been made aware of the allegations of race discrimination, Ms Scott signed a written statement to this effect: "When we were in JB's bedroom the hoist was in front of JB, ready to get into bed. It was known to the staff that CC [the claimant] and JB did not get on. JB was shouting. CC lent over the hoist and said "Look look - this scar - you did this to me" JB didn't really react to this but I remember removing CC's hand as she was leaning over JB. At this point JB was in bed and at the time she tried to spit, but it would normally be air and not spittle. We had a roll of the white nappy sacks, CC ripped one off the roll and pressed it against JB's mouth, across the wide part of her face, on her mouth. JB looked at me and I took the bag away. Underneath the bag she was screaming and continued doing so when the bag was removed. CC then took a pillow and put it across JB's face and plumped up as she placed it on her face, covering everything except her eyes. I did not say anything, but I took the pillow off JB. JB was the last person to be put to bed. I don't remember CC saying anything. I work with a lot of different ethnicities and cultures within healthcare. A lot of agency staff are Eastern European, African etc and I get along well with all of them. My colleague on nights, TD is Filipino and we are very close, talking about her culture and beliefs is really interesting to me. My mum is mixed race, my family has a mix of cultures. I did not feel that CC was acting the way she was due to her culture, I believe it was abuse. These are my own words."
  15. The claimant has always disputed this version of events put forward by Ms Scott. However, the claimant conceded today at this hearing that the respondent did not dismiss the claimant because of her Filipino nationality, and she accepted that the dismissal was based on the evidence before the respondent, and because of it, albeit that she accuses Ms Scott of fabricating her statement because of her race/nationality.
  16. Having established the above facts, I now apply the law.
  17. This is a claim alleging discrimination on the grounds of a protected characteristic under the provisions of the Equality Act 2010 ("the EqA"). The claimant complains that the respondent has contravened a provision of part 5 (work) of the EqA. The claimant alleges direct discrimination.
  18. The protected characteristic relied upon is race, as set out in sections 4 and 9 of the EqA.
  19. It is a claim for direct discrimination, and under section 13(1) of the EqA a person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others.
  20. The provisions relating to the burden of proof are to be found in section 136 of the EqA, which provides that if there are facts from which the court could decide, in the absence of any other explanation, that a person (A) contravened the provision concerned, the court must hold that the contravention occurred. However, this does not apply if A shows that A did not contravene the provision. A reference to the court includes a reference to an employment tribunal.
  21. I have considered the cases of: Igen v Wong [2005] IRLR 258 CA; Madarassy v Nomura International Plc [2007] ICR 867 CA; Nagarajan v London Regional Transport [2000] 1 AC 501; Hewage v Grampian Health Board [2012] IRLR 870 SC; London Borough of Islington v Ladele [2009] IRLR 154; Brown v Croydon LBC [2007] IRLR 259 EAT; Ayodele v Citylink Ltd and Anor CA [2017].

