



# EMPLOYMENT TRIBUNALS

**Claimant:** Yvonne Faye Buckley  
**Respondent:** Ministry of Justice  
**Heard at:** Remotely by CVP (out of Reading Employment Tribunal)  
**On:** 15, 16 and 17 January 2024  
**Before:** Employment Judge: Emma Heather  
Tribunal member: Chris Juden  
Tribunal member: Frank Wright

## Representation

Claimant: In person  
Respondent: Miss A Rumble (Barrister)

**JUDGMENT** having been given orally at the hearing on 17 January 2024 and written reasons having been requested in accordance with Rule 62 (3) of the Employment Tribunals Rules of Procedure 2013, the following reasons are provided:

## REASONS

### Preliminary matters

#### Unanimous decision

1. This is the unanimous decision of all three members of the panel.

#### Format of the hearing

2. The hearing was conducted by video over 3 days. Matters proceeded without any technical difficulties.

#### Bundle and documentary evidence

3. The hearing bundle had 118 pages. There was a witness bundle which had 8 pages.  
4. In addition, we considered the documents which the Claimant sent to the Tribunal on 16 March 2023, particularly the email which she adopted as a witness statement. This was agreed by the Respondent.

#### The claim

5. The Claimant's claim was received by the Tribunal Office on 29 October 2021. The Claimant brings claims of harassment related to disability and race. The Claimant was employed as a Court Usher on a temporary contract through an employment agency.

6. The Claimant's grounds of complaint as set out in her claim form and the partial permission that she received to amend her claim are:
  - a. Tracy Stone and Georgia Bloom told Jade Hepburn, on 1 August 2021, that the Claimant "acted strange";
  - b. Her contract was brought to an end;
  - c. Miss Bloom disclosed the Claimant's schizophrenia diagnosis to colleagues during the Claimant's first week working at the Court;
  - d. Miss Bloom called the Claimant "a black monkey" and said that she "should be given a banana and not money and a job"
7. The disability that the Claimant relies upon is schizophrenia.
8. The Claimant describes her race as Black Caribbean.

#### The response

9. The Respondent's initial response was dated 22 December 2021 and revised grounds of resistance were dated 18 April 2023 (in accordance with a case management order made on 14 March 2023). The Respondent denies that it was the Claimant's employer (as she was employed through an employment agency) but accepts that the Claimant is a contract worker and that it is the Principal for the purposes of section 41 of the Equality Act 2010. The dates that the Claimant worked as a Court Usher were agreed.
10. The Respondent denied the allegations of harassment, saying that the incidents had not occurred. In the alternative, the Respondent said that it took all reasonable steps to prevent the harassment taking place.
11. The Respondent accepted that the Claimant is disabled but denied that it knew (or ought reasonably to have known) of the Claimant's disability at the time that she worked as a Court Usher.

#### The evidence

12. The Tribunal heard evidence from the Claimant in relation to her claims.
13. The Tribunal heard evidence from Miss Georgina Bloom, Listing Officer, and Miss Tracy Stone, Court Clerk and Usher Line Manager, on behalf of the Respondent.
14. Each witness relied upon witness statements (including the document that the Claimant adopted as a witness statement) which were taken as read. Miss Bloom and Miss Stone each introduced some additional evidence by way of examination in chief. Each witness was subject to cross-examination and the Tribunal's questions. There was no re-examination.
15. The Tribunal was referred selectively to relevant documents in the hearing bundle and the additional documents of 16 March 2023 which were relied upon by the Claimant.

#### Assessment of the evidence

16. The Tribunal is satisfied that each of the witnesses gave their evidence honestly and to the best of their knowledge and belief. It is not necessary to reject a witness' evidence, in whole or in part, by regarding the witness as unreliable or as not telling the truth. The Tribunal naturally looks for the witness evidence to be internally consistent and

consistent with the documentary evidence. Is the evidence credible? Is it corroborated by other witness evidence and/or by the contemporaneous records or documents? How does the evidence withstand cross-examination? How reliable is a witness's recollection? Is a witness speculating rather than testifying? What is the witness's motive for their account? How does the witness compare to other witnesses?

17. The Tribunal found aspects of the Claimant's evidence to be inconsistent with documentary evidence. Where there are inconsistencies between the Claimant's evidence and the documents we have made findings that are supported by the documents.
18. The Tribunal found the evidence of both Miss Bloom and Miss Stone to be straightforward and plausible.

