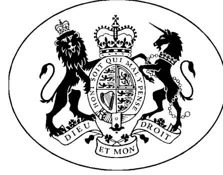

EMPLOYMENT TRIBUNALS

Claimant: **Mrs L McLaughlin**

Respondent: **Gatehouse Educational Trust Limited**

Heard at: **East London Hearing Centre (by Video)**

On: **26, 27 and 31 January 2023**

Before: **Employment Judge E Fowell**

Members: **Ms R Hewitt**
Ms J Clark

Representation
Claimant: In Person
Respondent: Max Gordon (Counsel)

JUDGMENT having been sent to the parties on **15 February 2023** and reasons having been requested in accordance with Rule 62(3) of the Rules of Procedure 2013.

REASONS

Introduction

1. These written reasons are provided at the request of the Claimant, after oral reasons given on the last day of the hearing. The request for written reasons was made on 27 February but for some reason it was only passed on today, 22 March 2023.

2. Our unanimous decision is that the claim is unsuccessful. By way of background, Mrs McLaughlin worked for the school as a minibus driver and a midday meals assistant until her dismissal on 1 November 2020. The school say that this was on g rounds of redundancy: she says that it was an act of sex discrimination.

3. That claim of direct sex discrimination is the only one before us. In her claim form Mrs McLaughlin did not tick the relevant box for unfair dismissal, even though she had the necessary two years' service.

4. On the face of it, that was a surprising choice. Any dismissal on grounds of sex is unlawful and an unlawful dismissal is an unfair dismissal. So, Mrs McLaughlin would certainly have lost nothing by ticking both boxes on the claim form. If she had won her claim of sex discrimination she would also have won a claim of unfair dismissal.

5. In fact, she might have been much better placed if she had added a complaint of unfair dismissal. A dismissal may be unfair for many reasons which have nothing to do with discrimination; because the process was unfair, or because there was a lack of consultation, or because the decisions about who would stay and who would go were arbitrary or based on personal factors, factors which had nothing to do with sex.

6. Instead, Mrs McLaughlin chose to focus on this one aspect, that it was an act of sex discrimination. That choice suggests that she does not dispute the need to make redundancies, or the way in which the process was handled, only the motives behind the final decision; but in fact, having heard all the evidence, the majority of her criticisms *were* over the way she was treated during the process. Even more surprisingly, she made little or no mention of sex discrimination during the hearing and did not suggest to any of the school's witnesses that this was a factor.

7. It is therefore now clear, having heard all the evidence, that Mrs McLaughlin's claim proceeded on the wrong basis from the start, and that she *was* complaining about the fairness of the decision to dismiss her. We have therefore given some consideration to how this situation came about.

8. We see that it was discussed at the preliminary hearing on 20 September 2021, when the Judge advised Mrs McLaughlin that she would need to make an application in writing if she wanted to add a claim of unfair dismissal. No such application was made. There was then the further preliminary hearing the day before this hearing, to make sure that everything was ready. Unlike the Judge at the preliminary hearing, I had a copy of the final hearing bundle and all of the witness statements, so I could see all of the points being raised.

9. It was obvious from this material that Mrs McLaughlin was expecting the tribunal to deal with all of the events in her claim form. They included her initial disputes with her co-worker, Ms Nogber; the fact that she was not able to apply for the supervisor's position, which was given to Ms Nogber; various issues over her contract and sick pay; and most significantly a dispute with another member of staff in 2019 which led to disciplinary action, as a result of which Mrs McLaughlin was initially dismissed and then reinstated.

10. With all this to cover, Mrs McLaughlin's witness statement ran to 46 pages, of which the first 30 dealt with these background issues. However, at the first preliminary hearing the parties had agreed a list of issues which was then approved by the

tribunal. That list recorded that the acts of discrimination were Mrs McLaughlin's dismissal and / or the failure to offer her alternative employment. There was no mention of any earlier episodes. Mrs McLaughlin accepted that she had not realised that the tribunal was only going to be concerned with the reasons for her dismissal.

11. The view we took as a panel for this hearing was that we should hear evidence about the whole of the redundancy process to see if there was any indication of discrimination. That meant of course that we would inevitably be drawn into hearing about the procedure followed; in short, the sort of issues we would normally be concerned with in a claim of unfair dismissal. The scope of the enquiry was going to be exactly the same.