22. The issues to be determined by this Tribunal were agreed and set out in a number of previous case management orders, the first dated 8 January 2020, and then confirmed again on 9 July 2021, and on 2 August 2021. The claimant relies on two allegations of less favourable treatment said to amount to direct race discrimination. The first is that Ms Scott fabricated the allegations against the claimant because of her race. The second is that the respondent dismissed the claimant because of her race.
23. With regard to a claim for direct discrimination, the claim will fail unless the claimant has been treated less favourably on the ground of her race than an actual or hypothetical comparator was or would have been treated in circumstances which are the same or not materially different. The claimant needs to prove some evidential basis upon which it could be said that this comparator would not have been dismissed or suffered the same allegedly less favourable treatment as the claimant.
24. In Madarassy v Nomura International Plc Mummery LJ stated: "The Court in Igen v Wong expressly rejected the argument that it was sufficient for the claimant simply to prove facts from which the tribunal could conclude that the respondent "could have" committed an unlawful act of discrimination. The bare facts of a difference in status and a difference in treatment only indicate a possibility of discrimination. They are not, without more, sufficient material from which a tribunal "could conclude" that, on the balance of probabilities, the respondent had committed an act of discrimination". The decision in Igen Ltd and Ors v Wong was also approved by the Supreme Court in Hewage v Grampian Health Board. The Court of Appeal has also confirmed that Igen Ltd and Ors v Wong and Madarassy v Nomura International Plc remain binding authority in both Ayodele v Citylink Ltd [2018] ICR 748 and Royal Mail Group Ltd v Efobi [2019] EWCA Civ 18.
25. I have also considered section 207A of the Trade Union and Labour Relations (Consolidation) Act 1992, and in particular section 207A(2), (referred to as "s. 207A(2)") and the ACAS Code of Practice 1 on Disciplinary and Grievance Procedures 2009 ("the ACAS Code").
26. The key question in this case is the extent to which Ms Scott can be said to have fabricated her allegations against the claimant because of the claimant's Filipino nationality. I reject the claimant's assertion that this was the case. Ms Scott's signed statement was completed in 2020, but it is consistent with the interview which she gave contemporaneously, and which was minuted contemporaneously. The concerns raised about the claimant's conduct were consistent with the earlier incident which led to the claimant's suspension and the need for additional training. In addition, the claimant's own evidence when interviewed at the time gave rise to significant concerns on the part of the respondent about the claimant's conduct and failure to act appropriately to de-escalate the situation with JB. Furthermore, Ms Scott confirmed that she is happy to work with a number of nationalities and is of mixed race herself. Against this background it is highly improbable that Miss Scott would have deliberately manufactured circumstances and/or fabricated a statement because the claimant is of Filipino nationality.
27. The second allegation relates to the reason why the respondent dismissed the claimant. The claimant conceded today this was not because of her Filipino nationality, but that it was based on evidence which she says was fabricated. It is clear to me that Mrs Varney and Mr Clarkson acted as they did during the dismissal and the appeal process based on the evidence before them and their significant concerns about the claimant's conduct. Given that they had employed the claimant as a Filipino for many years, and the claimant's daughter remains employed by the respondent, it is highly improbable that they would have dismissed the claimant simply because she is Filipino.
28. In this case, I find that no facts have been established upon which the tribunal could conclude (in the absence of an adequate explanation from the respondent), that an act of discrimination has occurred. In these circumstances the claimant's claim of direct discrimination fails, and is hereby dismissed.
29. For the purposes of Rule 62(5) of the Employment Tribunals Rules of Procedure 2013, the issues which the tribunal determined are at paragraph 1; the findings of fact made in relation to those issues are at paragraphs 4 to 15; a concise identification of the relevant

law is at paragraphs 16 to 25; and how that law has been applied to those findings in order to decide the issues is at paragraphs 26 to 28.

Employment Judge N J Roper  
Dated: 30 September 2021

Judgment sent to parties: 14 October 2021

FOR THE EMPLOYMENT TRIBUNAL



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BETWEEN

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Mrs C Conde

AND

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**HELD AT** Bodmin

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**EMPLOYMENT JUDGE** N J Roper

### Representation

**For the Claimant:** In person, assisted by Mrs M McGuire, Friend  
**For the Respondent:** Mr S Clarkson, Director

### JUDGMENT

The judgment of the tribunal is that the claimant's claims of direct race discrimination are hereby dismissed.

### RESERVED REASONS

1. In this case the claimant Mrs Cristina Conde claims that she has been directly discriminated against on the grounds of her race. The respondent denies the claim.
2. The parties have given their written consent for this matter to be determined by an Employment Judge sitting alone pursuant to section 4(3)(e) of the Employment Tribunals Act 1996
3. I have heard from the claimant, and I have heard from Mr Stuart Clarkson (who is the Managing Director of the respondent company). I was also asked to consider statements from Ms Jemma Scott and Mrs Bridget Varney on behalf of the respondent, but I can only attach limited weight to these because they were not here to be questioned on this evidence.