### **Findings of fact**

19. Miss Buckley was employed by Brook Street – an employment agency. Miss Buckley was put forward for an interview for a position as a Court Usher at Ipswich Crown Court.
20. On 12 May 2021 Miss Buckley attended an interview for the position.
21. The interview was conducted by Georgina Bloom (who is currently a Listing Officer but who at the time of the interview was the Team Leader for the Court Ushers and administrative staff at Ipswich Crown Court).
22. In the course of the interview Miss Bloom discussed with Miss Buckley that the role could be stressful and that she may hear distressing information as part of the job.
23. Miss Buckley was offered a role as a court usher and started work at Ipswich Crown court on 7 June 2021.
24. On that day Georgina Bloom was not working (as it was her non-working day).
25. Miss Buckley met Miss Stone on her first day at work.
26. Miss Stone is a Court Clerk and Usher Line Manager.
27. Therefore Miss Stone was Miss Buckley's direct line manager.
28. During her first day at work Miss Buckley spoke to Miss Stone and disclosed that she had a mental illness. When asked by Miss Stone what the mental illness was, Miss Buckley told Miss Stone that she had depression.
29. On 8 June 2021 Miss Buckley completed form which was headed "Emergency Contact Details".
30. The form had a section which stated:

*"Any known relevant conditions/ medication usage:  
(please note: for paramedics / hospitals etc – information will only to be used in the event of an emergency)"*
31. That part of the form was left blank.
32. The form was signed and dated by Miss Buckley.

33. Miss Buckley's desk that she used when she was not in court was in an open plan office.
34. During the course of her work Miss Buckley had a buddy to assist and train her in the court room duties.
35. Miss Stone had regular conversations with Miss Buckley about how she was getting on with her work and told Miss Buckley that she would have expected her to be getting more familiar with the requirements of the role.
36. In those conversations Miss Buckley referred to needing reasonable adjustments so Miss Stone spoke to Miss Buckley about what her disability entailed and what reasonable adjustments would be required.
37. Miss Buckley confirmed to Miss Stone that she had depression and also disclosed that she is diabetic.
38. Miss Buckley told Miss Stone that she was receiving medication by injection for her depression and that she took oral medication (tablets) for her diabetes.
39. Miss Buckley asked Miss Stone if there would be any tests as part of the role and said that she would need extra time in any tests. Miss Stone told Miss Buckley that there would be no tests as part of the role.
40. On 18 June 2021 Miss Stone sent an email to her line manager (Gemma Canham). That email detailed a number of matters including:
  - a. Miss Stone's feedback to Miss Buckley about her performance in the role.
  - b. That Miss Stone would be reviewing Miss Buckley's performance in one week.
  - c. That Miss Buckley had mentioned having a disability and needing reasonable adjustments a few times since she started the role.
  - d. That Miss Buckley had disclosed that she had depression and diabetes.
  - e. Miss Buckley had disclosed that she was taking medication for both conditions and was under the care of Suffolk Mental Health Trust for depression.
  - f. Miss Stone had raised with Miss Buckley whether working in the Court would affect her health conditions and whether she could manage working as a court usher.
  - g. Miss Buckley had said that she could manage and that the only reasonable adjustment that she would need would be extra time for any tests.
  - h. Miss Stone was going to review Miss Buckley's performance on her return from leave.
41. On 30 June 2021, Miss Buckley was told by Miss Stone that she would not be required to work the following day (which was a Thursday) as there were only 3 courts sitting.
42. Miss Stone told Miss Buckley that she would be told by Brook Street if she was required to work on the Friday or the following week.
43. At that point Miss Buckley returned her security pass and ID to Miss Stone and left.

