



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms P Scott

**Respondent:** University Hospitals Birmingham NHS Foundation Trust

## FINAL HEARING

**Heard at:** Birmingham

**On:** 17 to 21 & 24 to 28 April & 2 May 2023 &  
(deliberations with no parties) 3 to 4 May 2023

**Before:** Employment Judge Camp

**Members:** Mr P Wilkinson  
Mrs J Keene

### Appearances

For the claimant: in person

For the respondent: Mr A Ross, counsel

## RESERVED JUDGMENT

The claimant's entire claim fails and is dismissed.

## REASONS

### Introduction

1. The claimant, Peaches Scott, was employed by the respondent in administrative and clerical roles from April 2018 until her dismissal on 26 August 2020. She is making a direct race discrimination claim, accusing over 30 people of mistreating her because she is (as she describes herself) black Afro-Caribbean<sup>1</sup>. Her claim incorporates dozens of complaints and is about things that happened, or allegedly happened, between April 2018 and April 2021.

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<sup>1</sup> We are conscious that some find “*Afro-Caribbean*” and/or “*BAME*” out of date and objectionable. We use those terms in these Reasons because they were used during the proceedings and at the final hearing by the claimant and a number of other people of colour to describe themselves.

## Procedural background

2. In her claim form presented on 11 January 2021 and details of claim presented on 12 January 2021 (supplemented by further information provided by the claimant unprompted in March and April 2021), the claimant made, amongst other things, a complaint of unfair dismissal. Because of decisions made by various Employment Judges at preliminary hearings: the complaints making up the claimant's race discrimination claim were the only other complaints that were before the Tribunal at the start of this final hearing; that race discrimination claim consists of no more and no less than the sets of complaints numbered 1 to 25 in further and better particulars of claim of 6 August 2021.
3. On day 1 of this hearing – 17 April 2023 – we confirmed, in response to an application by the respondent, that the unfair dismissal complaint had been dismissed because of the claimant's breach of an unless order relating to disclosure. We also ordered that: *"The claimant is deemed to have made an application to set aside the [unless] order pursuant to rule 38(2). The requirement for such an application to be made in writing is waived. The application is refused and the complaint of unfair dismissal remains dismissed"*.
4. On day 2 of this hearing we rejected the bulk of an application by the respondent made under rule 37 to strike out the whole of the remaining claim on grounds including that it had no reasonable prospects of success. We did, however, pursuant to rules 37(1)(b) and/or (e), strike out any claim for compensation other than damages for injury to feelings.
5. We gave full reasons for those judgments and orders orally. The written versions of the judgments and orders themselves were sent and provided to the parties on 21 April 2023. Written reasons have not been requested, so far as we are aware. The judgments and orders have anyway now become academic, in light of the other decisions recorded in these Reasons.<sup>2</sup>
6. During the hearing, we also made the following orders:
  - 6.1 by consent, that the claimant could give evidence notwithstanding her failure to produce a proper witness statement and that her evidence in chief would consist of the facts set out in the following documents: a three page document headed *"Witness Statement by Claimant"* dated 14 April 2023, with a covering letter dated 17 April 2023 (the first day of trial), containing very little information of relevance to her claim; the documents given the following numbers in the index to the main hearing 'bundle' – 4, 5, 8 and 12 (being the various sets of particulars of claim / additional information / further and better particulars she provided to the Tribunal between January and August 2021; the further and better particulars of 6 August 2021 referred to above, which we will call the "further and better particulars", is document 12);
  - 6.2 a number of orders around timetabling of the claimant's cross-examination of the respondent's witnesses, including: orders permitting the claimant to put off cross-

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<sup>2</sup> In relation to the unfair dismissal complaint, see paragraph 80 below.

examining particular individuals when she said she was not ready to do so; orders setting time limits for cross-examination and imposing 'guillotines' when she went over those time limits. In particular, on 27 April 2023 (day 9) we gave a reasoned decision refusing an application by the claimant to depart from the timetable she had previously accepted by being permitted to delay her cross-examination of the respondent's witness Mr Jarvis until the following day. In relation to this decision and to the decisions referred to in paragraphs 6.3.2 and 6.3.3 below, written reasons will not be provided unless asked for by a written request presented by any party within 14 days of the sending of this written record of the decisions;

6.3 on 28 April 2023:

6.3.1 an order by consent, albeit with the respondent reserving its position as to their relevance and as to the evidential weight that should be given to them, admitting in evidence additional documents from the claimant totalling 28 pages. These documents proved to be irrelevant;

6.3.2 a reasoned decision preventing the claimant from asking particular types of questions of the respondent's witness Mr Bolger on the grounds of relevance;

6.3.3 a reasoned decision admitting in evidence 9 pages of additional documents, consisting of emails sent between 8 June 2018 and 25 January 2019, that had been disclosed by the respondent on 26 April 2023.

7. We note that the claimant's behaviour during the hearing was challenging. There is no need for us to go into great detail in relation to this, although we do mention it later in these Reasons (e.g. in paragraph 42 below). This is because, whilst the claimant was rude and disrespectful, what she did was not greatly disruptive and we were able to deal with what occurred without having to make Draconian orders.
8. On 4 May 2023, after we had completed our deliberations and made our decision, but before the Employment Judge had started writing the decision up, the claimant hand-delivered to the Tribunal an unsolicited document that was described as "*an additional submission*". The covering letter, addressed to the Employment Judge, included this: "*I never got a chance to write about the last witness [a Mr Miah]. I have now done this and I have also added some more crucial information for you and the panel to consider*". There was no compliance with rule 92.
9. A copy of this additional submission was provided by the Tribunal to the respondent, under cover of a letter copied to the claimant stating that we had, "*finished our discussions before this was received. We do not propose to re-open them, nor do we require the respondent to comment on the submission.*"
10. We could properly have ignored the claimant's additional submission completely given when and how she provided it. Nevertheless, we have considered it and can confirm it makes no difference to any part of our decision.

## Issues & law

11. There are time limits issues, which are, broadly: were all of the claimant's complaints presented within the time limits in section 123 of the Equality Act 2010 ("EQA"). These and the law applicable to them are set out and considered in the section of these Reasons headed "*Decisions on the issues – time limits*", which begins at paragraph 68 below.
12. We have already explained that the claimant's claim consists of the sets of complaints of direct race discrimination that are numbered 1 to 25 in the further and better particulars. The issues we had to deal with in addition to time limits are set out in paragraph 82 below, in the section of these Reasons headed "*Race discrimination*".
13. In a direct discrimination claim like this one, if there are tricky issues of law, or of mixed fact and law, they are usually to do with comparators and whether there was less favourable treatment in accordance with EQA sections 13 and 23 and/or with whether the burden of proof has 'shifted' from the claimant to the respondent in accordance with EQA section 136. In relation to the claimant's claim here, these matters are clear-cut:
  - 13.1 there is no one who has anything like the characteristics of a potentially valid actual comparator;
  - 13.2 there is no difficulty in constructing a hypothetical comparator – someone identical to the claimant in all respects, including in her behaviour, but white – nor in deciding that that hypothetical comparator would not have been treated better than the claimant;
  - 13.3 it is not even arguable that there are "*facts from which the court [this Tribunal] could decide, in the absence of any other explanation*" that unlawful discrimination has taken place.
14. In short, factual rather than legal issues predominate in this case. Other than in relation to time limits, our consideration of the law has not needed to go much further than looking at the most relevant parts of the EQA: sections 13, 23 and 136. We have nevertheless noted and taken on board what is said in paragraph 17 of **Nagarajan v London Regional Transport** [1999] ICR 877 and paragraphs 9, 10 and 25 of **Anya v University of Oxford** [2007] ICR 1451. We have also borne in mind that the law on EQA section 136 and the burden of proof is as set out in paragraphs 36 to 54 of **Ayodele v Citylink Ltd & Anor** [2017] EWCA Civ 1913.

## The facts

15. What we are going to do now is give a broad outline of what occurred. There are a large number of complaints being made, and all of the complaints being made are set out in a single document in which the claimant's essential factual allegations are set out too. This makes it unnecessary and undesirable for us to make the findings of fact we need to make in a separate part of this decision from the part where we go through claims 1 to 25 in the further and better particulars. We shall go through them after having given the broad

outline of the facts, provided an overview of the claim, made further observations about the claimant's credibility, dealt with time limits, and introduced the race discrimination claim as a whole.

16. Attached to this decision and part of it, from page 36, are a Chronology and a 'Cast List' produced by the respondent. Neither is an agreed document, but neither has any significant errors in it that we are aware of. The cast list has the names of those who gave evidence before us in bold. 22 individuals did so: the claimant on her own behalf and 21 people for the respondent. Everyone who gave evidence for the respondent had a witness statement. The need for the respondent to have so many witnesses was caused by the breadth of the claimant's claim. The claimant actually criticised the respondent for not having more of them; not everyone named as a discriminator in the further and better particulars was called as a witness.
17. There was a bundle of documents, originally of 1423 pages including its index. Additions – 59 pages in total – were made to it during the hearing, some of which we have already mentioned, in the "*Procedural background*" section above.
18. On 2 May 2023 – day 11 of the final hearing – the claimant and counsel for the respondent each provided written closing submissions, which they supplemented orally.
19. The respondent operates a temporary staffing 'bank' now called "UHB+". The claimant was employed via UHB+ as a Band 2 Admin and Clerical worker. Her place of work was Queen Elizabeth Hospital in Edgbaston, which we will refer to as "the hospital". She had a series of temporary assignments in different departments of days' or weeks' duration, from April 2018 to January 2020, with gaps of varying lengths between them. The managers of almost every department she worked in complained and/or gave negative feedback about her. A number of her assignments were ended early at the departmental manager's request, with assignments due to last two or three months being terminated after a few days.
20. The claimant's line manager was Miss W Lamey, Operations Manager. She, like the claimant, is black and of Caribbean heritage. She describes herself as black British. The complaints and negative feedback about the claimant came to her. She had been with the respondent since 1992. She had never in her time at the respondent received as many complaints and concerns about a single bank worker as she did about the claimant. She had a number of meetings with the claimant to discuss them. The claimant did not accept any criticisms made of her and the meetings did not achieve anything.
21. When she was told that complaints had been made about her, the claimant began complaining about those who had raised them. She mentioned racism to Miss Lamey, but not in a specific way. She was in July 2018 asked to detail her concerns by Miss Lamey's boss, Mrs V Race (née Cooke). Although the claimant did not at the time do so, her oral complaints caused Miss Lamey and Mrs Race to delay making a referral to HR about the claimant's conduct.

22. Miss Lamey eventually attempted to take things forward with HR in late November 2018. It appears that the matter was then overlooked by HR for a time, until Miss Lamey chased them at the start of 2019. A formal disciplinary investigation into the claimant's conduct then began. It principally involved: Mrs E Richards from HR; Mr J Edwards, at the time a Group Support Manager. They held a number of investigation meetings with the claimant and others, the details of which are set out in Mr Edwards's statement.
23. At an investigation meeting with the claimant on 1 May 2019, the claimant raised specific allegations of racism against named individuals, after being prompted to do so by Mr Edwards, as explained in paragraph 21 of his statement. The disciplinary investigation process was then suspended.
24. The claimant submitted a formal complaint against eight individuals, including all those we have so far named in this outline of the facts, on 6 June 2019. She made further serious allegations in writing on 1 July 2019. These were investigated by Mrs E Boaz (née Leach), HR Manager, and Mrs J Islam, at the time a manager in Ophthalmology. Their investigations, detailed in Mrs Islam's statement, included holding meetings with the claimant, with those the claimant was making accusations against, and with other relevant individuals. Mrs Boaz's and Mrs Islam's conclusion, set out in an outcome letter received by the claimant on 9 December 2019, was that there was no evidence to support the claimant's allegations, which were therefore not upheld.
25. Throughout 2019, the claimant had been continuing to work for the respondent and those she worked with had been continuing to complain about her. In January 2020, the claimant was informed that the disciplinary investigation process was being restarted and the claimant was suspended. New investigators were appointed. Attempts were made to have investigatory meetings with the claimant. These attempts were unsuccessful partly due to Covid but mainly due to the claimant not cooperating. The new investigators nevertheless produced a disciplinary investigation report dated 24 July 2020, which recommended that a disciplinary panel be convened.
26. In the end, on 26 August 2020, there was a disciplinary hearing before a disciplinary panel chaired by Mr S Jarvis and with Mrs M Khalifa, at the time an HR Manager, representing HR. The path to that hearing had not been a smooth one, as is explained in detail in Mrs Khalifa's witness statement. At the start of the disciplinary hearing, the claimant asked for it to be postponed. Her request was refused. Part of the way through the hearing, the claimant was asked to leave it, as is explained in paragraph 17 of Mr Jarvis's witness statement. It concluded in her absence. The outcome was the termination of the claimant's employment for gross misconduct.
27. That outcome seems not to have been communicated to the claimant until 7 September 2020, so that date, and not 26 August 2020, may well have been the effective date of

termination of the claimant's employment. However, if that was the termination date, it would not alter our decision, including what we say about time limits<sup>3</sup>.