12. In those circumstances, I also raised with Mrs McLaughlin at the preliminary hearing why she had not applied to add a claim of unfair dismissal. She said, in short, that she had had enough on her plate over the last year or so in preparing for this hearing, and did not want to complicate things any further. That seemed to me as far as the point could be taken. It might have been possible, even at that late stage, for her to ask to make that change, but that would no doubt have been met with an objection by the school. The reality is that an adjournment would have been required. For an unfair dismissal claim it would be necessary to explore in detail the procedure followed, and how it was applied for each of the 16 employees affected, and it became clear to us during the hearing that a good deal of that granular detail was missing. An adjournment could have meant a delay of about 18 months, and the events in question are already over two years ago. So, we have proceeded on the limited basis on which the claim was brought.

13. It is still not clear to us why a claim of unfair dismissal was not brought at the outset but the claim of sex discrimination had its origins in the appeal meeting on 26 November 2020. Mrs McLaughlin was accompanied by her trade union representative, Mr Zaheer Khan, and he questioned why a male colleague, Mr Martin Heneghan, was kept on at the school as a gate supervisor while Mrs McLaughlin was dismissed. Mrs McLaughlin's case is that she was treated less favourably than Mr Heneghan, so he is her comparator for these purposes.

14. For the record, the claim form also raised claims of age discrimination and race discrimination. All three types of discrimination claims were considered to have little reasonable prospects of success at the first preliminary hearing, on the basis that she was in a different category to other members of staff because she did not engage with the process. As a result, Mrs McLaughlin was ordered to pay a £10 deposit for each claim. Deposit orders are meant to ensure that the party reflects on their position before continuing with a claim which seems to have poor prospects. In the event Mrs McLaughlin chose to pursue the claim of sex discrimination only, but did not give any reasons for her choice.

15. Overall, it is clear to us that Mrs McLaughlin would have benefited from some legal

advice. However, she has presented her case very well. The particulars of claim are clear and detailed. She continued this approach in her witness statement, which is a very professional looking document, and her account has been consistent throughout. She also took on board the discussion at the preliminary hearing and reduced her cross examination to the redundancy exercise, putting her points effectively and moving on when she had done so. We were not surprised to learn that she was for many years a school governor herself, at different schools, and was comfortable in arguing her case. We also record our gratitude to Mr Gordon for his clear presentation and professionalism.

Procedure and evidence

16. Turning to the procedure and evidence, we record that the original plan was for this hearing to be conducted in person but in the event it had to be carried out on a hybrid basis. Mrs McLaughlin has been present in the hearing room at East London on camera, and everyone else has joined by video. We heard evidence from Mrs McLaughlin and two supporting witnesses:

    (a) Mr Khan, her trade union representative, and

    (b) Ms Grace Salmon, a co-worker who took voluntary redundancy at about the same time.

17. There were also two short witness statements from a Mr McCann, who supported Mrs McLaughlin during the 2019 disciplinary process. Since that episode had no bearing on the redundancy exercise, we excluded it.

18. For the School we heard from:

    (a) Mrs Sevda Korbay, the Headteacher, who had an initial telephone conversation with Mrs McLaughlin about her redundancy.

    (b) Mrs Conti Moll, the Deputy Headteacher, who held the appeal meeting, and

    (c) Mrs Tracey Sewell, the Bursar and Clerk to the Governing Body, who prepared the business case for the redundancies.

19. Having considered this evidence and the submissions on each side we make the following findings of fact. We will not attempt to cover every point raised, only those facts which are necessary to explain our conclusions.

Findings of Fact

20. Gatehouse school is a private school in East London for 3 to 11 year olds. Mrs McLaughlin joined them in January 2016 as a minibus driver. The school had a small fleet of vehicles for taking pupils home and she began doing one of their

regular routes after school. She also did a later one at 5.30 pm for older children who had clubs or activities. By September that year she had also begun to work extra hours as a midday meals assistant. This was originally on a casual or overtime basis but later it was formalised by a variation to her contract of employment.

21. As already mentioned, she had a number of disagreements over the next few years, mainly with Ms Nogber, who was taken on as a driver after Mrs McLaughlin but was then made her supervisor. These disputes culminated in Mrs McLaughlin's dismissal in August 2019 following an altercation at work with another member of staff, and then her reinstatement. All this was about seven months before the first national lockdown on 23 March 2020.