4. There was a degree of conflict on the evidence. I have heard the witnesses give their evidence and have observed their demeanour in the witness box. I found the following facts proven on the balance of probabilities after considering the whole of the evidence, both oral and documentary, and after listening to the factual and legal submissions made by and on behalf of the respective parties.
5. The respondent company Cornwallis Care Services Limited is a care provider. The claimant Mrs Cristina Conde is of Filipino nationality. The claimant was employed as a Senior Care Assistant at the respondent's premises Addison Park Care Home in Callington in Cornwall. The claimant's continuous period of employment commenced on 24 October 2013, and she moved to the Callington premises in December 2016.
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7. A further incident then took place between the claimant and a resident JB on 20 April 2018 which led to the claimant's dismissal. In short, another employee namely Ms Jemma Scott reported that when JB was demonstrating challenging behaviour, the claimant pushed a plastic nappy sack in JB's face and then put a pillow across her face. The claimant has always denied these allegations.
8. Ms Scott reported the events at the time to her supervisor and on 29 April 2018 the respondent's registered manager Mr Anstis met with the claimant and suspended her on full pay. This was confirmed by Mr Anstis in a letter to the claimant on 30 April 2018. The respondent informed the Police and the relevant care authorities. The Police requested that the respondent should not carry out its own investigation. On 8 June 2018 Mr Anstis wrote to the claimant confirming that he had been informed that the Police were taking no further action and that the respondent could now proceed with its own investigation, and that the claimant was required to attend an investigation meeting. Mr Anstis also met with Ms Scott and interviewed her, and the minutes of that interview confirm that Ms Scott the claimant "put a bag over the mouth of JB and JS [Ms Scott] took it away, but then the claimant got a pillow and put the pillow over her face".
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23. With regard to a claim for direct discrimination, the claim will fail unless the claimant has been treated less favourably on the ground of her race than an actual or hypothetical comparator was or would have been treated in circumstances which are the same or not materially different. The claimant needs to prove some evidential basis upon which it could be said that this comparator would not have been dismissed or suffered the same allegedly less favourable treatment as the claimant.
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26. The key question in this case is the extent to which Ms Scott can be said to have fabricated her allegations against the claimant because of the claimant's Filipino nationality. I reject the claimant's assertion that this was the case. Ms Scott's signed statement was completed in 2020, but it is consistent with the interview which she gave contemporaneously, and which was minuted contemporaneously. The concerns raised about the claimant's conduct were consistent with the earlier incident which led to the claimant's suspension and the need for additional training. In addition, the claimant's own evidence when interviewed at the time gave rise to significant concerns on the part of the respondent about the claimant's conduct and failure to act appropriately to de-escalate the situation with JB. Furthermore, Ms Scott confirmed that she is happy to work with a number of nationalities and is of mixed race herself. Against this background it is highly improbable that Miss Scott would have deliberately manufactured circumstances and/or fabricated a statement because the claimant is of Filipino nationality.
27. The second allegation relates to the reason why the respondent dismissed the claimant. The claimant conceded today this was not because of her Filipino nationality, but that it was based on evidence which she says was fabricated. It is clear to me that Mrs Varney and Mr Clarkson acted as they did during the dismissal and the appeal process based on the evidence before them and their significant concerns about the claimant's conduct. Given that they had employed the claimant as a Filipino for many years, and the claimant's daughter remains employed by the respondent, it is highly improbable that they would have dismissed the claimant simply because she is Filipino.
28. In this case, I find that no facts have been established upon which the tribunal could conclude (in the absence of an adequate explanation from the respondent), that an act of discrimination has occurred. In these circumstances the claimant's claim of direct discrimination fails, and is hereby dismissed.
29. For the purposes of Rule 62(5) of the Employment Tribunals Rules of Procedure 2013, the issues which the tribunal determined are at paragraph 1; the findings of fact made in relation to those issues are at paragraphs 4 to 15; a concise identification of the relevant

Case Number: 1401622/2019

law is at paragraphs 16 to 25; and how that law has been applied to those findings in order to decide the issues is at paragraphs 26 to 28.

