



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss D Verma

**Respondents:** Kings College London (1)  
Ms D Sulima (2)

**Heard via CVP (London Central)**      **On:** 4, 5, 6 February 2025

**Before:** Employment Judge Davidson  
Ms L Venner  
Mr S Williams

## Representation

**Claimant:** Mr W Lewis, Lawyer  
**Respondents:** Ms E Grace, Counsel

# RESERVED JUDGMENT

The unanimous decision of the tribunal is that the claimant's complaints of direct religion discrimination and harassment related to religion are not well-founded and are hereby dismissed.

# REASONS

## Issues

1. The issues were set out by EJ Peer following a case management hearing on 7 June 2025.

*Equality Act 2010, section 13: direct discrimination because of religion*

- 1.1. Has the first respondent subjected the claimant to the following treatment: Heather Kneale declining to move a box of alcohol from the claimant's office because of the presence of a Muslim colleague on that floor?
- 1.2. Was that treatment "less favourable treatment", i.e. did the first respondent treat the claimant as alleged less favourably than it treated or would have treated others ("comparators") in not materially different circumstances?

The claimant relies on the following comparators: hypothetical comparator of a Muslim person.

1.3. If so, was this because of the claimant's religion? The claimant is Hindu.

*Equality Act 2010, section 26: harassment related to religion*

1.4. Did the second respondent say the following things in the claimant's last catch-up meeting with her after the claimant had handed in her resignation:

1.4.1. when the claimant explained what other work she was doing: "You seem to have many excuses when it comes to work but you have plenty of time to decorate toys in your office" (referring to a statue of Ganesh kept by the claimant in her office);

1.4.2. when the claimant told the second respondent she was talking about the claimant's god: "I do not have time for this. I want this (recruitment task) to be completed and put on the system by tomorrow"?

1.5. If so, was that unwanted conduct?

1.6. Did it relate to religion?

1.7. If so, did the conduct have the purpose of violating the claimant's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the claimant?

1.8. If not, did it have that effect? The Tribunal will take into account the claimant's perception, the other circumstances of the case and whether it is reasonable for the conduct to have that effect.

### Evidence

2. The tribunal heard evidence from the claimant and Victor Gbadebo (formerly Technician at the Centre) on behalf of the claimant and from Heather Kneale (Operations Manager for the Centre), Bethan Jones (School Manager at the School) and the second respondent on behalf of the respondents.

### Credibility

3. On balance, where there was a conflict of evidence, we preferred the evidence of the respondents' witnesses to the claimant's evidence. We found Victor Gbadebo to be a truthful witness, but his oral evidence was not consistent with his witness statement. For example, his witness statement suggests that the reason the crate of alcohol was not moved partly revolved around the Muslim colleague's religious considerations. In oral evidence he repeatedly stated that there was 'good intention' to move the alcohol but it did not happen due to lack of space and that he did not think anyone wanted to cause offence.

4. Our reasons for finding the claimant's evidence less credible than Heather Kneale, Bethan Jones and the second respondent are as follows:
  - 4.1. the claimant's evidence is inconsistent and confused. For example, she refers to asking Heather Kneale to move the alcohol from her room in the first two weeks of her employment (which started on 27 January 2023) but also says that she found the alcohol in the first month of her employment. We note that Heather Kneale was not her manager in the first two weeks of her employment and Heather Kneale was off-site until 6 February 2023. Her allegation in the List of Issues is against Heather Kneale for not removing the alcohol due to the presence of a Muslim colleague but her witness statement attributes that to Bethan Jones.
  - 4.2. Many of the claimant's allegations are unclear and she is unable to provide dates or details. For example, she alleges that the second respondent bullied her and treated her badly in verbal communications, which is why there is no documentary evidence of this. However, she has not provided the dates or context of these exchanges, or the words allegedly used by the second respondent.
  - 4.3. The claimant relied on a written statement of Victor Gbadebo which he admitted he had not written himself. It did not reflect the oral evidence which Victor Gbadebo gave to the tribunal. The claimant said during her cross examination that Victor Gbadebo could not move the alcohol because of his own religious beliefs. He told the tribunal that he had no problem touching alcohol and had taken bottles from the crate for use in events within the School.
  - 4.4. The claimant submitted medical evidence in order to support her case. It was not ordered to be disclosed and the respondents did not request it. Having decided to include this information, the claimant redacted the documents in white so that it was not obvious what had been redacted. The claimant eventually disclosed some unredacted documents which showed that her redactions were misleading. For example, the redacted document states 'I was bullied', which was intended to be evidence of the impact of the respondents' actions. However, the unredacted text reads 'I was bullied at school'. Not only were the redactions misleading, but her evidence in cross examination was also incorrect as she said the only redactions were to exclude her private details and to delete minor errors in the information. The content she had redacted included page numbers which indicates an intention to mislead.