44. Later that day (the 30<sup>th</sup> June 2021) Miss Stone sent an email to Brook Street setting out that Miss Buckley had been informed that she would not be required the following day, that she had been told she would be notified through Brook Street if she needed to attend on the Friday or the following week. The email went on to set out how Miss Buckley had returned her security pass and left. The email concluded by saying that having been at the court for 3 weeks and 3 days, with ample training, Miss Buckley was still unable to perform most of the court usher duties without assistance and said that Miss Buckley was not suitable for the role of court usher and requested that she did not return to the court.
45. On 2 July 2021 Miss Buckley had a text message exchange with Jade Hepburn – who was another member of staff at the court who was also placed there on an agency basis through Brook Street.
46. The text message exchange between Miss Buckley and Miss Hepburn was as follows:

Time	Miss Buckley	Miss Hepburn
06:45	Good morning Jade did you speak to Tracy	
18:05		Hey Yvonne sorry a bit busy at the mo.
18:07		She said that it will take a long while for new ushers to be employed. That you acted strangely when handing your badges back.
18:10	OK Jade Thank you for finding our was Linda in or is she coming back Monday. I was just unhappy The contract was ended	
18:12		It wasn't ended Yvonne. I wish you hadn't given back the passes. It was only for the two days. I don't know the longevity of my time at Ipswich Crown. I don't feel good about going in on Monday but we will see. All feels a little strange at the moment. Not ideal. Keep me informed on your progress re other jobs

47. Later in the evening on 2 July 2021, Miss Buckley sent an email from her personal email account to Miss Stone. That email was timed at 7:50 in the evening.
48. The email read as follows:

*"Hi Tracy,*

*I am sending this email to offer my apologies for the way the pass and codes labels were handed back. I did not mean to cause offence. I had a words with Jade Hepburn and I feel it was a misunderstanding. I hope that you can put this behind us and reinstate me as Ipswich Crown Court Usher as I did like the role.*

*I hope you had a nice Weekend and I look forward to hearing from you.*

*Yours sincerely  
Yvonne Buckley"*

49. The same message was also sent to Miss Stone by text message timed at 09:43. It is not clear which day the text message was sent to Miss Stone.
50. On 5 July an email was sent to Miss Stone from Brook Street which set out that an end of role conversation had taken place with Miss Buckley and stated that Miss Buckley thought the role had ended when she returned her PPE and that Miss Buckley agreed it was the right decision. It is not clear when the end of role conversation took place with Miss Buckley.
51. Miss Buckley did not receive any reply from Miss Stone to the text message and email that she sent. However, Miss Buckley was informed by Brook Street that the communications were unwanted and that she should not contact Miss Stone again. It is not clear precisely when Miss Buckley was told this.
52. Miss Buckley contacted ACAS on 1 August 2021 and an Early Conciliation certificate was issued on 8 September 2021.
53. The claim form in these proceedings was received by the Tribunal office on 29 October 2021.
54. The claim form identified that the claims being made were for race discrimination and disability discrimination.
55. The detail of those claims was set out as:

*“Tracey Stone Usher and Georgina Bloom decided that because of my mental illness I could not work in job and I was sack.*

*Told jade Hepburn another brook street temp I acted strange*

*Sarah and Linda temp through brook street have work for Ipswich Crown for 18 months”*
56. The claim form went on to set out that Miss Buckley was seeking 18 months pay by way of compensation.
57. Under the question about disability and how Miss Buckley could be assisted through the claim process she set out:

*“Mental health extra time reasonable adjustment”*
58. The Response from the Respondent of 22 December 2021 set out (amongst other things):
  - a. That Miss Buckley was told on 30 June 2021 that she was not required to work the next day and that she would be notified by Brook Street if she was required on any other days.
  - b. An email was later sent to Brook Street notifying them that Miss Buckley was not suited to the role and requesting that she did not return to Ipswich Crown Court.
59. A preliminary hearing was held on 9 September 2022. At that hearing Judge Tobin made various orders including:
  - a. That Miss Buckley had to provide information about any disability