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**For the Claimant:** In person, assisted by Mrs M McGuire, Friend  
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### JUDGMENT

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12. Mrs Palmer of Unison then advised the claimant on an appeal against the dismissal, and she presented an appeal on behalf of the claimant, to the effect that the allegations against the claimant had been fabricated by Ms Scott. The appeal hearing took place on 16 August 2018, and it was chaired by Mr Stuart Clarkson the respondent's Managing Director, from whom I have heard. The claimant was accompanied by Mrs Palmer. Mr Clarkson reviewed all the evidence and the claimant's comments and decided to reject the appeal. By letter dated 28 August 2018 Mr Clarkson confirmed that the claimant's appeal was unsuccessful, and that her dismissal stood.
  13. At no stage during the disciplinary or appeal process did the claimant ever assert that she had been discriminated against, or treated less favourably in any way, because of her race.
  14. On 24 February 2020, after the claimant issued these proceedings and Ms Scott had been made aware of the allegations of race discrimination, Ms Scott signed a written statement to this effect: "When we were in JB's bedroom the hoist was in front of JB, ready to get into bed. It was known to the staff that CC [the claimant] and JB did not get on. JB was shouting. CC lent over the hoist and said "Look look - this scar - you did this to me" JB didn't really react to this but I remember removing CC's hand as she was leaning over JB. At this point JB was in bed and at the time she tried to spit, but it would normally be air and not spittle. We had a roll of the white nappy sacks, CC ripped one off the roll and pressed it against JB's mouth, across the wide part of her face, on her mouth. JB looked at me and I took the bag away. Underneath the bag she was screaming and continued doing so when the bag was removed. CC then took a pillow and put it across JB's face and plumped up as she placed it on her face, covering everything except her eyes. I did not say anything, but I took the pillow off JB. JB was the last person to be put to bed. I don't remember CC saying anything. I work with a lot of different ethnicities and cultures within healthcare. A lot of agency staff are Eastern European, African etc and I get along well with all of them. My colleague on nights, TD is Filipino and we are very close, talking about her culture and beliefs is really interesting to me. My mum is mixed race, my family has a mix of cultures. I did not feel that CC was acting the way she was due to her culture, I believe it was abuse. These are my own words."
  15. The claimant has always disputed this version of events put forward by Ms Scott. However, the claimant conceded today at this hearing that the respondent did not dismiss the claimant because of her Filipino nationality, and she accepted that the dismissal was based on the evidence before the respondent, and because of it, albeit that she accuses Ms Scott of fabricating her statement because of her race/nationality.
  16. Having established the above facts, I now apply the law.
  17. This is a claim alleging discrimination on the grounds of a protected characteristic under the provisions of the Equality Act 2010 ("the EqA"). The claimant complains that the respondent has contravened a provision of part 5 (work) of the EqA. The claimant alleges direct discrimination.
  18. The protected characteristic relied upon is race, as set out in sections 4 and 9 of the EqA.
  19. It is a claim for direct discrimination, and under section 13(1) of the EqA a person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others.
  20. The provisions relating to the burden of proof are to be found in section 136 of the EqA, which provides that if there are facts from which the court could decide, in the absence of any other explanation, that a person (A) contravened the provision concerned, the court must hold that the contravention occurred. However, this does not apply if A shows that A did not contravene the provision. A reference to the court includes a reference to an employment tribunal.
  21. I have considered the cases of: Igen v Wong [2005] IRLR 258 CA; Madarassy v Nomura International Plc [2007] ICR 867 CA; Nagarajan v London Regional Transport [2000] 1 AC 501; Hewage v Grampian Health Board [2012] IRLR 870 SC; London Borough of Islington v Ladele [2009] IRLR 154; Brown v Croydon LBC [2007] IRLR 259 EAT; Ayodele v Citylink Ltd and Anor CA [2017].

