



EMPLOYMENT TRIBUNALS

Claimant: Ms E James

Respondent: West London Mental Health NHS Trust

Heard at Watford and by CVP

On: 26, 29 and 30 November 2021

Before: Employment Judge Manley
Mrs J Hancock
Mr C Surrey

Representation

Claimant: No attendance

Respondent: Mr S Sudra, counsel

JUDGMENT

- 1 The claimant was not harassed under the definition in Equality Act 2010. Even if she had shown such harassment, the claim was presented out of time, there was no conduct extending over a period and it is not just and equitable to extend time. The harassment claim is dismissed.
- 2 The claimant did not carry out a protected act under the victimisation provisions of Equality Act 2010. Even if she had, there was no connection between that alleged protected act and the termination of her secondment. Even if she had shown victimisation, the claim was presented out of time, there was no conduct extending over a period and it is not just and equitable to extend time. The victimisation claim is dismissed.
- 3 There was no fundamental breach of contract by the respondent which entitled the claimant to resign. There was no dismissal and can therefore be no unfair dismissal. That claim is also dismissed.

Employment Judge Manley

Date: 30 November 2021

JUDGMENT SENT TO THE PARTIES ON

2 December 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.