28. The claimant appealed against her dismissal. The appeal hearing took place on 12 April 2021 and was chaired by Mr K Bolger, Chief Workforce and International Officer. The appeal was unsuccessful. The only complaints before the Tribunal connected with the appeal are about things Mr Jarvis allegedly said at the appeal hearing, which he attended to present the management statement of case.

## Overview

29. Before we deal with the claimant's many individual complaints, we shall consider the credibility of the claimant's claim as a whole and of the claimant herself.
30. We start by looking at the inherent likelihoods of the situation. The undisputed facts are that, between April 2018 and November 2019, the claimant worked in (by our count) 15 different departments within the respondent; and in 13 of them, concerns about her and her conduct were raised. The managers raising concerns about her included at least one black person of African-Caribbean heritage and most of them managed teams which included black and African-Caribbean permanent staff. Many of the concerns they raised about the claimant were similar: that she was rude; that she was unpunctual; that she was absent from work when she shouldn't have been; that she used her personal mobile phone in work time; that she was on the internet and/or the intranet for purposes other than work during work time; that she did not listen to instructions that were given to her and as a result did not complete tasks properly. Much of the behaviour described as part of the concerns that were raised, such as rudeness, not listening, and interrupting, has been exhibited by the claimant throughout this Tribunal hearing.
31. The claimant's explanation for all of these people raising concerns about her is that they were part of an institutionalised racist conspiracy to prevent her from working at the respondent because she is black. Specifically, she alleges that they and their subordinates (including, it seems, subordinates who were themselves black and of African-Caribbean heritage) did not want to work with a, or with another, black person.
32. The alternative explanation, which on any sensible, objective view is inherently more likely by a very considerable margin, is that these concerns were raised against the claimant because they were valid and true.
33. The relative probabilities of the claimant's conspiracy-of-racists allegation being well-founded versus this alternative explanation being right become even more unbalanced against the claimant when we bear in mind that there is no evidence of any of the individuals accused of race discrimination having ever complained about or otherwise had a problem working with any other black African-Caribbean person or other person of colour. There is only evidence of them having a problem working specifically with the

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<sup>3</sup> See paragraphs 68 to 80 below. Given the dates of early conciliation, time limits might only have been affected if the effective date of termination were on or after 9 September 2020.

claimant. In other words, there is an absence of evidence suggesting that they had any problem working with black and African-Caribbean people generally and lots of evidence suggesting that they had a problem working specifically with the claimant.

34. In addition, the notion that there was a racist conspiracy to remove the claimant from the respondent's employment because of her race is belied by the fact that although concerns were raised about her in all but one of the departments she worked in during 2018 – from May of that year onwards – it was not until January 2019 that a disciplinary investigation into her conduct was started and not until August 2020 that she was dismissed. As respondent's counsel put it in his written closing submissions, *"if there was such a conspiracy, it must be one of the least effective conspiracies imaginable. It is remarkable how long the claimant remained an employee after serious behavioural issues were raised, receiving pay throughout. One might wonder why the architect(s) of the conspiracy would have permitted there to have been two highly labour-intensive HR processes, involving a dozen or so people, if the result was predetermined."*
35. Even if the claimant's factual allegations were true, there would be no substantial evidence at all of what happened to her being due to racism. What the claimant appears to consider to be evidence of conduct because of the protected characteristic of race consists of:
  - 35.1 her evidence to the effect that she was in her view treated badly. Upon analysis, none of the claimant's complaints is based on anything more sophisticated than her being subjected to treatment that she would prefer not to have been subjected to, together with a bald assertion from her that the reason for that treatment was her race. As a matter of law and of logic, the reason why something happened cannot be inferred simply from the fact that it happened – at least where, as here, it had several possible causes. The fact that it (allegedly) happened to her and that she is black does not begin to prove it happened to her because she is black, any more than her being a woman or having been born in the 1960s proves it happened because of her sex or her age;
  - 35.2 some hearsay evidence that some BAME individuals who work or worked for the respondent have alleged that they were at some stage the victims of race discrimination in the course of that work. (It would be surprising, given the respondent's size, if there had never been instances of racism within it). The claimant accepted during this final hearing that none of the evidence she relied on in this respect was evidence that any of the particular individuals that she accuses of race discrimination as part of her claim had been accused of race discrimination by others in the past. She appeared not to understand, and certainly not to accept, that even if she had evidence which proved that the respondent had what could be described as a 'racism problem', and that a great many people had been the victims of race discrimination by colleagues whilst working at the respondent (and the evidence put forward by the claimant came nowhere close to doing that), this would not help her claim. It would not do so because what she had to prove was that particular identified individuals had on particular occasions subjected her to race discrimination in particular ways. During the hearing, the Employment Judge attempted to explain this to the claimant in the following way: proving that one person is a racial discriminator



does not prove that someone else is a racial discriminator, even if they work for the same employer on the same site;

35.3 evidence from press reports and other publicly accessible documents containing allegations of mistreatment of staff by management within the respondent, other than by race discrimination. Such evidence is even more obviously irrelevant to the claimant's case than that falling into the previous category. At times during this hearing the claimant's case appeared to be that if management at the respondent were proven to be bullies, or to have acted unreasonably, or to have treated staff unfairly, it could be inferred that they were, or might be, racial discriminators. Once again, even if she had proved any or all of those things (and she did not) such an inference could not be drawn. It would be an error of logic and of law for a tribunal to infer from the fact that, for example, somebody was a bully of whistleblowers that they were likely to be racist;

35.4 the claimant has alleged that all or practically all black African-Caribbean members of staff have had disciplinary action taken against them. This is yet another allegation that has no more to support it than the claimant's own say-so. During the hearing, and otherwise in the evidence, the claimant did not identify a single specific individual who is black African-Caribbean and who had had disciplinary action taken against them other than the claimant herself. We did, however, hear from the respondent's witnesses about numerous black African-Caribbean members of staff who had never had disciplinary action taken against them, including the three black African-Caribbean members of staff who were witnesses for the respondent. In any event, as with the claimant's allegations about racial discrimination against other members of staff, even if there were evidence to the effect that black African-Caribbean members of staff were disproportionately likely to face disciplinary action, or something of that kind, this would not help the claimant to prove that the particular individuals who she accuses of race discrimination were guilty of it, unless those individuals were involved in the disciplinary cases of other black African-Caribbean members of staff to a disproportionate extent. The claimant did not even allege that against those individuals;

35.5 finally in relation to this, we adopt what is stated in paragraph 31 of counsel's closing submissions: "*Part of the claimant's case is that black Afro-Caribbean people are frequently stereotyped as being aggressive and rude. That may be so, but it is irrelevant to this case. No reasonable person who has observed the claimant's behaviour over the last 2 weeks could sensibly depart from the conclusion that she is aggressive and rude.*"

36. We also note that a lot of the claimant's case is not based on any particular facts that are in dispute. For example, many of her complaints of discrimination rely on the undisputed fact that a particular manager gave negative feedback on her to her line manager, Miss Lamey. Even if the claimant were a completely credible witness, and she is far from being that, this would not help her show that the reason why such feedback was given was anything to do with her race. She does not know and cannot give evidence about the reasons for the respondent's alleged mistreatment of her. She can only draw inferences

as to what the reason might be and ask us to do likewise. For us to draw an inference that her race was a significant part of the reason for any mistreatment, she would have to prove facts suggestive of this and no such facts have been asserted by her, let alone proved. In relation to the feedback that was provided on her, she has no basis for alleging that this was provided dishonestly, still less that it was done as part of a conspiracy to do her down because of her race.

37. The claimant is in the habit of making factual assertions on the basis of zero evidence, e.g. her allegation that a patient complaint about her rude behaviour, which is detailed in an email from the Patient Advice and Liaison Service of 5 July 2018, did not exist and had been invented. Moreover, the claimant has been inconsistent in what she says about the allegations contained in the feedback that was given against her. Her starting position has tended to be that what was said in the feedback was untrue. However, throughout the disciplinary and grievance process and at this hearing, the claimant tacitly or explicitly admitted to at least some of it.
38. For example, the claimant was accused of being rude by, amongst other things, interrupting others when they were speaking. She denied doing this, but subsequently admitted to it and gave evidence to the effect that she had a good reason for doing it. (She did not have a good reason). In relation to other allegations that she ultimately admitted to some extent, the claimant suggested that what she had done was trivial and should not have been remarked upon; in fact it was a significant part of her case throughout that what she was accused of was trivial or “petty”. Simultaneously, she kept putting to witnesses that what they had accused her of was gross misconduct for which she should have been immediately disciplined. Putting this inconsistency about the accusations being simultaneously trivial and gross misconduct to one side, the claimant never explained, satisfactorily or at all, why if people were so keen to get rid of her because of her race, and were alleging she was guilty of gross misconduct, it took the respondents so long to dismiss her.
39. We note that even after the claimant had admitted during cross-examination to doing things, she repeatedly reverted to saying that the allegations that she had done them were completely untrue, or words to that effect.
40. In relation to things the claimant admitted to that she described as trivial, they were not so, certainly when considered cumulatively. In many cases, the important point was less that the claimant did them, and more that she continued to do them having been told not to. For example, she turned up for work in August 2019 in the MIDRU department wearing flipflops. She was told (as she should anyway have known, because it was in the respondent’s written dress-code and common sense should have told her this was not suitable workwear) that wearing flipflops was not appropriate. She then, in September 2019, turned up for work in flipflops, this time in the Theatres department. She was again told, orally and in writing, that she should not wear flipflops at work. She continued to wear them.
41. Another example is that – by the claimant’s own admission – she applied cream to her feet whilst at work in front of others, including in front of patients, while working as a receptionist

in Outpatients. After doing so, without washing her hands, she continued to use computers and phones. (When initially questioned about this during cross-examination, the claimant sought to suggest, contrary to admissions she had previously made, that she had not in fact been applying cream to her feet, but to her legs. She then said that cream had been applied to her heels. She was forced to concede, in answer to a direct question from counsel, that the heel is part of the foot). That the claimant thought and apparently continues to think that this is acceptable conduct is surprising. That she was taken to task by managers for doing this and effectively ignored what they said, in that she carried on doing it, is even more so.

42. The claimant's apparent belief that her conduct was reasonable and that it was unreasonable for anyone to take exception to it probably partly stems from her seemingly having no idea how to behave in a work or other formal setting. Her behaviour in Tribunal, accurately described in counsel's written closing submissions (see paragraphs 22 to 33), which included instances of significant rudeness to the Employment Judge directly, is one example of that. In addition to what has just been described about her applying cream to her feet and her wearing flipflops, examples of this include: making telephone calls using hospital phones in areas of the hospital in which she was not at the time working without asking for permission from a manager from that area; out of the blue contacting an Executive Officer of the respondent (Mr Bolger), who she had previously had no dealings with at all, and in effect demanding a meeting with him the following day, and then suggesting, when he politely declined to meet with her, that him doing so was so unreasonable that it could only be racially motivated. We note that her initial email to Mr Bolger suggested he had agreed to meet with her. She told us that his secretary had agreed to the meeting on his behalf, without agreeing a time. None of this was remotely plausible.
43. The claimant also contradicted herself by simultaneously alleging and complaining: that she had not been spoken to by departmental managers before they passed on their concerns to Miss Lamey; agreeing in a number of instances that she had been spoken to by them, and saying that particular issues had been resolved with them (even though they clearly had not been) and should not have been passed on by them to Miss Lamey for that reason.
44. That brings us on to other respects in which the claimant seems to have little idea of how things are or should be done in the workplace, with particular reference to management. We could give numerous examples of this, and some are given in counsel's written closing submissions. One particular example that repeatedly came up during the claimant's cross-examination of the respondent's witnesses was her putting to departmental managers something to the effect that they should not have passed on concerns they had about her to Miss Lamey and that they should themselves have fully addressed them with her, as they were 'her managers'. She appeared not to understand that she was a bank worker, moving from department to department, and that her line manager at all times was Miss Lamey. For example, Mrs Nicholls (Appointment Centre manager), in answer to the claimant's questions, explained to us that where she has a problem with a member of staff that needs to be taken further than simply having an informal chat with the member of staff in question, she would herself take it further if the member of staff was a permanent

employee in her department, but would not do so if it was a member of bank staff. The claimant has characterised this as discrimination and in breach of equal opportunities, but it is no such thing. It is simply a reflection of the fact that the appropriate person to instigate any kind of disciplinary or quasi-disciplinary action is the individual's line manager, which in the case of permanent staff in the Appointment Centre was Mrs Nicholls, but in the case of the claimant was Miss Lamey.

