



EMPLOYMENT TRIBUNALS

Claimant

Dr Jane Tapsell

Respondents

(1) University of Buckingham
(2) Professor James Tooley

Heard at Cambridge by CVP

On: 11 and 12 April 2024

Before: Employment Judge Manley

Representation

For the Claimant: Mr D Green, counsel

For the Respondents: Ms L Robinson, counsel

PRELIMINARY HEARING JUDGMENT

- 1 The claims for sex discrimination, harassment related to sex and victimisation brought under Equality Act 2010 are not struck out as having no reasonable prospect of success.
- 2 The claims sex discrimination, harassment related to sex and victimisation brought under Equality Act 2010 (numbered 16.1.1 to 16.1.10 and 16.2; 20.1.1 to 20.1.10 and 20.2; 24.1.1 to 24.1.4 ad 24.2 in the agreed list of issues) have little reasonable prospect of success and deposits have been ordered as set out in the deposit order with a date for payment by **10 May 2024**. Reasons for the making of the order are contained in that order.
- 3 The claimant's application to amend, named in the hearing as "The First Application" is allowed in part. The application to amend the date for the allegation contained in paragraph 32.8 of the particulars of claim to be amended as commencing in March 2020 (in place of October 2021) is refused. Other parts of that application are allowed and are now incorporated into the version of the updated particulars of claim and list of issues attached to the case management summary sent with this judgment.

- 4 The “Second Application” to amend cannot be heard at this hearing as it is not in the interests of justice, as it was relatively complex and had been made on the afternoon of the day before this hearing.
- 5 The claims for indirect discrimination are dismissed on withdrawal.
- 6 Parts of the victimisation claim are dismissed on withdrawal as follows:
 - That the Second Respondent continued to make comments openly with his and the Claimant’s colleagues about his intention to displace the Claimant, causing the Claimant to feel that she was exposed to reputational damage and undermining conduct by the Second Respondent.
 - That the Second Respondent undermined the Claimant’s management of the Covid Working Group.
 - That for a continuing period from March 2022 and continuing after the Claimant’s protected acts, the Second Respondent continued to undermine the Claimant’s appointment as Lead of the Crewe Project and causing barriers for her to be able to complete her work.
- 7 Case Management orders for the full merits liability hearing in February 2025 are confirmed in the case management summary for this hearing. That document also contains the most up to date particulars of claim and agreed list of issues after judgments given in this hearing.

Employment Judge Manley

Dated 12 April 2024

Sent to the parties on:
15 April 2024

For the Secretary to the Tribunals