22. During lockdown there was obviously no need for the school minibus service or any midday assistants. To begin with the school was closed to all but the children of key workers. Then from June 2020 it opened up to the rest of the children although they had to be separated into year groups and kept in bubbles. That meant that it was still not possible to mix them up on mini bus rides home or in the dining hall at lunchtime.

23. Consequently, Mrs McLaughlin, like the other drivers and midday assistants, was placed on furlough. The school topped up the 80% salary offered by government to the full 100%. The same applied to the chaperones who accompanied some children on the journey to and from school. That at least was the general position. Quite a few members of staff, it appears, also acted as teaching assistants as well as carrying out some of these extra duties, but essentially those extra duties stopped and those who were not needed were furloughed.

24. In September Mrs McLaughlin began helping two families, taking their children to and from school in her car, so she was at the school every day, if only briefly. She says that this was voluntary work and she only received her petrol money and we have no reason to doubt that. But it meant that she was still involved in school life and able to keep an eye on what was going on there. She also kept in contact with her workmates. Mrs Korbay, the Headteacher, was at the school gate each morning, so Mrs McLaughlin had the chance to ask her any questions as the months passed, but it does not seem that she took the opportunity or that Mrs Korbay approached her.

25. Like most schools, Gatehouse was badly affected by the pandemic, but as a fee paying school there was also a significant financial impact. The number of pupils expected to join in September fell as the lockdown continued. Many parents demanded a rebate or refund because their children were at home doing online learning only. And although the school had support from the furlough scheme, this was gradually withdrawn. During the summer months it became obvious that they could not continue to pay those like Mrs McLaughlin whose duties were no longer required.

26. The Bursar, Mrs Sewell, was tasked with reviewing where they could make reductions in staff. She prepared a business case for the governing body which is at page 104. There she explained that the school had been unable to operate the bus service since lockdown began, and had furloughed all drivers, chaperones, midday assistants, the school administrator and some members of the premises team. She then went on to examine the need for staff in each area.

27. For the bus drivers, she concluded, given the number of parents who had registered an interest in a bus service next term, they would need to lose eight drivers. They would all be put into a pool of candidates, with selection criteria based on such matters as performance and disciplinary or attendance records, the details of which were to be confirmed. The same analysis was carried out for each of the other areas and it was felt that they would need to reduce from 4 to 2 midday assistants.

28. Drastic as these reductions were, it soon became apparent that they would not be enough. The covid situation was still very uncertain, with the prospect of a second wave on the horizon, and there is no relaxation of the governments guidance on keeping children in their separate bubbles. Consequently, there was no prospect of a return to the usual minibus service, even for those parents who wanted it. The same applied to the usual lunchtime arrangements in the dining hall. At some point therefore during September it was decided that all of the midday assistants and drivers would need to be made redundant, together with some of the other staff, before the end of the furlough scheme.

29. There was some disagreement about whether the dining hall was put back into use when the school re-opened. A school bulletin said that food had been served from the dining hall to some year grounds, although Mrs Korbay was clear that the children had had to remain in their bubbles and said that this had just been a plan which was then scotched before publication of the bulletin. Ms Salmon said that she went into the school in September and saw children in the dining hall, but that may well have been for lessons. We accept what the school has to say on this point. They were keen to reopen the dining hall but were prevented by the continuing government guidance from doing so.

30. The school contacted solicitors for advice about the process to follow. This had to be adapted to reflect the fact that all those affected were on furlough and it was difficult to have face to face meetings. The starting point was therefore an initial telephone call to each of the staff members in question to let them know that there was a risk of redundancy. Mrs Korbay was given an outline script and set about ringing round the various members of staff.

31. She called Mrs McLaughlin on or around 25 September. There is some dispute about what was said. Mrs McLaughlin's recollection is that she was simply told that the bus services were not going to resume, that the children were eating their lunch in their classrooms and so she was going to be made redundant, with a letter sent

to her in the post.

32. Mrs Korbay agrees that she told Mrs McLaughlin there was no work available for her *at that time,* but went on, she says, to explain that a decision would be made over the coming weeks about the proposed redundancies, having considered suitable alternatives, and that Mrs McLaughlin would shortly get a letter setting out further details of the process, and that she would be invited to a meeting, either via zoom or in person, to discuss things.

33. Given this was part of a standard, scripted process we prefer Mrs Korbay's account. No doubt she was careful about what she said. No doubt too it was a shock for Mrs McLaughlin, who may well have focused on the bad news, and not taken in any mention of a meeting or alternatives.

34. She did however take in the fact that she would be getting a letter, but it did not come. On 5 October she had a text from her friend Grace Salmon to tell her that she had been made redundant too. (Ms Salmon did not want to stay as she a full time job arranged through an agency.) This may well have prompted Mrs McLaughlin to find out what was going on. She saw Mrs Korbay at the school gate the next morning and said she had not received a letter. Mrs Korbay said she should have had it and arranged for a copy to be emailed to her that day.

35. That letter is at page 109 and is dated 28 September. It set out the business case for redundancies and explained the urgency:

> "The [furlough] Scheme is due to come to an end on 31 October 2020 and, as a result, there is an urgent need to review staffing arrangements and operational costs across the school. …
>
> Having carefully considered the situation, and the school's current and future needs, we are of the view that, once the Scheme comes to an end on 31 October 2020, it will no longer be economically viable to continue to employ our bus drivers and midday assistants. …
>
> Before we make any decision as to whether to proceed with the proposal, we would like to give you and other affected staff the opportunity to ask questions about the proposal, to put forward alternative suggestions and make comments on it. We would also inform you if there are any alternative vacancies within the school which may be suited to you.
>
> We do not have a set time period for the consultation process as we are keen to ensure that all comments and suggestions are properly listened to and considered. However, we would hope to be in a position to make a decision about whether to go ahead with the proposal by mid-October 2020.

36. It then suggested a telephone or zoom meeting to discuss things further and set out

the statutory redundancy pay which Mrs McLaughlin would receive. These was about £2000, broken down into two chunks - one for her work as a midday assistant and one as a driver.

37. The possibility of alternative employment is a standard part of any redundancy consultation exercise, although in a situation like this, where so many of the support staff were being made redundant, Mrs McLaughlin may well have wondered what was the point of further discussions. In any event, she made no reply. She says that she did not want to have any meetings without her trade union representative present, given her experiences the previous year when she had been dismissed. Given that the school wanted to finalise things by mid-October, it is surprising that she did not get in touch at all, even to say that she needed more time. Most people had got in in touch by then, and discussions had already taken place with some members of staff about what extra hours or duties they could pick up instead of being made redundant. Mrs McLaughlin was aware that one of her friends, Kathy, had already left or agreed to leave in September, even before this letter came out.

38. Having heard nothing from her, Mrs Sewell, the Bursar, sent Mrs McLaughlin a follow-up email on 13 October (page 112) to check that she had received the letter. It asked her if she wanted to book in a time to meet. Mrs McLaughlin did not see this at the time, and the next day the Deputy Bursar rang her to see if she had received the email and wanted to come in for a meeting. It was a short call, during which Mrs McLaughlin found the email and confirmed she had it. There is a disagreement about what else was said. The school says that she said she did not want to come in for a meeting – something also mentioned in the appeal minutes later on: Mrs McLaughlin says she told them she did not want to come in for a meeting without her union being present. We know that she had contacted her union representative, Mr Khan, on 12 October, before the email arrived, so she had already decided to enlist union support, so we prefer her view of that conversation. She was saying "not yet" rather than "no".

39. However, by then of course it was mid-October and the window of opportunity for any further discussions had practically closed. We did not hear detailed evidence about the discussions and proposals made by the other members of staff when decisions were made to dismiss them or stay on with other duties, but the position was largely settled. According to Ms Salmon's evidence, a Mr Helles, who worked as a minibus driver and also as gate security, left the school and she was offered his position on the same day, but she had already decided to leave for her full time position. Mr Heneghan was then offered this role.

40. The decisions were all made by Mrs Korbay and seem to have been made on pragmatic grounds. Five of those in the pool of candidates for redundancy where also teaching assistants, such as Ms Nogber, and those duties continued so they were not made redundant. Six of them had less than two years' service. That did not mean they were automatically dismissed, though four of them were. One of

them, Peter, had been working as a bus chaperone and also as a caterer, making sandwiches for the pupils and he was kept on in his catering role. As already mentioned, Mr Heneghan stayed on in his new role as a gatekeeper. On the other hand, several members of staff with more than two years' service, like Mrs McLaughlin, were dismissed, where they did not have other duties of this sort.

41. Four other members of staff worked on a casual basis and they were simply let go. They did not form part of the 16 members of staff at risk. Of the 16, 5 were men and 11 were women: 31% and 69% respectively. Nine of them were dismissed in all, 2 men and 7 women, so proportionally more women than men were dismissed, although that does not take account of those who chose to leave, such as Ms Salmon, who refused offers of alternative employment. We do not know how many were in her position, but if she were left out of the calculations, the figures for those made redundant would be 2 men and 6 women: 33% and 67% - so the difference is negligible. Equally, looking at things from the point of view of the six individuals who were found alternative employment, 4 were women (67%) and 2 were men (33%).

42. While all this was being sorted out, nothing was heard from Mrs McLaughlin. Mr Khan told us that during this time he was trying to get some advice from the legal department but it was difficult, given the number of people on furlough. Eventually, on 23 October, the school simply issued a dismissal letter to Mrs McLaughlin. It is at page 114. The gist of it was that they had not received any proposals and needed to make a decision by the end of October so she was made redundant. Her employment came to an end on 1 November 2020.

43. Mrs McLaughlin responded with a letter on 5 November (page 117). It did not say that it was an appeal, or even a grievance; it simply took issue with some of the points in the dismissal letter and set out a number of questions, such as who was made redundant, who was given alternative employment and how this was all decided on. Those are all very understandable questions.

44. The school took advice and decided to treat this as an appeal against dismissal. Accordingly, Mrs McLaughlin came to a meeting on 26 November 2020 with Mrs Conti Moll, the Deputy Headteacher. Mrs Moll was chosen because she had not been involved in the redundancy process to any extent.

45. In her evidence to us Mrs Moll accepted that by that stage there were no remaining options for Mrs McLaughlin to remain at the school. Everything had been decided. In fact, Mrs McLaughlin had already received part of her redundancy payment which for some reason was processed in two chunks. Since the decision to make Mrs McLaughlin redundant had already been made, and Mrs Moll was not responsible for that decision, we need not dwell on the detail of that discussion.

46. As already mentioned, Mrs McLaughlin was accompanied by Mr Khan, and the Deputy Bursar was present as a note taker. Mrs McLaughlin was unhappy that she had not been told about any vacancies and that the school had not taken any steps to find out what her skills were. She asked in particular about Mr Heneghan being given the vacant security gate job rather than her. Mrs Moll did not know the reason but said that the previous employee had left suddenly. According to the minutes, Mr Khan asked why this had not been advertised to all those at risk, and suggested that it was because this was seen as a male role. He disputed this in his evidence, and said that it was Mrs Moll who suggested that he had been offered the role because he was a man. That seems to us very unlikely. The minutes were not disputed at the time and this was not suggested to Mrs Moll when she gave her evidence. Not only would it have been a very unwise thing to say, but Mrs Moll was simply not in a position to say why Mr Heneghan had been approached for this role.

47. That was the main point arising from the appeal meeting. In due course a further letter was issued rejecting Mrs McLaughlin's appeal and that was the end of the process.

Applicable Law

48. The relevant legal provisions are set out in the Equality Act 2010. Direct discrimination is defined at section 13, and arises where one person treats another less favourably "because of" a protected characteristic, in this case sex.

49. The words "less favourable" beg the question, less favourable than who? It means comparing her position with that of a man in the same circumstances, and she puts forward Mr Heneghan as the comparator, but the ultimate question is whether her dismissal, or the failure to offer her alternative duties, was because she is a woman.

50. There is also a particular provision at paragraph 136 dealing with the burden of proof, and provides for a two-stage approach. It states:

    (2) 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.

    (3) But subsection (2) does not apply if A shows that A did not contravene the provision.

51. In **<u>Ayodele v CityLink Limited</u>** [2017] EWCA Civ 1913, the Court of Appeal explained that the first stage required the claimant to prove facts from which the tribunal *could* conclude, in the absence of an explanation from the respondent, that discrimination had occurred; and if so, there is a second stage, when the respondent has the burden of proving that this was not the case. That first stage involves hearing all of the evidence, not just the claimant's case, and then making

appropriate findings. If those findings suggest that there might have been some discrimination involved, if some explanation is called for from the respondent, the burden shifts to them to prove otherwise.