45. The claimant also seems not to appreciate that it was important that her line manager, Miss Lamey, should know about any problems departmental managers had with her, even if those problems had been resolved at the time, in case there was subsequently a repetition during a later assignment elsewhere.
46. Another example of the claimant's misapprehensions about what is normal in terms of practices and procedures in the workplace that heavily featured during her questioning of the respondent's witnesses was a repeated suggestion that allegations against her should, in some way we had difficulty understanding, have being investigated before they were investigated. The respondent tried to deal with things informally and then when that did not work and the matter was escalated to something more formal, there was a full investigation by independent investigators. This is exactly what we would expect in an organisation like the respondent.
47. The only aspect of the respondent's conduct in this respect for which we would criticise it is the length of time it took the respondent to take formal action against the claimant. Outside the public sector, the claimant would almost certainly have been on a 3 or 6 month probation period of some kind and would have been dismissed at the end of it, there being no legal duty to act fairly when terminating the employment of an employee with less than two years' service. This reinforces the point already made that an employer that wanted to 'get rid' of the claimant because of her race would have done so well before the respondent dismissed the claimant.
48. In conclusion:
  - 48.1 the claimant has little or no understanding of what is reasonably expected of employers and workers and in particular of how she was supposed to behave when working for the respondent;
  - 48.2 her claim consists of, and is no more nuanced than, an allegation to the effect that every single thing that happened to her during her employment which, at the time or with hindsight, she did or does not like was racist because it happened to her and she is black Afro-Caribbean;
  - 48.3 her case is inherently highly improbable;
  - 48.4 not only is there no evidence of substance to support it, the evidence, including some of the claimant's own evidence, positively points in the opposite direction;
  - 48.5 that particularly applies to her central allegation that people treated her differently and worse than others because of her race.

## The claimant's credibility

49. There are many more specific points that could be made about the credibility of the claimant as a witness, and we shall detail some of them immediately below. In addition to those points and to the points already made in the "Overview" section above, it should be noted that there is nothing in counsel's written closing submissions about this, in the sections from paragraphs 10 to paragraph 50 headed "Overarching Submissions", "The Claimant's conduct during the hearing", and "Reliability and Credibility" with which we disagree to any significant extent.
50. The first particular aspect of the claimant and her evidence that gives us significant concerns about her credibility that we wish to highlight is the claimant's willingness to make outrageous allegations, using intemperate and hyperbolic language, on the basis of no discernible evidence.
51. For example:
  - 51.1 during the disciplinary and grievance processes, the claimant accused three members of staff of being neo-Nazis. (There is a subsidiary issue connected with this as to whether or not that allegation was withdrawn. In relation to that, we entirely agree and endorse what is stated in paragraphs 42 to 45 of counsel's written closing submissions. In any event, even if the claimant had retracted that allegation a month or two after having made it, as she seems to be alleging she did, that would provide scant mitigation for having made the allegation in the first place);
  - 51.2 there are a number of examples of the use of such language in documents the claimant has provided to the Tribunal as submissions or as further particulars of her claim. This includes: in further information provided to the Tribunal adding to the claimant's claim form in March 2021, the claimant describing the senior managers who at that time were going to conduct her appeal hearing but had not yet done so in the following terms: "*These are all top dogs! All directors. They present themselves as decent, fine, upstanding individuals. But that is not what they are; they are all a bunch of dishonest, twisted, fraudsters; and they have been exposed as such. As I said, the corruption runs to a very high level in this NHS establishment.*"; allegations of forgery and fraud, made in many places, including in the document the claimant presented as her witness statement, dated 14 April 2023; calling "senior managers and directors" and an HR manager "psychopaths" (again, in the witness statement document of April 2023); stating that "*my 2 line managers wanted me to take my own life*" (ditto);
  - 51.3 possibly the worst example of the claimant presenting as fact extreme allegations unsupported by any evidence is one of her key allegations: that black managers of African-Caribbean heritage and (this appeared in the claimant's written closing submissions) other managers who are not white were not appointed on merit but were put in place so that they could be used as tools by senior white management to oppress non-managerial BAME staff. In her written closing submission, the claimant said this of Mrs C Skidmore, a black manager of African-Caribbean

heritage: she *“is a party to racism... she has been put into the role of management specifically to assist the respondent to carry out the worst form of instructional racism I have ever seen an organisation practice. I described these Black Afro-Caribbean and Minority Ethnic managers in my Appeal document as being like Stepford Wives. That is exactly what they are. They just do as they are told; and they are paid a management salary, which they do not want to lose. They actually feel special, but they are only being used by the Respondent... When we victims of racism attend the Tribunal to give our evidence against the Respondent, they bring these BAME people like [Mrs Skidmore] with them to speak on their behalf as they are programmed to do. The Respondent... is just using [Mrs Skidmore]”*. Of Mrs Islam, also a black Afro-Caribbean manager, the claimant stated this (again in her written closing submission), *“She is another token Black Afro-Caribbean employee. The UHB [the respondent] have to have a few on senior management levels. Again, they are used in situations like this one. In Tribunals, hearings and investigations; whenever Black staff experience racial abuse. They do as they are told and support the racist senior management. They want to stay in the high profile role that they have been put into.”*; of Miss Lamey, another black female manager of Caribbean heritage, the claimant stated this in her written closing submission, *“She is an accessory to Race Discrimination against her own race; she has to do this, if she does not, she would be taken out of the management role that she has strategically been put into. [She] has been put into her role to assist racist White senior management to carry out institutionalised racism. She is being used, like the others and she doesn’t care as long as she receives the salary... She is such a danger to black Afro-Caribbean people. She has told many lies in order to tear down and destroy her own race... [There] is a series of false allegations that she has made against me in order to stay in her role.”* We have already used the word *“outrageous”* to describe these kinds of comments by the claimant. They could also fairly be described as deeply offensive and as racist.

52. Another factor that damages the credibility of the claimant and of her case is the fact that her claim and the allegations she has made were all reactive and retaliatory. In other words, we think she only made them because allegations were made against her. There is no instance we can identify (and we note that this was queried during closing submissions and the claimant did not suggest otherwise) of the claimant making allegations about people in a particular department she had worked in prior to her being told that a complaint had been made about her by that department and her assignment in that department being brought to a premature end ostensibly because of her conduct. It is noteworthy that the claimant has made no allegations of discrimination against individuals working in the two departments from which no complaints about her were generated. In cross-examination, she confirmed that she had made allegations of discrimination against everyone at the respondent who had said anything negative about her.
53. Closely related to the previous point is the extent to which the claimant’s claim has evolved. Her initial complaint of 6 June 2019 was made against eight named individuals. (We note the claimant has referred to them all as *“managers”*, but one of them wasn’t). Given the serious nature of some of the complaints she made against those individuals then and subsequently, a number of which relate to things that allegedly happened 12 months or

more previously, if those complaints were true, we would have expected the claimant to have made them before then.

54. In the further and better particulars of claim that she provided in August 2021, the claimant named, by our count, 31 people as alleged discriminators. With no more than one or two exceptions at most (and possibly without exception), the 23 people in addition to the eight originally named were all people who had made complaints about the claimant which she only found out about after June 2019, or who were otherwise involved in her disciplinary, grievance and/or appeal against her dismissal. In many cases, the first time she made allegations of discrimination against them was in August 2021.
55. Even in relation to the eight individuals she named in June 2019, the allegations of discrimination she made against them had details added between then and August 2021. For example, in her further and better particulars of August 2021 she mentions Ms S Gough allegedly saying of the claimant that "*she's very aggressive*". That allegation, a potentially significant one given that the claimant's case is that she was racially stereotyped as rude and aggressive, is not present in her complaint of 6 June 2019. If it were true, it would have been.
56. The claimant has done a number of things in the course of these proceedings that cause us to doubt whether she is putting forward her case truthfully. One example of this is the claimant updating her schedule of loss without updating the part of it that stated, apparently truthfully at that point in time but which had become untrue by the time she updated it, that she had done no paid work since the termination of her employment. We entirely adopt what is set out about this in paragraph 46 of counsel's written closing submissions.
57. There were numerous examples during the hearing of the claimant coming up with things for the first time in her oral evidence or when cross-examining the respondent's witnesses and/or of her contradicting herself, both in terms of what she had said previously at the hearing and in terms of what she had put forward in documents prior to the hearing.
58. The clearest example of this that we could give is probably what the claimant said her case was when putting questions to Mrs Khalifa. Even though the claimant was not herself giving evidence at this point, we asked her to explain her case in this respect to us in some detail, so that we could be sure that there was no misunderstanding on our part, and so we could ensure that that case was properly put by us to Mrs Khalifa if, as often occurred during the hearing, the claimant was unwilling or unable to do so.
59. What the claimant explained to us was that during the disciplinary hearing, as could be seen from the transcript, there was some discussion about her request for an adjournment, a request she had made on the basis that the person that she described as her union representative, a Mr Leroy Smith, was not able to attend on that day. There was then a short adjournment during which the respondent looked into what the claimant had said about Mr Smith. During that adjournment, the claimant was moved into a side room. Up to this point, there doesn't seem to be any significant dispute as to what had occurred. However, what the claimant told us then happened was: that she herself telephoned Mr Smith, and got through to him, and had him on the phone; and that she left the side room

and went into the main room where the other people were sitting, and that she said to Mrs Khalifa, amongst others, something like, *"I've got Leroy here on the mobile now"*; and that she was completely ignored by Mrs Khalifa and the others.

60. Had this happened, we would have expected the Union and/or Mr Smith to have made a great fuss about it. Moreover, we would have expected it to have been put front and centre of the claimant's appeal against dismissal. It wasn't. Instead, the claimant and others on her behalf put forward a different version of events. That different version of events included no mention of the fact that Mr Smith was available on the telephone to speak to Mrs Khalifa and others on the day, in circumstances where that would have been one of the first things we would have expected the claimant to say about it.
61. For example, the version of events put forward in a document of September 2020 entitled *"Formal Appeal against Disciplinary Hearing on 26 August 2020"*, which is written in the first person, apparently by the claimant, included this: *"You should have contacted on the day, my work-based Rep Leroy Smith and not Frank Keogh. Mr Keogh also did not ask to speak to me when you phoned him."* (Mr Keogh was the relevant Regional Officer of the union). It beggars belief that if the claimant had had Mr Smith on the phone during the meeting, she would not have mentioned it when making that statement. Similarly, in March 2021, a trade union representative who was assisting the claimant in relation to her appeal, called Mr Partridge, twice emailed the respondent giving her version of events of what had happened at the disciplinary hearing and in neither email did he suggest or hint that at any stage the claimant had had Mr Smith on the telephone available to speak to Mrs Khalifa or others and that they ignored her or refused to speak to Mr Smith, or anything of that kind.
62. Possibly the clearest contradiction between what the claimant was putting to Mrs Khalifa during cross-examination and a previous version of events put forward by her or on her behalf is with the version of events given at the appeal hearing in April 2021. The claimant said: *"I said to Mr Jarvis, I said to you why don't you phone Leroy. I did actually say that to you, phone him yourself. I've just spoken to him I've got his mobile, you phone him, but you didn't do that ... Mr Jarvis didn't phone him, I offered him the mobile number."*
63. In summary, as best we can tell, the first time the claimant suggested that she had had Mr Smith on the phone available to speak to people and that they had refused to speak to him at the disciplinary hearing was on 27 April 2023, at this final hearing. We think the claimant invented that version of events on the spur of the moment just before she gave it.
64. A further factor causing us to have serious concerns about the claimant's credibility was what could be described as her lack of self-awareness and/or her apparent inability to accurately record and report her own words and actions.
65. This was evident throughout the hearing. For example: the claimant would raise her voice, would then be asked not to do so, and would then deny having done so; the claimant would interrupt pretty much everyone – respondent's counsel, the respondent's witnesses, the Employment Judge – and when asked not to do so, would deny having done so. Similarly, she argued during the hearing and when taken to task about this, denied having done so.



At points during the hearing this became almost comical, as when she interrupted questions in cross-examination about her having interrupted people and when she argued with the Employment Judge about whether she had been arguing with him.

66. It is also apparent from the evidence. A number of her allegations concerned things which happened at hearings and meetings and the like which we have verbatim transcripts of. Those transcripts show the allegations to be false. We note that during her evidence, the claimant did not dispute the accuracy of any transcripts. She only did so after, when she was cross-examining the respondent's witnesses about what had happened at hearings and meetings, the Employment Judge asked her to take the witnesses to the parts of the relevant transcript that made her allegations good and she was apparently unable to do so. In short, the transcripts proved that her allegations were misplaced, but rather than concede this, she chose to say that the transcripts must be wrong.
67. Overall, the claimant was a thoroughly unreliable witness, to such an extent that we are not satisfied of the accuracy of any of her evidence that is uncorroborated. We make no general findings as to whether she was consciously not telling the truth. But she came across to us as so convinced of the rightness of her cause that it did not seem to matter to her whether what she was saying was true or not.

### Decisions on the issues – time limits

68. The first issue we have to consider is time limits. We can deal with these shortly.
69. The claimant went through ACAS early conciliation from the 19 November to 9 December 2020. The first time she correctly and validly presented a claim form to the tribunal was on 11 January 2021. No significant particulars of claim were provided until 12 January 2021. The majority of the claimant's individual complaints that have been pursued at this hearing did not appear until her further and better particulars of claim of 6 August 2021. In accordance with **Galilee v The Commissioner of Police of The Metropolis** [2017] UKEAT 0207\_16\_2211 and **Sheikholeslami v University of Edinburgh** [2018] UKEAT 0014\_17\_0510, the complaints that did not appear until 6 August 2021 would be deemed to have been presented to the Tribunal on that date at the earliest, meaning any such complaint about something that happened before 7 May 2021 would potentially be out of time. But even ignoring the fact that most of the claimant's complaints were not made until August 2021, almost all of her complaints were presented outside of the primary time limit in EQA section 123 of 3 months (plus any extension for early conciliation).
70. The only complaints being made in relation to which (had we upheld them on the facts) it would be reasonably arguable that there was relevant "*conduct extending over a period*" in accordance with EQA section 123(3)(a) were the complaints numbered 25 concerning Mr Jarvis. So far as all the other complaints are concerned, the only basis for the allegation that there was conduct extending over a period is the claimant's baseless allegation that there was a conspiracy against her, a conspiracy taking in all of the people against whom she has made allegations of discrimination, coordinated by some unspecified individual or individuals in higher management, for discriminatory reasons. Even in relation to the allegations about Mr Jarvis, the claimant would potentially have time limits problems. There

are two sets of allegations: the first set relating to the disciplinary hearing on 26 August 2020 and the second to the appeal hearing on 12 April 2021. There is a strong argument for saying that the later allegations did not become part of the claimant's claim until 6 August 2021. Even if there was conduct extending over a period in this instance, then, the claimant would still need the Tribunal to extend time under EQA section 123(1)(b) for it to have jurisdiction.

71. So far as concerns the discretion to extend, we adopt the EAT's summary of the law set out in paragraphs 9 to 16 in **Rathakrishnan v Pizza Express (Restaurants) Ltd** [2016] ICR 283. The critical point for present purposes is that it is for the claimant to satisfy the Tribunal that it would be just and equitable to extend time. It is in practice very difficult if not impossible for a claimant to do that without explaining why they presented the claim outside of the primary time limit.
72. Despite time limits having been flagged up as an issue throughout these proceedings, the claimant did not address them to any extent in her witness evidence. We simply do not know why the claimant did not present a claim form earlier, nor why most of her complaints were not made in her claim but were instead made months later, in August 2021. We do not even know why the claimant is alleging she did not present a claim form, with all of the complaints in it, earlier. We know it is highly unlikely to be any ignorance of relevant law or of Tribunal procedure, in that the claimant has made a number of Tribunal claims in the past; she is a seasoned bringer of claims in the Employment Tribunal, particularly discrimination claims.
73. In the absence of any proper explanation (let alone one put forward in evidence and tested in cross-examination) we can only assume that the claimant did not make a claim earlier because she chose not to make a claim earlier. On that basis alone, we would not be satisfied by the claimant that it would be just and equitable to extend time.
74. If we look at the balance of prejudice, the issue becomes even clearer. So far as we are aware, there is no prejudice caused to the claimant by our refusing to extend time over and above the prejudice inevitably caused to any claimant whose claim fails by the application of a time limit.
75. There is anyway in practice no prejudice whatsoever caused to the claimant by the application of the primary time limit in the EQA because her claims if in time would have failed on the merits. Her claims are so weak that we only declined to strike them out for lack of prospects of success at the start of the hearing because we were giving her the benefit of the doubt. We speculated that a basis for drawing an inference that race had been a factor in some of the respondent's decision-making and actions might reveal itself. As it turned out, none did.
76. To maximise the time limit in the Employment Tribunal, a claimant's best bet is to start early conciliation just less than 3 months after the happening of the thing the claim is about. If a claimant does this, they have up to one month and one day after the end of the early conciliation period to bring their claim. In this case, the claimant did not validly present any claim form within a month and a day of the expiry of the early conciliation period: early

conciliation expired on 9 December 2020 and the claim form was validly presented on 11 January 2021. In addition, most of the claimant's complaints go back significantly more than 3 months before the start of the early conciliation period.

77. The lapse of time has inevitably caused the quality of the respondent's evidence to be diminished. In the meantime, relevant documents will have been mislaid or destroyed. We are also aware that a number of individuals against whom allegations of discrimination are made have left the respondent's employment. Although that does not make it necessarily impossible for the respondent to call them as witnesses, it will undoubtedly have made it more difficult in practice. It was evident to us that, unsurprisingly, the memories of several of the respondent's witnesses have faded significantly. The claimant's memory will have been affected too and we would have had concerns about that even if the claimant were a witness of truth, which she is not.
78. The claimant has not complied with her disclosure obligations, and the only even halfway legitimate explanation she could have put forward for her disclosure failures is that the relevant documents no longer exist or are no longer available to her. In so far as there is any truth to that explanation, it must to a significant extent be a result of the passage of time.
79. In conclusion on this point, even if the claimant's complaints were otherwise meritorious, they would have failed because of time limits.
80. Finally in relation to time limits, we note that if the unfair dismissal complaint had not been dismissed because of the claimant's failure to comply with an unless order, it would necessarily have failed because of time limits. Above, we noted that the claimant did not put forward any evidence or explanation for why she did not present her claim form and her complaints on time. In relation to the unfair dismissal complaint, "*on time*" would have been on or before 9 January 2021, a deadline the claimant missed by two days. The late presentation of the claim form would have been fatal to that complaint because she would in those circumstances have failed to show that it was not reasonably practicable for it to be presented within the primary time limit in the Employment Rights Act 1996.

## **Race discrimination**

81. Although almost all of the complaints fail because of time limits, we shall now consider them on their substantive merits.
82. There are broadly three issues that arise in relation to each race discrimination complaint:
  - 82.1 what happened as a matter of fact?
  - 82.2 did what happened as a matter of fact involve less favourable treatment of the claimant in accordance with EQA sections 13 and 23?
  - 82.3 if it did, was the reason for the treatment the protected characteristic of race?

83. Our decision on these issues in relation to every complaint is:
- 83.1 in so far as what happened is in dispute, the claimant's allegations are not made out as a matter of fact, for reasons which include (in every case) the claimant's general lack of credibility;
- 83.2 in so far as part of the claimant's factual allegations are true, there was no less favourable treatment, in that there are no valid actual comparators (i.e. no one in materially the same circumstances as the claimant who was treated more favourably than her) and we are not satisfied that a valid hypothetical comparator would have been treated more favourably than the claimant;
- 83.3 as already explained, there is no substantial basis in any of the evidence put before us suggesting that race was or might have been a factor in the respondent's treatment of the claimant. On the contrary, in many instances the evidence positively suggests that race was not a factor, e.g. the claimant alleging that staff complained about her because they did not want to work with a black person in circumstances where they had worked, were working, and continued to work with black members of staff and where there is no evidence of them having complained about those black members of staff or of those black members of staff having complained about them. All of the evidence points to people – including a number of people of the same race as the claimant – having a problem with the claimant as an individual, because of her behaviour, rather than as a black Afro-Caribbean woman, because of her race. The reason for the treatment the claimant complains about – the root cause of it – was what the claimant said and did.
84. What is set out immediately above applies to every single complaint. This should be taken as read; we shall not repeat it every time.
85. We shall now go through the claimant's complaints numbered 1 to 25. When doing so, we shall, for ease of reference, the first time we mention them, highlight in bold the names of those who gave evidence for the respondent.
86. The further and better particulars is a 20 page document of which 19 pages are relevant. Even to set out the claimant's allegations in full, let alone to address each aspect of them, would add undue length to what is already a very lengthy decision. If the further and better particulars were available in Word document format, we would simply annex them to this decision. However, we understand that for technical reasons we cannot include as part of this decision a document in any other format. Accordingly, we simply refer to the further and better particulars, which should be deemed to be incorporated into this decision and with which these Reasons should be read in conjunction.
87. A number of the things we are going to say in relation to particular complaints apply to many or most of them. What we are intending to do is make our points once and then simply refer back to them insofar as they apply to subsequent complaints.

## Claim 1

88. Claim 1 is against Ms A Mitchell and relates to the claimant's time in Neurology in April and May 2018.
89. Ms Mitchell did not give evidence before us. However, the only evidence to support the claimant's allegations of specific mistreatment at Ms Mitchell's hands, for example that described in complaints a), b), and g)<sup>4</sup>, is what the claimant told us; and we do not accept the truth and accuracy of any of the claimant's uncorroborated evidence, for reasons we have already given.
90. The other complaint against Ms Mitchell – c) – is much the same complaint that the claimant makes against every other individual who raised a concern or made a complaint about or criticised her: that they raised those concerns and made those complaints and criticisms in bad faith for racist reasons; and that in so far as what they raised was based on things that had been reported to them, the people who reported those things to them also did so in bad faith and for racist reasons.
91. As an aside, we note that what we have just set out as being the claimant's case is not something the claimant has ever clearly articulated for herself. Her whole claim in this respect is confused and confusing, in that the claimant seems not to distinguish between people raising concerns that they themselves had and people raising concerns that others have reported to them. It appears that from the claimant's point of view, if anyone raised a concern about her with which she disagreed (and the claimant is someone who disagrees with any and every negative criticism which is made about her by anyone in any circumstances), whether they are doing it on their own behalf or on behalf of someone else, it can only be because they themselves are racist.
92. We also note that in the further and better particulars, the claimant is in terms making complaints about specific individuals, namely, for the most part, the managers of departments and the people who reported the concerns about her. She is not on the face of her claim alleging that, for example, anyone who reported things to Ms Mitchell did so for racist reasons; such a complaint is therefore probably not before the Tribunal.
93. The claimant is simultaneously alleging: that the reason why Ms Mitchell and others gave negative feedback on her was that they were malicious race discriminators; and that they were instructed to raise allegations or encouraged to do so by other managers or by "the respondent" more generally. On paper, the claimant appeared to be alleging that **Mrs Carter**, and possibly **Miss Lamey**, were the people who did this 'instructing' or 'encouraging'. When asked during this hearing by the Employment Judge who – which individual(s) at the respondent – was doing this, the claimant suggested it was **Mrs Race**, but the claimant did not actually put that allegation to Mrs Race in cross-examination, nor was it an allegation made against her in the further and better particulars. We have in addition already mentioned the claimant's failure, in relation to allegations about her that she says are untrue and have been made up, to distinguish between: them being made

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<sup>4</sup> There are four complaints or sets of complaints, labelled a), b), c), and g).

up by someone who reported them to a manager who then passed them on in good faith, not knowing they had been made up; them being made up by the manager and/or passed on by them in bad faith, knowing the allegations to be false.

94. There is no reason in the evidence for us to find that Ms Mitchell reported the concerns in bad faith or for any other reason than that she believed them to be true and/or trusted the individuals who had reported those concerns to her.
95. So far as concerns the specifics of this part of the claim, we note that the issues raised by Ms Mitchell about the claimant include allegations that others have made about her too, including others who were witnesses before us and allegations that are consistent with the claimant's behaviour in Tribunal. For example, in the further and better particulars, the claimant complains about being accused of rudeness and accused of not being "*accepting of what was said to me by other staff members*". She was consistently rude and consistently did not accept what was said to her by the Employment Judge during this hearing.
96. It is probable that these accusations were made because they were true. In so far as any of them were not entirely true, the evidence provides no basis for us to think that those making the accusations did not believe them to be true; nor for us to think that anyone who made them because they wrongly believed them to be true did so because of race.
97. In relation to other specific points, we agree with and adopt what is set out in paragraphs 52 and 53 of counsel's written closing submissions.
98. In conclusion, claim 1 fails because we are not satisfied that there was less favourable treatment in accordance with EQA sections 13 and 23, nor that any less favourable treatment was because of race.