- b. That the Respondent had to say whether it accepted that Miss Buckley was disabled in light of the medical evidence
  - c. That Miss Buckley had to give further details of the type of disability discrimination that she was claiming.
60. On 14 March 2023 there was a further preliminary hearing. During that hearing on 14 March 2023 Miss Buckley disclosed her diagnosis of schizophrenia for the first time. In that hearing Judge Harrington gave permission for Miss Buckley to make some amendments to her claim so that the basis of her claim was as set out in the list of issues which is at pages 47 and 48 of the bundle that we have been using. The judge also made orders that the Respondent could amend its Response to address the amendments that had been permitted to Miss Buckley's claim and also ordered the Respondent to confirm whether or not it accepts that Miss Buckley had a disability.
61. The Respondent's amended Response is dated 18 April 2023 and sets out:
- a. The Respondent accepts that Miss Buckley has a diagnosis of schizophrenia and that she was disabled during the time that she worked at Ipswich Crown Court.
  - b. The respondent denies that it knew or ought to have known of Miss Buckley's diagnosis of schizophrenia.
  - c. All of the allegations of harassment were denied in their entirety.
62. For the avoidance of doubt we find that the following things did not happen:
- a. Miss Buckley did not disclose her diagnosis to Miss Stone or to any other member of staff at Ipswich Crown Court on 7 June 2021 or on any other date whilst she was working at Ipswich Crown Court.
  - b. Neither Miss Bloom nor Miss Stone told Jade Hepburn that Miss Buckley had "acted strangely" when she returned equipment to Miss Stone.
  - c. Miss Stone did not disclose to other members of staff (whether at a team meeting or otherwise) that Miss Buckley has a diagnosis of schizophrenia.
  - d. Miss Bloom did not on any occasion make any comments or use any words that were racial slurs. In particular Miss Bloom did not call or refer to Miss Buckley as a "*black monkey*" and did not make any references to her being given a banana or being paid in bananas rather than money.
  - e. As we do not accept that any racial slurs were made, we do not accept that there was any intervention by any colleague of Miss Buckley's.

**Claimant's submissions**

63. The Claimant's submissions were:
- a. She was kept waiting for ½ an hour before her interview.
  - b. She was pleased to get the job.
  - c. Black people are less likely than White or Asian people to be in work.
  - d. She goes to a lot of interviews.

- e. She was happy to have a job.
- f. She told Miss Stone on her first day at work that she is disabled.
- g. She told Miss Stone that she needs reasonable adjustments.
- h. She enjoyed her time working as a Court Usher.
- i. Black people get a lot of slurs.
- j. If she left a job after every slur there would be no Black people working.
- k. Lots of Black people are on the "dole".
- l. The Government Civil Service should have protected her to keep her in work longer than it did.
- m. The comments calling her a monkey and saying she should be given a banana were very stressful and hurtful to her.
- n. She couldn't remember all of the incidents at the time that she made her claim.
- o. She couldn't bring herself to write the racist comments on the claim form when she submitted her claim.
- p. The solicitors that she approached for advice wanted a lot of money.
- q. She has a mortgage to pay.
- r. 3 ½ weeks work is not enough to pay the mortgage.
- s. Her intelligence was attacked.
- t. She has 35 years experience.
- u. The Court Usher job was an entry level position.
- v. When people speak to her she wonders if what they are saying is a racial slur.
- w. Her time at the Court stressed and upset her.
- x. She ended up taking more medication (prescribed) and seeing her Dr more.
- y. Her Dr said that she should work part time.
- z. The Government says that disabled people should go to work.
- aa. She needs reasonable adjustments to be able to work.
- bb. She does not want to stack shelves.
- cc. If she is treated like this again she will end up back in the mental health system.
- dd. She can't feel comfortable in a job because of what happened when she worked as a Court Usher.



- ee. She has previously worked in international investment banking. She can accept banter and jokes in the office – she is thick skinned.
- ff. Her parents emigrated to this country from the West Indies. They did dirty jobs. They had a mortgage to pay so they kept those jobs.

### **Respondent's submissions**

64. Miss Rumble's submissions were:

- a. The Claimant has not met the preliminary burden of proof which is that the Claimant is to prove, on the balance of probabilities, that there are facts from which the Tribunal could conclude that the Claimant was subject to unwanted conduct that had the effect of violating her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment.
- b. When considering the effect of conduct the Tribunal can take into account the Claimant's feelings but must consider whether it was reasonable for the alleged conduct to have had the effect that it did on the Claimant.
- c. Both Miss Stone and Miss Bloom deny saying that the Claimant "acted strange" and that evidence is unchallenged.
- d. The Claimant was not privy to any conversation where the alleged words were said. The Claimant relies on text messages which when read in full have the meaning that the Claimant acted strangely when she returned her badges and, as such, are not related to the Claimant's mental health or schizophrenia.
- e. The respondent did not engage in conduct that had the effect of violating the Claimant's dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment.
- f. The Claimant sent messages to Miss Stone apologising for her own behaviour and asking to return to work as a Court Usher. That is not consistent with having been subject to unwanted conduct.
- g. *Greasley-Adams v Royal Mail Group Limited [2023] EAT 86* – Miss Rumble referred to this recent case as authority for the requirement for a Claimant to be aware of statements made for them to amount to harassment. The Claimant in the case before us was not aware of the alleged conversation until she received the text messages from her colleague.
- h. The Claimant's assignment at the Court was not ended because of her mental health or schizophrenia. The Respondent was not aware of the Claimant's schizophrenia diagnosis during the time that the Claimant worked as a Court Usher.
- i. Miss Stone gave evidence that the Claimant's assignment ended when the Claimant handed back her security badges.
- j. Miss Stone did have capability and performance concerns in relation to the Claimant as the Claimant was not able to be in Court by herself. This correlates with the contemporaneous account that Miss Stone gave to the employment agency by email.

