



EMPLOYMENT TRIBUNALS

Claimant: Mrs E. Dimbylow

Respondent: Create Learning Trust

Heard at: Manchester **On:** 4 January 2024

Before: Employment Judge Leach (sitting alone)

Representatives

For the claimant: Mr F. Mortin (counsel)

For the respondent: Mr S Gorton KC (counsel)

JUDGMENT – PRELIMINARY HEARING

The following complaints are struck out under Rule 37(1)(a) of the Employment Tribunal Rules of Procedure 2013 on the grounds that they have no reasonable prospects of success.

1. The complaint that the claimant was automatically unfairly dismissed contrary to section 103A Employment Rights Act 1996.
2. The complaints that the claimant was subjected to the following detriments contrary to section 47B Employment Rights Act 1996

2.1 on or around 22 April 2022, the Claimant was invited to a disciplinary meeting. The invitation did not outline any allegation against the Claimant but intimated that the process must be kept confidential otherwise this may result in further disciplinary action;

- 2.2 on 1 July 2022, the Claimant met with Karen Hammond, LAB Member and Investigating Officer and was not given any opportunity to put forward a defence to the allegations at this investigatory meeting;
 - 2.3 on 3 July 2022, Ms. Hammond was said to have produced an Investigation Report prior to the minutes of the meeting being agreed and this did not include the amended minutes. It further transpired that this Investigation Report was actually drafted by a third-party HR representative, namely Ben Spence at Cook Lawyers;
 - 2.4 on 6 July 2022, the Claimant was invited to a disciplinary hearing and sent an evidence bundle which comprised of press reports, anecdotal conversations with three parents who had “concerns” over the online reports (rather than any witness statements) and a screen shot of a Google search under the Claimant’s name;
 - 2.5 prior to the disciplinary hearing on 15 September 2022, Ms Hammond and/or Mr Spence refused to review (or Mr Spence refused Ms Hammond the opportunity to review) additional financial evidence that the Claimant had collated to refute the allegations made by the Charity Commission;
 - 2.6 following the Claimant’s dismissal on 27 September 2022, the Respondent informed members of staff to not discuss this outside of the School which resulted in them ignoring the Claimant and not talking to her generally.
3. All other complaints in this case will be determined at the final hearing commencing 17 February 2025.

Employment Judge Leach

Date 4 January 2024

JUDGMENT SENT TO THE PARTIES ON

11 January 2024

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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