## Claim 2

99. Claim 2 is against **Mrs Z Vegnuti** and relates to the claimant's time in the respondent's Breast Unit in May 2018. This is a complaint purely about the feedback provided on the claimant by Mrs Vegnuti. We repeat what was said in connection with similar allegations made as part of claim 1. We note that Mrs Vegnuti was a witness before us and that we had no significant concerns about her truthfulness or credibility, so the respondent's position in relation to this claim is even stronger than that in relation to claim 1, where the alleged discriminator was not a witness before us.

## Claim 3

100. Claim 3 is against Ms D Jeffries and **Mrs C England** and relates to the claimant's time in June 2018 in the Purchase Ledger Department.
101. This claim is split into five parts, labelled a) to e).

102. c) and d) concern allegations made in feedback about the claimant's behaviour while working in the department. In relation to them, we repeat what was said in relation to claims 1 and 2.
103. a) concerns not receiving training and b) concerns not being given a security pass. What actually happened was entirely and satisfactorily explained by Mrs England in her statement, confirmed in her oral evidence. The claimant could not from her own knowledge contradict any relevant part of Mrs England's evidence in this respect; she simply would not accept it.
104. Allegation e) is: "*look at my previous doc 2.1*". There are a number of other references to "*my previous doc 2.1*" in the further and better particulars. We are not sure what this is about. The claimant did not explain it during the hearing, nor did she put any potentially relevant allegations to the respondent's witnesses when cross-examining them. Possibly, it is a reference to paragraph 2.1 of the claimant's written "*Addition*" to her claim that was submitted to the Tribunal on 7 April 2021. This contains allegations about the respondent not making appropriate deductions from her wages and someone printing off a lot of disciplinary letters on 14 February 2020. If it is about this, none of the contents of that paragraph: was raised during this final hearing; contains an allegation of discrimination or of the infliction of any other kind of detriment on the claimant; has anything discernibly to do with the other allegations in the relevant parts of the further and better particulars.
105. Finally in relation to this claim 3, we note that although Ms Jeffries was not a witness before us, Mrs England was; and that Mrs England was herself able to rebut the claimant's factual allegations.

#### Claim 4

106. Claim 4 is about the claimant's time on reception in Outpatients in June 2018. She names **Mr A Matthews** as the alleged discriminator. As with most other complaints it is split into a number of parts, labelled with a number and/or a letter.
107. Claim 4 is an example of the claimant ignoring the existence of other BAME staff. Her principal allegation is that she was treated differently from others. If all those others were white, that would be a coherent and potentially viable claim; and when writing about and at this hearing talking about what happened, the impression given by the claimant was that she was the only black member of staff and was being singled out as such. However, it emerged during the hearing that what she is actually alleging is that Mr Matthews treated her, a bank worker, differently from the way he treated permanent staff. Even if it were true that Mr Matthews treated her differently from permanent staff (or, at least, permanent staff who behaved in the same way as the claimant did) – and we are not satisfied that he did – and even if it were true that all permanent staff happened to be white, the allegation that race was the reason for that difference in treatment would be dubious. What makes the allegation hopeless is the fact that there were and remain three black African-Caribbean permanent members of staff within the Outpatients reception team, with no suggestion being made that they were treated as the claimant allegedly was.

108. Claim 4 also incorporated an example of the claimant, based on a very short stint working in a particular department in 2018 or 2019, thinking that she knows the inner workings of that department better than someone who had managed and/or had worked in that department for years or decades. The claimant during her cross-examination of Mr Matthews argued forcefully with him, suggesting he was lying, about which was the busiest area of Outpatients, when she had only ever worked in one area, for a few weeks in 2018. Her stubborn insistence that she was right about this despite her near total lack of relevant knowledge and experience was of a piece with her frequent expressions of erroneous opinions about what practices and procedures should be followed by management.
109. In relation to allegation b), the explanation that we had from Mr Matthews, a witness before us, of why the claimant was placed where she was placed made perfect sense and we have no good reason to doubt that it was accurate. Just as with Mrs England's evidence, the claimant simply would not accept that explanation because she disagreed with it, notwithstanding there being no substantial basis for her disagreement.
110. Allegation c) is a rather absurd allegation that Mr Matthews ignored a telephone call from the claimant in circumstances where he would have had no idea that it was the claimant who was telephoning him.
111. Allegation d) is about negative feedback / complaints about the claimant and we repeat the observations we have already made about all such allegations.
112. Allegation e) is an allegation that Mr Matthews told the claimant that the reason why he had reported things about her to Miss Lamey was that he had been told by Mrs Carter of "*all of the negative things that previous managers had said about me*". Mr Matthews categorically denied this allegation, as did Mrs Carter. We think it is untrue. We note that Mrs Carter was a junior member of the administrative staff. It is simply not credible that Mr Matthews would make up complaints about the claimant simply because Mrs Carter had encouraged him to, nor that Mrs Carter would have taken it upon herself to do so. We cannot see any plausible motive for her to ask him to do this, still less for him to comply with any such request.

## Claim 6

113. There is no claim 5, so the next claim is numbered 6 and is against **Miss Lamey**.
114. We note that: Miss Lamey, the claimant's line manager, is portrayed by the claimant as one of the people at the centre of the supposed racist conspiracy against her; Miss Lamey is one of the black African-Caribbean members of staff about whom the claimant has persisted in making, on the basis of no evidence, the most egregious of her allegations – see paragraph 51.3 above.
115. Claim 6 mostly consists of the claimant complaining about Miss Lamey acting entirely appropriately on complaints brought to Miss Lamey by others. On the evidence, all Miss Lamey was doing was her job as a line manager, which included raising and discussing with her subordinate – the claimant – concerns about her [the claimant] that kept being



raised in feedback from multiple individuals; and when concerns continued to be raised, ultimately bringing the issue to the attention of her [Miss Lamey's] managers, so that it could be taken further as appropriate. In so far as the claimant is alleging that Miss Lamey did something else in connection with this, we do not accept the allegation.

116. Complaints b) and c) are about “*disciplinary meetings*”, but Miss Lamey did not hold a single disciplinary meeting with the claimant. The purpose of the meetings that she held which the claimant complains about was to discuss complaints that had been brought to Miss Lamey’s attention by others. The claimant consistently alleged that things should have been discussed with her before the meetings that were held to discuss them. If something is going to be discussed at all, there has to be a point when it is discussed for the first time. In this case, the claimant always insists that whenever that point was, it should have been earlier. In every instance, there was nothing in relation to the timing, form or contents of the meetings between Miss Lamey and the claimant about which the claimant had any legitimate cause for complaint.
117. Allegations a) and e) are untrue.
118. Allegation d) relates to a meeting which did take place but which was appropriate in all respects.
119. Allegations f) [the first of them] and g) relate to disciplinary meetings that Miss Lamey had nothing to do with.
120. Allegation h) is about things supposedly not being discussed with the claimant, which is a peculiar complaint for the claimant to be making, given that the other complaints are all about the fact that Miss Lamey had discussed things with her at meetings.
121. Allegation i) is about two things: what could be described as “the library incident” – an incident on 3 May 2019 where the claimant was asked to leave part of the respondent’s site; an allegation relating to the grading of the claimant’s post.
122. The library incident is a further example of the claimant not understanding what is normal and appropriate in the workplace. She seemed to think that, because she was on the respondent’s books, she could go wherever she liked within the respondent’s premises whenever she liked and, broadly, do whatever she liked when she got there. She was not a permanent member of staff. She had no business being on site when she was not on shift. She also had no business being in parts of the hospital in which she was not working.
123. What actually happened is dealt with in, amongst other places, paragraphs 25 and 26 of Mr Edwards’s witness statement. Around the time of the library incident, the claimant had been seen, or reported as having been seen, in odd parts of the hospital site and at odd times, unrelated to her work. She had also been reported as having used facilities (e.g. telephones) and as having helped herself to refreshments in parts of the site where she was not working and had not been working. We adopt what is said about this in paragraph 64 of counsel’s written closing submissions.

124. So far as concerns the allegation about the grading of the claimant's post, we adopt paragraph 63 of counsel's closing submissions. The claimant had been appointed to work at a particular grade or band. We accept Miss Lamey's evidence that she told the claimant exactly what she would have said to anyone else in the claimant's situation: that if she wanted to work in a higher band role, she would have to reapply so as to get appointed to that higher band.
125. There are two allegations in claim 6 labelled "f)". The second of them concerns specific instances of what the claimant describes as "*bullying and intimidation*".
- 125.1 The first of these – 1 – is about a letter dated 7 November 2019 entitled "*Concerns Raised*". There is nothing objectively intimidating or wrong or unreasonable about that letter.
- 125.2 f) 2 is simply an example of Miss Lamey putting to the claimant concerns that had been raised with her in feedback about the claimant and dealing with them in a reasonable manner.
- 125.3 f) 3 is about the claimant's suspension. Miss Lamey did not suspend the claimant and even if there were grounds for thinking that the claimant was suspended because of something to do with the protected characteristic of race – and there are not – there would be no basis in the evidence for any complaint relating to suspension against Miss Lamey.
- 125.4 f) 4 is a complaint that Miss Lamey alleged the claimant had called her an "*Uncle Tom*". The most likely explanation for why Miss Lamey alleged that the claimant had called her that is that the claimant did so. We have already noted the claimant's tendency to use offensive and inappropriate language, as well as the claimant's allegations against Miss Lamey and other BAME managers to the effect that they allow themselves to be used by white senior manager as tools to oppress BAME subordinates. Those allegations are as a matter of substance not dissimilar to calling Miss Lamey an "*Uncle Tom*".

## Claim 7

126. Claim 7 is against **Mrs V Race**, Miss Lamey's line manager.
127. To a large extent this is another claim about a manager acting reasonably on concerns fed back to them by others. The claimant's factual allegations made as part of claim 7, in so far as they are in dispute, are not true. There is, as with almost every other complaint, distortion and exaggeration by the claimant. For example, Mrs Race did not accuse the claimant of "*using my badge to go all over the Trust*" as alleged in complaint 7 b) – see paragraph 71 of counsel's written closing submissions, with which we agree.
128. The complaint – f) – about Mrs Race reading out allegations when suspending the claimant is a complaint about Mrs Race following the respondent's procedures properly.

## Claim 8

129. Claim 8 is a claim about **Mrs H Laws** and the claimant's time in Pharmacy in October 2018. We repeat what was said in relation to claims 1 and 2.

## Claim 9

130. Claim 9 is about the claimant's time in Audiology in November 2018. Nominally, it consists of complaints against Ms T Greene, a manager. In fact, it seems to be a complaint about unnamed staff supposedly lying to Ms T Greene rather than about anything Ms T Greene did. It is yet another allegation about feedback on the claimant with which she disagreed and disagrees. We repeat what has already been said in relation to other such complaints.

131. Claim 9 is a particularly clear example of the feedback on the claimant, which she alleges is false (e.g. that she talked over other staff), being similar to feedback that might have been given on the claimant's behaviour throughout this hearing.

## Claim 10

132. Claim 10 relates to the claimant's time in Accident & Emergency. The named alleged discriminator is Mr Singh, a manager. This is another 'feedback-type' complaint (or set of complaints). It is also the archetypical retaliatory complaint: it seems to us that the only reason the claimant is making any complaint here at all is that she discovered that people in A & E said negative things about her with which she claims now to disagree. In addition, it is an example of a complaint where the claimant simultaneously claims that what was alleged against her was untrue and that it was true but trivial and sorted out.

133. We adopt in relation to this complaint what is stated in paragraph 75 of counsel's written closing submissions.

## Claim 11

134. Claim 11 is about the claimant's time in Orthotics. She names three individuals as discriminators: Mr P Cocker, **Mr C Fryer** and Ms S Gough. Of these three, we heard only from Mr Fryer, for reasons set out in his witness statement.

135. We should perhaps start by saying that we could accept that everything happened as the claimant alleges it did (and we should make clear we do not accept this) yet claim 11 would still not be made out. This is because of the absence of any substantial basis in the evidence to attribute a racial motive to anything Mr Cocker, Mr Fryer and/or Ms Gough did. The claimant's evidence, if true, would be consistent with these three individuals disliking her, but it would not explain why they disliked her. The claimant simply asks us to accept her bald assertion that the reason was race. If they did dislike her, it is much more probable that they did so because of the way she behaved.

136. The claimant accused these three people of being neo-Nazis and suggested that this was the worst department she had worked in in terms of the mistreatment she allegedly

suffered. However, she did not begin to make allegations of discrimination against Ms Gough and Mr Fryer until more than a month after the termination of the assignment, and even then, only when prompted to do so by **Mr Edwards**.

137. In relation to Mr Fryer, the allegations have no more substance than an allegation that he gave the claimant “*dirty looks*”. This is an allegation we reject, having heard from the claimant and from Mr Fryer; the claimant was a singularly non-credible witness, as we have already explained. We also note that Mr Fryer’s wife is from an east-Asian ethnic minority, is evidently dark-skinned, and self-identifies as black. (The claimant snorted with laughter, in a derisive and offensive way, when Mr Fryer gave evidence about this, suggesting that she believes that the only people who are entitled to call themselves black are those of African or African-Caribbean heritage, a belief that could reasonably be described as racist). Of course it is in theory possible for Mr Fryer to be married to a black woman but nevertheless be racist towards black people, but it does make this rather unlikely. In practice, there is no reason whatsoever that Mr Fryer is racist towards black people and good reason to think that he is not.
138. So far as concerns Mr Cocker, the allegation seems to us to be no more than the baseless allegation she has made against almost every other manager – that he terminated her assignment early on the back of allegations that she disagreed with and that because of this, without more, he must be racist.
139. In relation to Ms Gough, we reject the claimant’s uncorroborated evidence for reasons already given, and in any event, as already mentioned, there is no tangible evidence of a racial motivation to anything that Ms Gough did or is alleged to have done.

## Claims 12 & 13

140. Claims 12 and 13 are against **Mrs E Richards** and **Mr J Edwards**. These were the individuals who investigated the disciplinary allegations against the claimant up to the point when the claimant made allegations of discrimination. They concern things allegedly done between February and May 2019.
141. Most of the claimant’s allegations relate to undisputed or indisputable facts. What we mean by indisputable facts is what happened at meetings that we have verbatim transcripts of. As already mentioned, the claimant makes allegations about the contents of meetings that are contradicted by the transcripts, showing those allegations are untrue and undermining her credibility in relation to other allegations. Some of her allegations are also examples of the claimant’s lack of understanding and insight both in relation to her own words and conduct and to what is normal and reasonable HR practice, e.g. the misplaced allegation – 12 d) – about the meeting on 1 May 2019 (which we have a transcript of) that “*the whole meeting, from start to finish was an equal opportunities breach; a breach of the Trust’s values; HR Policies and procedures and British law*” and the allegation that she should have been given all of the respondent’s documentary evidence prior to what was an investigatory meeting. (She also complains, and continued up to and including closing submissions to complain, that she was never given the paperwork. On the evidence, that

allegation is blatantly false. She was given everything relevant before any disciplinary meeting).

142. A number of her allegations, particularly against Mrs Richards, are of a similar kind to those made against managers who the claimant accuses of race discrimination simply for acting – reasonably and appropriately, it seems to us – on allegations made by others. In this instance, the criticism is of Mrs Richards and Mr Edwards doing their job of investigating such allegations and, in particular, asking the claimant about them.
143. Other allegations forming part of claims 12 and 13 fall into the category of allegations made by the claimant that, to the extent they are disputed, are either things that have no evidence to support them other than the claimant’s say-so (and which are therefore unproven) or are things of which the claimant has no knowledge but which she asserts occurred, despite the absence of any objective evidence to support her assertions. Claims 13 c) to f), against Mr Edwards and relating to the “library incident” of 3 May 2019 (where security were called to escort the claimant from the library in the hospital), are partly within that category. We have already dealt with the library incident – see paragraphs 122 and 123 above.

## Claim 14

144. Claim 14 is against **Mrs Skidmore** and relates to what ended up being a very short assignment in Endoscopy in April 2019. There are two complaints. One – b) – is yet another unfounded allegation to the effect that it was necessarily race discrimination for a manager to raise and/or act on concerns about the claimant’s conduct. The other – a) – is pure fabrication and/or fantasy. It has two parts. The first part is that on the claimant’s first day, just two hours into her assignment, “*all the non-black Afro-Caribbean staff called Skidmore into a meeting and left me all on my own in the office*”. This is inherently implausible for a number of reasons, but in any event, cannot be true because there were other black Afro-Caribbean members of staff, meaning the claimant would not have been left on her own had such a meeting taken place.
145. We also note that when asking questions of Mrs Skidmore, and more generally during the hearing, the claimant had a tendency to say things that suggested her case was that she was the victim of discrimination because she is not white, rather than (as her case actually is, in theory at least) because she is, specifically, black Afro-Caribbean. This is another respect in which the claimant’s case was inconsistent and confused. For example, she put to Mrs Skidmore, in relation to allegation 14 a), that all the white staff – rather than all the staff who were not black Afro-Caribbean – called Mrs Skidmore into a meeting. In response, Mrs Skidmore pointed out that if that had happened there would have been both black and Asian staff left in the office with the claimant.
146. The second part of allegation 14 a), which only became clear during the hearing, is an allegation that at the supposed meeting with white staff or all staff who were not black Afro-Caribbean, Mrs Skidmore was told to end the claimant’s assignment because staff did not want to work with a black person and that Mrs Skidmore agreed to this, partly – the claimant says – because Mrs Skidmore is herself racist towards those from her own racial group. This allegation includes the extraordinary and arguably racist suggestion mentioned

earlier: that black people (and other people of colour too) who are in managerial positions within the respondent did not get their jobs on merit but were appointed as token individuals, with a view to using them to oppress the bulk of BAME staff, which is what they do.

147. There is no objective evidence whatsoever to support this second part of allegation 14 a). The allegation that staff had a problem working with black people (and that that explained them complaining about the claimant) is made nonsensical by the fact that there were three black members of permanent staff, including Mrs Skidmore herself, working there harmoniously at the time.
148. In relation to allegation 14 b), we should add that we can see from the feedback form submitted by Mrs Skidmore that the allegations made in it against the claimant were not false. They included allegations the claimant has admitted, such as that she applied cream to her feet openly in the office in front of others and then carried on working without washing her hands.

### Claim 15

149. Claim 15 concerns alleged discrimination by Ms D Roberts, MIDRU Manager. It is another feedback claim and what goes for every other such claim goes for it. It is also a further example of the claimant saying that all allegations made in feedback against her were made up ("*Every negative Roberts said about me is false*") when in fact the claimant admits some of them – or at least admitted some of them in her oral evidence before us. For example, the claimant did not deny eating at her desk, nor coming in to work at a public-facing reception desk wearing jeans and flipflops.

### Claim 16

150. Claim 16 is against, or largely against, **Miss J Hall** and relates to the claimant's time in Theatres (i.e. in the Theatres department rather than in the operating theatres themselves) in September 2019. It is mainly yet another misplaced feedback complaint. Again, the claimant is suggesting things are "*lies*" and "*false allegations*" when she partially admits a number of them, e.g. wearing flipflops at work.
151. We note that there is a contemporaneous email from Miss Hall to the claimant, sent on the second day of the claimant's assignment, reminding the claimant about the correct hours of work and the dress code, which would not have been sent if (as the claimant alleges) there were no significant issues with either of these things.
152. As mentioned earlier, the claimant admits to wearing flipflops during both this assignment and during the immediately preceding one, in MIDRU. She had been taken to task for wearing flipflops whilst in MIDRU. Even if she didn't realise that wearing flipflops in a work setting in a hospital was not appropriate (and anyone with any significant experience at all of working in an office environment would appreciate this), she had been told in August 2019 that this was so and evidently ignored what she had been told when moving to this new assignment in Theatres, which she did only a couple of days later. Our conclusion is

that the claimant wilfully ignored what she had been told because she thought she knew better.

153. As part of claim 16, the claimant makes allegations against “*Kirsty*” and “*Margaret*”. “*Margaret*” was probably a manager called Ms Young, there being no member of staff called Margaret in Theatres at the time. There is no evidence to support these allegations other than the claimant’s own evidence, which is insufficiently reliable to prove her case. Even if the facts alleged by the claimant were true, they would not show race discrimination but would merely suggest that people might have disliked the claimant, without suggesting the reason why people might have disliked her.

### Claim 17

154. Claim 17 is against **Mrs H Shipway**, who was a manager in the Emergency department, where the claimant worked in October 2019. This claim exemplifies the claimant’s tendency to imagine race discrimination out of the most innocuous sets of facts.
155. Before they could work in the Emergency department, it was necessary for bank staff to have particular training on the department’s systems and processes. The training lasted more than one day. The claimant had her first day of training, for which she was paid, but the second day of training that had been arranged had to be cancelled because the Team Leader who was due to train the claimant had to be moved to do other work, because of staffing issues. Understandably from our point of view (although seemingly not from the claimant’s) a higher priority was given to providing and maintaining services to patients than to training the claimant so that she could potentially work in the Emergency department in the future.
156. There was no more to what happened than that. Yet the claimant suggests that there was some race discrimination involved in the fact that the second day of training was cancelled. There is no rational basis for that suggestion.
157. One of the claimant’s allegations is about Mrs Shipway not replying to a particular email the claimant sent about rearranging the training. Mrs Shipway was unable to recall why she did not reply, except to say that it was the Team Leaders and not her who would have been organising the training. Given the passage of time between October 2019 and this hearing, there is nothing suspicious about this lapse of memory. In any event, there is no reason at all in the evidence to attribute any part of what happened to the claimant’s race.

### Claim 18

158. Claim 18 is about feedback given on the claimant by Operations Manager Mr L Everett, in whose department the claimant worked in October 2019. It is yet another example of the claimant making allegations of race discrimination for no better or more substantial a reason than that someone gave feedback on her that was less than positive. Much of the feedback he gave on her could have been given by an impartial observer of her behaviour during this final hearing.

## Claim 19

159. Claim 19 is also a feedback complaint, this time against **Mrs D Nicholls**, Appointments Centre Manager, in whose department the claimant worked in October / November 2019. The essential allegation is one to the effect that negative feedback on the claimant was necessarily race discrimination, an allegation that has no more merit in relation to Mrs Nicholls than in relation to everyone else against whom the claimant makes it.
160. Claim 19 is a further example of the claimant making allegations that suggest she was, or thinks she was, the only black person working for the respondent in a particular department when she wasn't. What she alleged during the hearing was that staff in the Appointments Centre conspired to get rid of her because they did not want to work with a black person. In fact, they were working with black people every day – there were many BAME permanent members of staff, including black African Caribbean individuals.
161. We also agree with and adopt what is said about these allegations in paragraphs 89 to 91 of counsel's written closing submissions.
162. Finally in relation to claim 19, the allegation that Mrs Nicholls had decided to end the claimant's assignment on 11 November 2019 has no basis in fact. We anyway cannot see how if the allegation were true this would support a complaint of race discrimination.

## Claim 20

163. Claim 20 is against **Mrs K Biles**, Transport Manager. It is about concerns that were raised connected with the claimant's use of the respondent's shuttlebus.
164. What happened, similarly to what happened in connection with other allegations the claimant makes, was that: information was provided to a manager about the claimant which the manager had no reason to disbelieve and which we have no reason to think was provided for racially discriminatory reasons; the manager – Mrs Biles – acted on that information, and reasonably so.
165. In addition, the key issue here was not that the claimant was allegedly using the shuttlebus for shopping, as the claimant suggests it was, but that she was using it for purposes for which it was not intended.
166. The shuttlebus was for transporting staff between the respondent's sites in the course of work, for example where a member of staff had part of their shift in one site and the second part of it in another. It was not to transport people to or from work at the start or end of their shifts. The evidence was that this was at least one of the things the claimant was using it for and she has never denied doing so during this final hearing. The claimant had a tendency to ignore rules that she disagreed with and to act in accordance with her own idiosyncratic notion of what was and was not appropriate.
167. We reject as unproven the allegation that Mrs Biles shouted at the claimant.



168. We note that at the time of the events with which this claim is concerned, Mrs Biles did not know what the claimant's race was. Even if this claim were otherwise substantiated (and it isn't) it would fail for that reason.

## Claim 21

169. Claim 21 is against **Mr K Bolger**, and relates to what he did in response to an email from the claimant of November 2019. It should be noted that there are no allegations before the Tribunal against Mr Bolger connected with Mr Bolger's dealings with the claimant's appeal in 2021.

170. Claim 21 has already been largely dealt with, in the part of this decision where we discussed the claimant's odd notions of how things work and expectations of others – see paragraph 42 above. The claimant seems to have no understanding or appreciation of the fact that it was not Mr Bolger's role, as a very senior manager, to interfere with an ongoing disciplinary or grievance process of an individual grade 2 member of bank staff at their behest. The evidence provides no reason for us to think that Mr Bolger had ever directed his mind towards the claimant's particular situation in 2019, let alone that he "*wanted* [her] *terminated*", as alleged. Moreover, we accept his evidence that he did not know her race at the time he exchanged emails with her in 2019.

## Claim 22

171. Claim 22 is against **Mrs E Boaz** (née Leach) and **Mrs J Islam**. The date put on these complaints in the further and better particulars is 9 December 2019. They relate principally to Mrs Boaz's and Mrs Islam's involvement in investigating the claimant's grievances.

172. By the end of the hearing, despite our best efforts, we remained unclear as to the substantive content of this part of the claimant's claim. The allegation seems to be that in some way the investigation that they undertook into the claimant's grievances was not done in the way the claimant thinks it should have been and that this had something to do with the claimant's race. However, neither in her own evidence, nor when she was asking questions of Mrs Boaz and Mrs Islam, nor in her submissions, did the claimant explain what it was that was done that shouldn't have been done, nor what was not done that should have been done, let alone how any alleged deficiencies in the investigation had anything to do with the protected characteristic of race.

173. The documents in the final hearing bundle show a thorough investigation and a lengthy and considered investigation report, with no evident omissions or other significant defects. The claimant has not made a complaint about the report's recommendations, but for the sake of completeness we note that they do not appear to us to be unreasonable, let alone suggestive of racial bias.

174. Part of this claim is a specific complaint about a letter the claimant sent to Mrs Boaz on 11 November 2019, supposedly providing more evidence that was never investigated. That emailed letter was not ignored. It resulted in no further investigations because it contained nothing new of substance.

## Claim 24

175. There is no claim 23. Claim 24 is against **Mr A Miah**, Outpatients Supervisor, and is about Mr Miah raising a concern about the claimant's use of hospital telephones.
176. What had happened was that the claimant on more than one occasion used telephones in areas of the hospital where she was not working, without first obtaining permission from a manager, or anyone else, from the area of the hospital in question. She admits that this is what she did. She appears to think that this was a perfectly normal and unobjectionable thing for her to do. The respondent took a different view, as do we. Mr Miah, a newly appointed supervisor, acted reasonably in going to his manager about this and his manager acted reasonably in telling him to report it to HR, which Mr Miah did. Any unreasonable treatment, let alone less favourable treatment because of race, exists only in the claimant's mind.

## Claim 25

177. Claim 25, the final claim that is before the Tribunal, is against **Mr S Jarvis**. He was one of the decision-makers at the claimant's disciplinary hearing on 26 August 2020. The main allegation on paper is about the disciplinary hearing and is that, "*I was not allowed to be accompanied by my union rep. I did not have the opportunity to defend myself*". What the claimant evidently means by this is that the respondent refused to adjourn the disciplinary hearing at her request.
178. We have already rejected the claimant's allegation that she had her trade union representative, Mr Smith, on the telephone during the disciplinary hearing, available to talk to Mr Jarvis and/or to **Mrs Khalifa** and/or other members of the panel, and that they refused to speak to him. See paragraphs 58 to 63 above. We do not accept any of her evidence about what happened at the disciplinary hearing that is not fully corroborated by the transcript we have of it.
179. There is no basis in the evidence for saying that the claimant's race had anything to do with the decision to proceed with the disciplinary hearing. The reasons for that decision were:
- 179.1 the hearing had already been put off a number of times, at the claimant's request;
  - 179.2 it had been rearranged for 26 August 2020 at the claimant's request;
  - 179.3 the claimant had been uncooperative and uncommunicative in the run-up to the hearing;
  - 179.4 the claimant was – as we can see from the transcript – unclear and confused in what she was saying about her union representative and who she wanted to be her union representative;
  - 179.5 Mr Jarvis was told by a union Regional Officer (Mr Keogh), responsible for Mr Smith, that the Union (Unite) had in fact withdrawn support for the claimant, meaning the

claimant was not telling the truth about Mr Smith being her union representative. See also paragraphs 12 to 14 of Mr Jarvis's statement, which were corroborated by Mrs Khalifa, which are consistent with what is in the transcript, and which we accept as true. We also adopt what is set out in paragraphs 98, 100 and 101 of counsel's written closing submissions in this respect.

180. As to allegations 25 b) and c), we can usefully add nothing to what is set out in paragraphs 102 and 103 of counsel's written closing submissions, with which we agree. All and any allegations of racism are groundless.
181. So far as concerns the implicit allegation that the decision to dismiss the claimant was because of race, suffice it to say that having considered the transcript of the disciplinary hearing and the witness evidence of Mrs Khalifa and of Mr Jarvis, we do not doubt that the decision to dismiss was taken for the reasons given at the time. There is nothing to suggest conscious or unconscious racial bias. We note that it was a decision taken by Mr Jarvis together with Mrs Khalifa (and the other two panel members), that Mrs Khalifa is a woman of colour, and that this was a further example of the claimant insultingly alleging, without evidence, that a BAME Manager – in this instance Mrs Khalifa – was allowing herself to be used by unidentified senior management “*to practice institutional racism*”, as the claimant put it to Mrs Khalifa in cross-examination.

## Conclusion

182. With hindsight, perhaps we should have acceded to the strike-out application made on the respondent's behalf at the start of this hearing. Since then, the claimant's claim, very weak on paper, has only got weaker. The claimant has proved herself to be a thoroughly unreliable historian. She has provided us with no basis for finding that she was subjected to any less favourable treatment. No evidence even vaguely hinting at race discrimination has been forthcoming. And nearly all of her complaints, even if they were otherwise sustainable, would fail because of time limits. We therefore dismiss the claim in its entirety.

Employment Judge Camp

28 July 2023

IN THE EMPLOYMENT TRIBUNAL  
AT MIDLANDS WEST

CASE NUMBER: 1300641/2021

**MS PEACHES SCOTT**

Claimant (C)

-and-

**UNIVERSITY HOSPITALS BIRMINGHAM  
NHS FOUNDATION TRUST**

Respondent (R)

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**R's CHRONOLOGY**

(with suggested reading in bold)  
& with additions from the Tribunal underlined

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<b><u>2018</u></b>		
3 April	C commenced employment with R as Band 2 Admin and Clerical worker with QEHB+ – R's temporary staffing bank	
April	Assignment in Neurology Department	
11 May	Feedback form Andrea Mitchell about C's performance in Neurology	[212-216]
21-25 May	Assignment with Breast Services	
4-8 June	Assignment with Purchase Ledger team (due to last 1-2 months)	
<b>7-8 June</b>	<b><u>Emails between Carol England and Miss Lamey about C's performance in the Purchase Ledger team<sup>5</sup></u></b>	<b>[220-223]</b>

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<sup>5</sup> The correct order (reverse-chronological) is, as per the email footers, [221], [220], [223], [222]

8 June	Meeting between C and Miss Lamey to discuss Purchase Ledger feedback. C alleged to have called Miss Lamey an “Uncle Tom”. <u>Before and after meeting emails between Miss Lamey, Munira Khalifa and First Contact (HR) discussing the same issues and the meeting.</u>	[1449-1452]
11 June	<b>Email from Dawn Jeffries to Miss Lamey about C’s conduct in the Purchase Ledger team</b>	[217]
13 June	<u>Email from Sophie Rowe, First Contact HR Advisor suggesting provision of informal counselling, to remain live for 6 months</u>	[1448]
18 June	Email from Dawn Jeffries to Miss Lamey commenting on C’s responses	[218]
18 June – 6 July	Assignment with Healthcare Records team	
22 June	<b>Email from Anthony Matthews regarding C’s performance in Healthcare Records</b>	[224-225]
28 June	<b>Feedback from Zoe Vegnuti about C’s work in Breast Services</b>	[226-229]
5 July	<b>PALS complaint about C</b>	[231-232]
	<b>Informal Action Meeting – summarised in letter of 6 July</b>	[233-234]
6 July	Email from Anthony Matthews regarding C	[235-236]
9 July	<b>Informal Action Meeting</b>	[239-242]
	<b>Summarised in letter of 9 July</b>	[243-244]
13 July	Vicky Race asked C to put her concerns that she had been “differently” into an email	[247]
October	Assignment with Pharmacy team (due to last three months)	
29 October	<b>Helen Laws emailed Noreen Carter and Miss Lamey about C’s performance in the Pharmacy Team</b>	[251]

16-18 November	Assignment with Audiology team (due to last three months)	
<b>21 November</b>	<b>Ms T Greenee wrote complaint form about C's conduct in Audiology</b>	<b>[252-254]</b>
<u>22 November</u>	<u>Email Miss Lamey to First Contact asking for advice in light of issues with C allegedly continuing. Apparently not acted upon by HR until January 2019.</u>	<u>[1446-7]</u>

<b><u>2019</u></b>		
11 January	Janet Brown emailed Noreen Carter about C who "hadn't settled into the department as smoothly as we'd hoped"	[257]
<b>29 January</b>	<b>Joe Edwards informed C he had been appointed to carry out a disciplinary investigation into her alleged misconduct</b>	<b>[265-266]</b>
28 February	C attended a disciplinary investigation meeting	[272-309]
Feb / March	Assignment with A&E	
<b>11 March</b>	<b>Email from John Singh regarding C's conduct in A&amp;E</b>	<b>[399]</b>
18 March	Assignment with Orthotic team	
<b>25 March</b>	<b>Email from Pete Crocker to Noreen Carter noting that C had been asked not to return to Orthotics</b>	<b>[495]</b>
20-28 March	Ellie Richards and Joe Edwards interviewed Ms T Greenee, Anthony Matthews and Helen Laws	[401-423]
9 April	Invitation for C to attend a further investigation meeting on 15 April	
15 April	Joe Edwards wrote to C, noting that she had failed to attend a further disciplinary investigation meeting to which she had been invited	[434-435]

18 April	Complaint from Michele Powell to Miss Lamey about C's use of main reception desk telephone for personal calls lasting up to an hour	[440]
22-24 April	Assignment with Endoscopy team (due to last two weeks)	
<b>24 April</b>	<b>Carmen Skidmore wrote to Miss Lamey complaining about C's conduct in Endoscopy</b>	<b>[445-446]</b>
25 April	Antony Cobley emailed Ellie Richards and Joe Edwards about C	[447]
1 May	C attended a further disciplinary investigation meeting and alleged that the managers who had complained about her were "racist" and that "the whole Trust is racist"	[448-487]
	Concerns raised by Liz Gardner about C helping herself to hospitality catering	[489-492]
10 May	C asked by Joe Edwards to leave the library	
17 May	Email from Bill Morris to Munira Khalifa complaining about C	[500]
20 May	OH referral made for C	[496-498]
6 June	Complaint raised by Bharti Bulsara about C	[501-502]
	<b>C raised complaint under R's Dignity at Work procedure</b>	<b>[503-515]</b>
<b>12 June</b>	<b>Feedback from Shirley Kelly about C's dealings with the Medical Records team</b>	<b>[529-530]</b>
15-26 June	Assignment with Diabetes team	
<b>26 June</b>	<b>Complaint from Jackie Morrison about C's conduct in Diabetes</b>	<b>[533-536]</b>
<b>1 July</b>	<b>C raised second complaint under R's Dignity at Work procedure. Alleged that Orthotics staff members were "Neo-Nazis"</b>	<b>[537-555]</b>
8 July	Jai Islaam and Emily Leach appointed to investigate the allegations made by C	
24 July	Grievance investigation meeting	[566-615]

16 August	Resumed (and twice rescheduled) grievance investigation meeting	[617-646]
19-30 August	Assignment in R&D	
2 September	C's assignment in Theatres started	
	<b>Danielle Mosen-Roberts completed feedback form about C's assignment in R&amp;D</b>	<b>[650-651]</b>
3 September	<b>Email from Jenna Hall to C about her hours and flip flops</b>	<b>[653]</b>
6 September	<b>Jenna Hall completed a feedback form on C, after her assignment had been ended early</b>	<b>[654]</b>
9 September	<b>Complaint from Bill Morris about C</b>	<b>[655]</b>
	<b>Miss Lamey emailed Emily Leach, reporting a discussion of recent feedback with C</b>	<b>[656]</b>
12 September	<b>OH letter produced, following appointment on 11 September</b>	<b>[658]</b>
20 September	Jai Islaam wrote to C, summarising the concerns that would be investigated under R's Bullying and Harassment Procedure	[659-661]
22 October	<b>Lee Everett completed feedback form about C's assignment the previous week</b>	<b>[693]</b>
24 October	Emily Leach updated C on the investigation process	[723-724]
1 November	<b>Miss Lamey replied to query from Emily Leach about "Uncle Tom" comment</b>	<b>[730]</b>
23 October – 20 November	Assignment with Appointment Centre	
11 November	<b>Diane Nicholls completed a feedback form on C, about C's work in the Appointment Centre</b>	<b>[796-797]</b>
18 November	Emails between C and Helen Shipway about ED training	[857]
1 December	Investigation into C's complaints concluded	[864-946]
9 December	<b>Outcome letter for C's complaints</b>	<b>[950-960]</b>