- k. The ending of the Claimant's contract was brought about by the Claimant. There was no unwanted conduct from the Respondent. In any event, terminating the contract would not have amounted to conduct that had the effect of violating the Claimant's dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment.
- l. Miss Stone has consistently and credibly denied making any disclosure to other staff members in relation to the Claimant's diagnosis, particularly in light of the fact that she did not know about the Claimant's schizophrenia diagnosis.
- m. Miss Bloom has consistently and credibly denied calling the Claimant a black monkey or saying to give her bananas rather than money. The Claimant has not challenged Miss Bloom's evidence and has failed to provide a consistent and accurate account of what she says happened.
- n. The oral evidence of the Claimant changed from one phrase being said on one occasion to multiple statements on multiple occasions.
- o. The Claimant did not raise any concerns or grievances about matters either directly with Court staff or the employment agency, during the time that she was working at the Court.
- p. Not all of the Claimant's allegations were raised when she issued her claim despite them being significant and serious.
- q. There are internal inconsistencies between the Claimant's claim form, statement in March 2023, statement in December 2023 and the List of Issues (which she did not object to).

### **Relevant law**

65. Harassment is defined in section 26 of the equality act 2010. The definition is:

#### *Section 26 (1)*

*A person harasses another if:*

- a. That person engages in unwanted conduct related to a relevant protected characteristic*
- b. The conduct has the purpose or effect of:]*
  - i. Violating the other persons dignity or*
  - ii. Creating an intimidating, hostile, degrading, humiliating or offensive environment*

#### *Section 26 (4)*

*In deciding whether conduct has the effect of violating the persons dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment each of the following must be taken into account:*

- a. The perception of the other person (subjective)*
- b. The circumstances of the case*
- c. Whether it is reasonable for the conduct to have that effect (objective)*

*The relevant protected characteristics are set out in section 26 (5) and include race and disability.*

66. Section 41 equality act 2010 – sets out position for contract workers. A “principal” is a person who makes work available for an individual who is employed by another person and supplied by that other person in furtherance of a contract to which the principal is a

party (section 41 (5)).

67. A principal must not in relation to contract work, harass a contract worker (section 41 (2)).
68. A contract worker is an individual supplied to a principal in furtherance of a contract such as is mentioned in section 41 (5) (b).
69. Contract work is work as is mentioned in section 41 (5).
70. The burden of proof is set out in section 136 of the equality act 2010.
  - a. The starting point is that it is for Miss Buckley to establish (on the balance of probabilities) that the Respondent has engaged in unwanted conduct that had the effect of violating her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment.
  - b. If facts are established which show that the Respondent engaged in such conduct then it is for the Respondent to provide an alternate explanation for the conduct.

### **Discussion and conclusion**

71. We will deal with the issues in dispute applying the relevant legal principles to the facts as we have found them to be.
72. In doing so we turn to the list of issues as set out at pages 47 and 48 of the bundle.

