



EMPLOYMENT TRIBUNALS

Claimant: Ms B Mbonda

Respondent: Quarryfields Health Care Limited

Heard: in Sheffield **On:** 27, 28, 29 and 30 January 2025

Before: Employment Judge Ayre
Mr D Wilks
Ms N Arshad-Mather

Representation

Claimant: Mr M Malik, counsel
Respondent: Mr S Irving, solicitor

JUDGMENT

The unanimous judgment of the Tribunal is as follows:

1. the respondent discriminated against the claimant because of race by:
 - a. Failing to carry out a full and fair disciplinary process by failing to speak to other members of the nursing staff on shift who were black, and only speaking to the white nursing staff;
 - b. Giving the claimant a final written warning on 20 July 2023; and
 - c. Failing to fully consider the claimant's position during the appeal process between 26 July 2023 and 12 September 2023 by:
 - i. Failing to rectify the failings of the investigation and disciplinary processes; and

- ii. Failing to take into consideration the video submitted by the claimant showing a white nurse sleeping at work.
2. The claim that the respondent discriminated against the claimant because of race by failing to carry out a full and fair investigation between 14 March 2023 and 17 April 2023 is not well founded. It fails and is dismissed.

Employment Judge Ayre

Date: 30 January 2025

JUDGMENT SENT TO THE PARTIES ON

14 February 2025

Notes

Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party asked for them at the hearing or a party makes a written request within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments (apart from judgments under rule 52) and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>