<b>2020</b>		
17 January	Meeting between C and Miss Lamey to discuss further concerns raised about C	[964]
<b>22 January</b>	<b>Report made by Allan Miah to Fiona Flaherty about C sitting on Outpatients reception desk using the telephone, when not working there</b>	<b>[977]</b>
<b>28 January</b>	<b>C informed that the disciplinary proceedings would be restarted and that there were further allegations against her. Meeting summarised in letter of 30 January</b>  <b>C suspended from work by Vicky Race</b>	<b>[965-968]</b>
<b>20 February</b>	<b>C told by Amelia Godson that she had been appointed as Case Manager for the resumed disciplinary proceedings and that a new team had been appointed to investigate matters, led by Sarah Moulton</b>	<b>[969-971]</b>
3 March	C invited to investigation meeting on 12 March	[972-974]
9 March	C invited to investigation meeting on 18 March	[975-976]
25 March	Investigation meeting postponed due to lock-down measures	
22 May	C invited to an investigation meeting on 4 or 10 June, in person or remotely, and asked to respond by 29 May	[983-985]
2 June	Fiona Flaherty telephoned C to clarify her attendance at the investigation meeting	
<b>3 June</b>	<b>Letter from C to Fiona Flaherty</b>	<b>[986]</b>
	<b>Letter from C to Frank Keogh</b>	<b>[987-989]</b>
<b>4 June</b>	<b>Fiona Flaherty informed C that she had been obstructive in the attempt to arrange an investigation meeting and that a meeting would proceed on 10 June, whether or not she attended</b>	<b>[990-991]</b>

10 June	Investigation meeting; C did not attend or submit a written statement	
<b>24 July</b>	<b>Investigation report; decision that there was a case to answer and that a disciplinary hearing should be convened</b>	<b>[992-1022]</b>
4 August	C invited by Alison Williams to attend a disciplinary hearing on 18 or 20 August, in person or remotely, and asked to respond by 11 August	[1023-1026]
5 August	Alison Williams telephoned C and informed her that the disciplinary hearing invitation and Management Statement of Case had been posted to her the previous day and was also available for collection	
10 August	C collected hard copy of disciplinary hearing paperwork	
14 August	Munira Khalifa asked C (by telephone) if she was attending the disciplinary hearing. C refused to confirm and said that she did not have representation	
18 August	C hand-delivered a letter to HR stating that HR had colluded with her trade-union representatives and asked for a postponement	[1034-1035]
20 August	Munira Khalifa informed C (by telephone) that the hearing had been postponed to 26 August and that an invitation letter was available for collection	
21 August	Munira Khalifa wrote by C, advising her to provide written evidence to support the allegation of collusion between R and her trade union	[1039-1040]
25 August	C hand-delivered a letter to HR stating that HR stating that she did not have a "suitable" representative and alleged again that HR was colluding with C's union against her. C requested a postponement until 4 September	[1041-1042]

<b>26 August</b>	<b>Disciplinary hearing, chaired by Simon Jarvis. Decision taken to dismiss C without notice</b>	<b>[1043-1056]</b>
28 August	C hand-delivered a letter to HR alleging collusion between Unite and HR	[1059-1060]
<b>7 September</b>	<b>Disciplinary hearing outcome letter made available to C</b>	<b>[1061] [1064-1071]</b>
<b>25 September</b>	<b>C submitted an appeal</b>	<b>[1072-1079]</b>
<b>6 November</b>	<b>C submitted further appeal information</b>	<b>[1081-1090]</b>
<b>9 November</b>	<b>C submitted further appeal information</b>	<b>[1091-1093]</b>
10 November	C invited to appeal hearing on 14 January 2021	[1095-1096]
19 November	Acas Early Conciliation commenced	[13]
8 December	C replied to appeal hearing invitation	[1100-1104]
9 December	Acas Early Conciliation certificate issued	[13]
14 December	Alison Money responded to C's letter of 8 December, informing her that there would be no settlement negotiations or "Settlement Hearing" as an alternative to an Appeal Hearing	[1105-1106]
<b>29 December</b>	<b>Management Statement of Case for Appeal Hearing</b>	<b>[1161-1189]</b>

<b><u>2021</u></b>		
<b>11 January</b>	<b>ET1 received</b>	<b>[17-33]</b>
12 January	Appeal Hearing scheduled for 14 January stood down, due to worsening Covid-19 situation <u>1st claim form addition / particulars of claim</u>	[1197]  [19-21]
3 March	Invitation to Appeal Hearing on 12 April	[1198-1199]
18 March	C provided further information to the ET	[35-37]
<b>31 March</b>	<b>John Partridge submitted statement of case for C's Appeal Hearing</b>	<b>[1210-1211]</b>
7 April	C provided further information to the ET	[65-68]
12 April	Rescheduled appeal hearing  • <b>Summing Up</b>	[1226-1283]  [1278-1283]
<b>13 April</b>	<b>Appeal Hearing outcome letter</b>	<b>[1285-1288]</b>

<b>5 July</b>	<b>PH before EJ Camp</b>	<b>[69-79]</b>
<b>6 August</b>	<b>C produced Further and Better Particulars</b>	<b>[83-102]</b>

<b><u>2022</u></b>		
<b>1 March</b>	<b>PH before EJ Algazy QC</b>	<b>[105-111]</b>
21 April	C applied to amend her claim	[112-114]
<b>30 August</b>	<b>ADR hearing and PH before EJ Woffenden</b>	<b>[138-142]</b>
30 September	Updated Schedule of Loss	[143-144]

<b><u>2023</u></b>		
<b>30 January</b>	<b>PH before EJ Flood</b>	<b>[151-159]</b>
<b>14 February</b>	<b>R wrote to ET concerning C's disclosure</b>	<b>[168-170]</b>
15 February	C visited Bevan Brittan office in Birmingham	[162]
<b>16 February</b>	<b>R wrote to ET concerning C's disclosure obligations and conduct in the litigation</b>	<b>[167-168]</b>
<b>3 April</b>	<b>Unless Order made by EJ Broughton that C disclose documents requested in R's 14 February email by 10 April 2023</b>	<b>[196-197]</b>
<b>12 April</b>	<b>EJ Jones purported to grant an extension to 12 April for compliance with the Unless Order</b>	

IN THE EMPLOYMENT TRIBUNAL  
AT MIDLANDS WEST

CASE NUMBER: 1300641/2021

**MS PEACHES SCOTT**

Claimant (C)

-and-

**UNIVERSITY HOSPITALS BIRMINGHAM  
NHS FOUNDATION TRUST**

Respondent (R)

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**R's CAST LIST**  
(with witnesses in bold)

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Alison Money	Deputy Director of HR – Operations
Alison Williams	HR Manager. Invited C to disciplinary hearing in August 2020; originally due to attend C's disciplinary hearing
<b>Allan Miah</b>	Outpatients Reception Supervisor – alleged discriminator. Raised a complaint about C in 22 January 2020
Amelia Godson	Deputy Chief Operating Officer; Case Manager for C's disciplinary investigation
Andrea Mitchell	Neurology Administration Manager – alleged discriminator in April/May 2018
Andrew McKirgan	Chief Officer, Out of Hospital Service; sat on C's appeal hearing panel
Angela Turland	Reception Supervisor – interviewed as part of grievance
Anthony Cobley	Head of Inclusion and Wellbeing; met C in April 2019
<b>Anthony Matthews</b>	Assistant Health Care Records Manager, Outpatient Reception – alleged discriminator in June/July 2018

Barry Panton	Unite representative. Accompanied C to 28 January 2020 meeting
Beverley Hook	Outpatients Supervisor – interviewed as part of grievance
Bharti Bulsara	UHB+ Co-ordinator
Bill Morris	UHB Staff Side Joint Union Chair / UNISON UHB Joint Secretary – complained about C’s conduct in May and September 2019
<b>Carmen Skidmore</b>	Endoscopy Team Leader – alleged discriminator in April 2019
<b>Carol England</b>	AP Transformation Manager, formerly Purchase Ledger Manager – alleged discriminator in June 2018
<b>Christopher Fryer</b>	Senior Orthotist – alleged discriminator in March 2019
Danielle Mosen-Roberts	R&D Administrative Manager – alleged discriminator in August 2019
David Byrne	Director of Operations; panel member at C’s disciplinary hearing
Dawn Jeffries	Interim Purchase Ledger Manager – alleged discriminator in June 2018
<b>Diane Nicholls</b>	Acting Operations Manager, Access, Booking and Choice / Outpatients; formerly Appointment Centre Manager – alleged discriminator in October / November 2019
<b>Ellie Richards</b>	Senior HR Advisor; supported Joe Edwards’ investigation
<b>Emily Boaz (née) Leach</b>	Senior Organisational Development Manager; formerly HR Manager, Employee Relations; supported Jai Islam’s investigation into C’s complaints
Fiona Flaherty	Senior HR Manager; supported Sarah Moulton’s investigation
Frank Keogh	Unite Regional Officer
<b>Helen Laws</b>	Deputy Pharmacy Operations Manager; formerly Pharmacy Support Manager – alleged discriminator in October 2018
<b>Helen Shipway</b>	Emergency Department Reception Manager – alleged discriminator in October 2019
Helen Young	Former Theatre Admin Supervisor. Informed C that she was no longer required in Theatres
Jackie Morrison	Office Manager, Diabetes – complained about C in June 2019

Jackie Shale	Performance and Operations Manager, Pharmacy; accompanied Helen Laws in Investigation Meeting on 28 March 2019
<b>Jai Islaam</b>	General Manager, Community Nursing; formerly Manager in Ophthalmology; appointed to investigate C's complaints
Janet Brown	EQAS Operations Manager
<b>Jenna Hall</b>	Operational Manager, Theatres; alleged discriminator in September 2019
<b>Joe Edwards</b>	Project Manager (Improvement Team); formerly Group Support Manager – Medical Physics; appointed to carry out disciplinary investigation into C in January 2019
John Partridge	Unite representative; represented C at her appeal hearing
John Singh	A&E Manager – alleged discriminator in March 2019
<b>Karen Biles</b>	Group Support Manager, Facilities; formerly Non-Patient Transport Manager – alleged discriminator in November 2019
<b>Kevin Bolger</b>	Director of International Programmes; formerly Chief Workforce & International Officer; chaired C's appeal hearing panel – alleged discriminator in November 2019
Kirstie Owens	General Manager, Theatres – alleged discriminator in September 2019
Lee Everett	Operations Manager – alleged discriminator in October 2019
Leroy Smith	Unite representative
Linda Smith	QEBH+ Clinical Manager – attended 9 July 2018 meeting
Margaret?	Alleged discriminator in September 2019 in Theatres
Marina Dorward	HR Manager; present at 28 January 2020 meeting
Mathew Dent	HR Secretary
Michele Powell	Front of House Supervisor – Facilities. Complained about C in April 2019
Mike Jones	HR Director; authorised extension for C to appeal grievance outcome
<b>Munira Khalifa</b>	Head of HR Operations; formerly HR Manager; supported panel at disciplinary hearing
<b>Noreen Carter</b>	<b>PA to Vicky Race; formerly Recruitment Officer in QEHB+</b>

Peter Cocker	Orthotics Manager – alleged discriminator in March 2019
Rachel Maughan	Housekeeping Assistant – interviewed as part of grievance
Rona Miller	Head of Medical Resourcing; sat on C’s appeal hearing panel as HR representative
Sarah Moulton	Director of Operations; Investigating Manager for C’s disciplinary investigation in February 2020
Seana Gough	Orthotics Administrator – alleged discriminator in March 2019
Shirley Kelly	Medical Records Manager, Heartlands Hospital – complained about C in June 2019
Simon Birley	Deputy Manager of QEHB+
<b>Simon Jarvis</b>	Director of Facilities; chaired C’s disciplinary hearing
Tracey Greene	Audiology Administration Team Leader – alleged discriminator in November 2018
<b>Victoria Race (née Cooke)</b>	Head of Medical Workforce and Temporary Staffing; formerly Head of Temporary Staffing, QEHB+/UHB+. Conducted meeting with C on 28 January 2020
<b>Wendy Lamey</b>	Operations Manager, UHB+; C’s line manager – alleged discriminator from July 2018 to August 2020
<b>Zoe Vegnuti</b>	Senior Project Manager; formerly Breast Services Manager – alleged discriminator in May 2018