



EMPLOYMENT TRIBUNALS

Claimant: Miss D Foster

Respondent: The Newcastle upon Tyne Hospitals NHS Foundation Trust

Heard at: Newcastle **On:** 4, 5, and 6 April 2022
and remotely by video on 7 April 2022

Before: Employment Judge S Shore
NLM – Mr D Morgan
NLM – Ms K Fulton

Appearances

For the claimant: In person
For the respondent: Ms Niaz Dickinson, Counsel

JUDGMENT AND REASONS ON LIABILITY

The unanimous decision of the Tribunal is that:

1. The claimant's claims of direct discrimination because of the protected characteristic of disability (contrary to section 13 of the Equality Act 2010) are determined as follows:
 - 1.1. **First Claim** – That the respondent refused to appoint the claimant to a full-time role in the EAS fails.
 - 1.2. **Second Claim** - That the respondent withdrew the conditional offer made to the claimant and offered her part-time roles fails.
 - 1.3. **Third Claim** - That the respondent required the claimant to work as a Healthcare Assistant before it would appoint her as a Registered Nurse fails.
2. The claimant's claims of discrimination arising from disability (contrary to section 15 of the Equality Act 2010) are determined as follows:

- 1.1. **First Claim** – That the respondent refused to appoint the claimant to a full-time role in the EAS fails.
 - 1.2. **Second Claim** - That the respondent withdrew the conditional offer made to the claimant and offered her part-time roles fails.
 - 1.3. **Third Claim** - That the respondent required the claimant to work as a Healthcare Assistant before it would appoint her as a Registered Nurse fails.
2. The Tribunal does not need to consider remedy because all the claimant's claims have been dismissed.

Employment Judge Shore
7 April 2022

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.

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