22. The issues to be determined by this Tribunal were agreed and set out in a number of previous case management orders, the first dated 8 January 2020, and then confirmed again on 9 July 2021, and on 2 August 2021. The claimant relies on two allegations of less favourable treatment said to amount to direct race discrimination. The first is that Ms Scott fabricated the allegations against the claimant because of her race. The second is that the respondent dismissed the claimant because of her race.
23. With regard to a claim for direct discrimination, the claim will fail unless the claimant has been treated less favourably on the ground of her race than an actual or hypothetical comparator was or would have been treated in circumstances which are the same or not materially different. The claimant needs to prove some evidential basis upon which it could be said that this comparator would not have been dismissed or suffered the same allegedly less favourable treatment as the claimant.
24. In Madarassy v Nomura International Plc Mummery LJ stated: "The Court in Igen v Wong expressly rejected the argument that it was sufficient for the claimant simply to prove facts from which the tribunal could conclude that the respondent "could have" committed an unlawful act of discrimination. The bare facts of a difference in status and a difference in treatment only indicate a possibility of discrimination. They are not, without more, sufficient material from which a tribunal "could conclude" that, on the balance of probabilities, the respondent had committed an act of discrimination". The decision in Igen Ltd and Ors v Wong was also approved by the Supreme Court in Hewage v Grampian Health Board. The Court of Appeal has also confirmed that Igen Ltd and Ors v Wong and Madarassy v Nomura International Plc remain binding authority in both Ayodele v Citylink Ltd [2018] ICR 748 and Royal Mail Group Ltd v Efobi [2019] EWCA Civ 18.
25. I have also considered section 207A of the Trade Union and Labour Relations (Consolidation) Act 1992, and in particular section 207A(2), (referred to as "s. 207A(2)") and the ACAS Code of Practice 1 on Disciplinary and Grievance Procedures 2009 ("the ACAS Code").
26. The key question in this case is the extent to which Ms Scott can be said to have fabricated her allegations against the claimant because of the claimant's Filipino nationality. I reject the claimant's assertion that this was the case. Ms Scott's signed statement was completed in 2020, but it is consistent with the interview which she gave contemporaneously, and which was minuted contemporaneously. The concerns raised about the claimant's conduct were consistent with the earlier incident which led to the claimant's suspension and the need for additional training. In addition, the claimant's own evidence when interviewed at the time gave rise to significant concerns on the part of the respondent about the claimant's conduct and failure to act appropriately to de-escalate the situation with JB. Furthermore, Ms Scott confirmed that she is happy to work with a number of nationalities and is of mixed race herself. Against this background it is highly improbable that Miss Scott would have deliberately manufactured circumstances and/or fabricated a statement because the claimant is of Filipino nationality.
27. The second allegation relates to the reason why the respondent dismissed the claimant. The claimant conceded today this was not because of her Filipino nationality, but that it was based on evidence which she says was fabricated. It is clear to me that Mrs Varney and Mr Clarkson acted as they did during the dismissal and the appeal process based on the evidence before them and their significant concerns about the claimant's conduct. Given that they had employed the claimant as a Filipino for many years, and the claimant's daughter remains employed by the respondent, it is highly improbable that they would have dismissed the claimant simply because she is Filipino.
28. In this case, I find that no facts have been established upon which the tribunal could conclude (in the absence of an adequate explanation from the respondent), that an act of discrimination has occurred. In these circumstances the claimant's claim of direct discrimination fails, and is hereby dismissed.
29. For the purposes of Rule 62(5) of the Employment Tribunals Rules of Procedure 2013, the issues which the tribunal determined are at paragraph 1; the findings of fact made in relation to those issues are at paragraphs 4 to 15; a concise identification of the relevant

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law is at paragraphs 16 to 25; and how that law has been applied to those findings in order to decide the issues is at paragraphs 26 to 28.

Employment Judge N J Roper  
Dated: 30 September 2021

Judgment sent to parties: 14 October 2021

FOR THE EMPLOYMENT TRIBUNAL