	Issue	Conclusion
1.	<p>Was the claimant a disabled person as defined in section 6 of the equality act 2010 at the relevant time?</p> <p>Specifically did claimant suffer from a physical or mental impairment.</p>	<p>Miss Buckley has provided medical evidence dated 6 February 20223 from her psychiatrist Dr Jupp which confirms her diagnosis of schizophrenia and that it is a long standing diagnosis.</p> <p>The Respondent accepts that Miss Buckley is a disabled person.</p> <p>The Tribunal accepts the evidence of Dr Jupp and concludes that Miss Buckley is a disabled person within the meaning of section 6 of the equality act 2010.</p>
2.	<p>Did the respondent know that Miss Buckley was disabled at the relevant time and could the respondent have been reasonably expected to have known of the Claimant's disability at the relevant time?</p>	<p>By the 18<sup>th</sup> June 2021 Miss Stone had come to the conclusion that Miss Buckley had a disability relating to mental health and notified her line manager. We conclude therefore that the Respondent did know and could have been expected to know that the Respondent was disabled by 18 June 2021.</p> <p>For the avoidance of any doubt we conclude that neither Miss Stone nor Miss Bloom had any knowledge of Miss Buckley's diagnosis of schizophrenia prior to these proceedings and accordingly the respondent did not know and</p>

		could not reasonably have been expected to know of that diagnosis.
3.	Was Miss Buckley subject to the following unwanted conduct relating to disability:	
.4.	Tracey Stone and Georgia Bloom allegedly telling Jade Hepburn (who was engaged by the Respondent through the Brook Street Limited, the former Second Respondent) on 1 August 2021, being the day after the Claimant's dismissal, that she 'acted strange'	We have concluded that neither Miss Bloom nor Miss Stone said that Miss Buckley "acted strangely". Both Miss Bloom and Miss Stone deny that any such conversation took place and there is no direct evidence to contradict that. We are satisfied that Miss Buckley received the text message from Jade Hepburn after Miss Buckley had finished working at the court but that does not change the fact that we have accepted that the alleged conversation did not take place.
5.	Her engagement by the Respondent being brought to an end.	We have concluded that it was in fact Miss Buckley who brought the relationship between herself and the Respondent to an end when she returned her pass / PPE to Miss Stone. The conversation that Miss Stone had with Miss Buckley related to not needing Miss Buckley to work the following day. Miss Stone wasn't ending the assignment at that time.
6.	The Respondent allegedly disclosing Miss Buckley's schizophrenia to colleagues in her first week:  <i>"Tracey Stone Manager address the Team meeting about schizophrenic and someone asked who's got that And Tracey Stone said Yvonne Buckley right in front of everyone"</i>	It follows from our earlier conclusion that Miss Buckley did not disclose her schizophrenia diagnosis during the time that she worked at the Court that Miss Stone could not and did not disclose that information to any colleagues.
7.	If so, did this unwanted conduct relate to Miss Buckley's stated condition of schizophrenia?  Did such conduct have the purpose or effect of violating	We do not need to address these points as we have concluded that none of the alleged conduct has taken place.

	<p>Miss Buckley's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for Miss Buckley?</p>	
<p>8.</p>	<p>Was Miss Buckley subject to the following unwanted conduct relating to her race:</p> <p>Allegedly being taunted and having a racial slur used against her <i>"I was call a black monkey and should Be given a Banana and not money and a Job by Georgina Bloom Supervisor"</i></p>	<p>We have considered carefully the allegations raised by Miss Buckley. We note that written accounts to the allegations in the bundle are different and that Miss Buckley's oral evidence was inconsistent. The nature and extent of the allegation shifted in the course of Miss Buckley's oral evidence. Towards the end of her oral evidence Miss Buckley said that she had been subject to this and other racial slurs on a number of occasions during her time at the Court. The fact that Miss Buckley's answers to questions changed through her evidence made her evidence less credible.</p> <p>Miss Stone's written and oral evidence that she never heard any comments of this nature was consistent.</p> <p>Miss Bloom's evidence that she has never made any comment of this nature whether in her work or personal life has been consistent and compelling in both her written and oral evidence.</p> <p>We do not believe that any conversation of this nature took place or that Miss Buckley was subject to any racial slurs during her time at the Court. We have seen no evidence to contradict this other than Miss Buckley's assertions which we have found to be inconsistent and not credible.</p>
<p>9.</p>	<p>If so, did this unwanted conduct relate to Miss Buckley's race?</p> <p>Did such conduct have the purpose or effect of violating Miss Buckley's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for Miss Buckley?</p>	<p>As we have concluded that the alleged conduct did not take place then we do not need to address these points.</p>

**Conclusion**

73. The complaint of harassment related to disability is not well-founded and is dismissed.

74. The complaint of harassment related to race is not well-founded and is dismissed.

**Employment Judge Heather**

**Date: 4 April 2024**

Judgment sent to the parties on:  
25 April 2024

For the Tribunal: