



EMPLOYMENT TRIBUNALS

Claimant: Mrs S Duncan

Respondent: London Borough of Ealing

JUDGMENT

The Claimant's allegations or arguments that:

- (1) the Respondent treated the Claimant less favourably because of her race or age by:
 - (i) *treating the Claimant as if she was stupid with Mrs Jacky Yates informing the Claimant that she did not have the ability to perform at a lower grade, let alone represent the Respondent (“**Allegation 2(iii)**”),*
 - (ii) *deciding that the most severe sanction of dismissal should be imposed, when a lesser sanction could have been to allow time to improve, and dismissing the Claimant (“**Allegation 2(iv) and (v)**” – treated as one and the same),*
- (2) the Claimant was victimised by
 - (i) *Tamara Quinn and Jacky Yates holding a Stage 3 Performance Review meeting on 25th April 2022, whilst the Claimant was on sick leave (“**Allegation 5 (i)**”),*
 - (ii) *Jacky Yates taking the decision to dismiss the Claimant, when a lesser sanction could have been imposed, including no case to answer (“**Allegation 5(ii)**”), and*
 - (iii) *Joshua Blacker upholding the decision to dismiss at the appeal hearing on 9th August 2022 (“**Allegation 5(iii)**”).*

are struck out.

REASONS

1. The Claimant was ordered to pay a deposit of £25 for each of these five allegations (i.e. 5 x £25 = £125) not later than 21 days from the date the Deposit Order was sent to the parties as a condition of being permitted to continue to advance those allegations.
2. The Order was sent to the parties on 11 April 2023.
3. The Claimant has failed to pay any deposit. The allegations are therefore struck out under rule 39(4) of the Employment Tribunals Rules of Procedure 2013.

Employment Judge **Klimov**

Date: 24 May 2023

JUDGMENT SENT TO THE PARTIES ON

25/05/2023

THE TRIBUNAL OFFICE