



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs G Palmer

**Respondent:** Francesca Beer (1)  
Royal Devon University Healthcare NHS Foundation Trust  
(2)

## PRELIMINARY HEARING

**Heard at:** Bristol (by video hearing)

**On:** 15 August 2023

**Before:** Employment Judge Youngs

### Appearances

For the Claimant: In person

For the Respondents: Ms Fadipe, Counsel for the First Respondent  
Mr Green, Counsel for the Second Respondent

## JUDGMENT

1. The following Claims are struck out as having no reasonable prospects of success:
  - a. The Claimant's claims for direct disability discrimination pursuant to section 13 of the Equality Act 2010 identified as issues 3.1.3 and 3.1.4 in the list of issues appended to the case management order made following the hearing on 15 August 2022 ("the List of Issues"); and
  - b. The Claimant's claim for harassment related to disability pursuant to section 26 of the Equality Act 2010 identified as issue 5.1.3 in the List of Issues.
2. The following Claims are considered to have little reasonable prospects of success and a Deposit Order in the sum of £25 per allegation (i.e. per numbered issue below) is made:
  - a. The Claimant's claim for direct disability discrimination pursuant to section 13 of the Equality Act 2010 identified as issue 3.1.2 in the List of Issues";

- b. The Claimant's claim for harassment related to disability pursuant to section 26 of the Equality Act 2010 identified as issue 5.1.1 in the List of Issues; and
  - c. The Claimant's claims for victimisation pursuant to section 27 of the Equality Act 2010 identified as issues 6.2.1 and 6.2.2.2 in the List of Issues.
3. All other applications for a Deposit Order and/or strike out Order are dismissed.

## **REASONS**

4. The Tribunal having given reasons at the hearing confirms the following reasons for making the deposit Orders as set out above:
- a. In relation to the Claims set out in issue 3.1.2, 5.1.1, and 6.2.2.2, whether or not the First Respondent discussed matters relating to the Claimant with third parties, there is little prospects of a finding that she instructed, enticed or implicitly approved the sending of those messages. There is no documentary evidence to support the First Respondent being responsible for these messages being sent to the Claimant. In addition, there is little prospect that the First Respondent knew that the Claimant was disabled as at the date the first messages complained of were sent, based on the Tribunal's understanding of the Claimant's case being that the earliest date the Respondents could have known the Claimant was disabled was 12 December 2021.
  - b. In relation to the Claims set out in issue 6.2.1, there is little prospects of this claim succeeding as a claim of victimisation. There is no apparent link between the dismissal and the protected act. There is no reference to the Claimant's grievance or grievance process in the dismissal documentation, and the Claimant agrees that she operated a business whilst on sick leave (although for the avoidance of doubt she does not admit misconduct).

**Employment Judge Youngs**

**Date: 17 August 2023**

Sent to the Parties: 24 August 2023

For the Tribunal Office

### Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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