52. That is in keeping with the previous guidance in **Madarrassy v Nomura** [2007] ICR 867 that it is not enough a claimant to show that she had a protected characteristic a nd was dismissed - "something more" is required. So, the starting point is to consider whether Mrs McLaughlin being made redundant in these circumstances was at all unexpected or out of the ordinary – whether something more is needed to explain it.

Conclusions

53. Our starting point therefore is that it is not enough for Mrs McLaughlin to point to the fact that she was dismissed and that Mr Heneghan was not. We have to consider all of the circumstances and the fact that a mixture of men and women were dismissed.

54. Those at risk of redundancy were simply those who carried out the work which was no longer required. Without repeating the percentages, there is nothing in the proportions of men or women made redundant or retained to indicate the presence of any bias, and of course the decisions were all made by the Headteacher, Mrs Korbay. Not only were the Head and Deputy Headteacher all female, but according to the staff list the seven members of the senior leadership team, which included Mrs Sewell, were also all female.

55. The school say, and have said repeatedly, that Mr Heneghan is not a fair comparator, that his circumstances are different because he engaged in the process and agreed to take up these duties, whereas Mrs McLaughlin did not. That was the main point raised in the grounds of resistance and at the preliminary hearing, and was the basis of the deposit order made against Mrs McLaughlin. That does indeed seem to be the key factor here. Ordinarily a redundancy exercise will involve a series of stages, with everyone in the pool consulted at scheduled meetings, and selection criteria applied. Here there was no selection to be made because none of the roles (with the exception of the premises team which was reduced) were continuing. And given the covid precautions in place it is understandable that the school began with a telephone call and then left it to each individual to get in touch about a meeting. The reality is that some would simply accept the position, or even prefer (like Ms Salmon) to take the redundancy payment and start a new job elsewhere. For them, there was no need to have a meeting. Leaving it to each individual to get in touch might have risked a first-come, first-served approach, with those who delayed being unfairly left out, but because we were not dealing with a claim for unfair dismissal we did not hear evidence about exactly how and when alternative duties were offered in each case.

56. Mrs McLaughlin did not want to engage in the process without union support. That is understandable, to a degree. It would no doubt have helped her cause to have told the school more clearly that this was an issue and asked for more time. At most, she mentioned her union in the chasing phone call she received on 14 October. But the whole process, from initial call to dismissal letter took about a month, and there was plenty of opportunity for her to get in touch with them over this time.

57. For its part, the school no doubt assumed that she was not interested in carrying on, and that conclusion seems perfectly reasonable in the circumstances, particularly given that they made efforts to chase her for a response. They also made clear from the original letter that there was a degree of urgency about the process and they wanted to resolve matters by mid-October. There is simply no basis for us to seek any other explanation for her dismissal, beyond the fact that she did not respond or take any part in the redundancy process.

58. It follows that we had heard evidence about that process from start to finish, on the basis that some indication of discrimination might emerge, whether overt sexism or some underlying sexist motive at work, but none has appeared or even been suggested beyond the bare fact that Mr Heneghan was not dismissed. We have to agree with the school that his circumstances were not the same as Mrs McLaughlin's and so that is simply not enough to call for any further explanation or to shift the burden of proof.

59. In her submissions to us, Mrs McLaughlin submitted that we did not have the whole picture, and that there were further documents in her version of the bundle which we had not seen. When we enquired what these might be, the main ones were unredacted phone records, her own annotated version of the list of staff made redundant, and a report from the Chair of Governors on the companies house website indicating that school lunches had resumed earlier. None of this had been raised in evidence and does not offer any support to her claim for sex discrimination.

60. Also in her submissions, she went back to her original theme that the school simply did not want her to stay, and that this was because of the previous history; in particular her earlier dismissal by Mr Bishop, the previous Bursar, in 2019, whom she suggested was still involved at the school and was conducting a vendetta against her. She also mentioned her physical and mental health problems and the unfairness of it all. She clearly feels that she has been the victim of an injustice, but once again, we have to focus on the case presented, which was limited to sex discrimination. If there were other factors in play, if the school did not want to keep her on because of this difficult history, there is nothing in the evidence we have seen – and we have reviewed that material - to indicate any discrimination on grounds of sex.

61. Consequently, and for all of the above reasons, the claim is dismissed.

Employment Judge Fowell

22 March 2023