### Facts

5. We have only found facts on those matters which we believe need to be resolved in order to determine the issues before us as set out in the List of Issues.
6. The first respondent is a University based in London which is comprised of a number of Faculties, within which there are Schools, within which there are Departments. It operates the Centre of Gene Therapy and Regenerative Medicine (the "Centre") which is part of the School of Basic and Medical

Biosciences ("School"), which is part of the Faculty of Life Sciences and Medicine.

7. The second respondent is HR and Finance Manager of the School.
8. The claimant was employed as an Operations Officer in the Centre. She was interviewed for the role on 12 December 2022 by Heather Kneale, Giuseppe Avagnale (Research Manager for the School) and the second respondent. There is a dispute whether the level of expected attendance in the office was expressly discussed. The respondents say that the claimant was told by the second respondent that she needed to attend mostly in the office during the six-month probationary period but afterwards a hybrid working arrangement could be considered.
9. Her employment started on 23 January 2023. She underwent a handover with Linda Almici, the outgoing Operations Officer. Shortly after she joined, there was a restructure of the management arrangements. Heather Kneale became her line manager but the HR and Finance Manager and the Research Manager also had responsibility for overseeing her work in respect of tasks allocated to her by them.
10. The claimant was allocated her office which was located on the 23<sup>rd</sup> floor. Some other members of the team worked from the 8<sup>th</sup> floor. There were a number of items which had been stored in her office which included a closed blue mover's crate which turned out to contain bottles of alcohol. There were also boxes containing stationery and items on the shelves. When the claimant settled into her office, she set aside an area on her desk where she put a religious idol of Lord Ganesh.
11. At the start of her employment, the claimant attended the office most days. After a while, the claimant opened the blue crate and found that it contained alcohol. She says that she regards as inappropriate to have alcohol in the vicinity of her Lord Ganesh idol.
12. She asked Mateo (Technical Manager) for advice on moving the alcohol. He told her that the 'booze cupboard' was full. He left shortly after this exchange.
13. There was a conflict of evidence regarding whether the issue of the crate of alcohol was raised with Heather Kneale. The claimant says she escalated it to Heather Kneale within 2-3 weeks of joining and was explicit that she was uncomfortable with its presence due to her religious beliefs. She suggests that she persistently asked about this and nothing was done. The claimant accepts she did not raise this in writing. Heather Kneale denies being aware of the issue until she read the Claim Form submitted by the claimant.
14. For the reasons set out above, we prefer the evidence of Heather Kneale.
15. The claimant also alleges that she discussed the alcohol with Bethan Jones who cited the presence of a Muslim colleague on the 8<sup>th</sup> floor as a reason why the alcohol could not be moved there. We heard evidence from the respondents' witnesses that there were Muslim colleagues on the 23<sup>rd</sup> floor and

that there was alcohol stored on the 8<sup>th</sup> floor. Bethan Jones denies that this conversation took place.

16. For the reasons set out above, we prefer the evidence of Bethan Jones.
17. Towards the end of February 2023, the claimant started working from home three days a week, Wednesday to Friday, and coming to the office Monday and Tuesday. We find that this coincided with her receiving a laptop which allowed her to work from home.
18. The second respondent returned to work after a period of sickness leave on 1 March 2023. She was on a phased return to work, mostly working from home at first. She arranged a first meeting with the claimant on 17 March 2023 in the claimant's office. The second respondent said that she noticed that the room was 'bare and clinical' in that all the previous contents stored there in boxes and on the shelves had gone. All that was in the room was the blue crate and the Ganesh idol.
19. They discussed the claimant's Hindu faith and the second respondent asked if any adjustments needed to be made to accommodate this. The claimant said she would let her know. The second respondent asked about the crate and was told it contained alcohol. The second respondent asked the claimant if she wanted it removed and she said 'no it is being dealt with'. The second respondent took no further action. We find that it would have been inappropriate for the second respondent to take any action to escalate the issue behind the claimant's back. The claimant explained that she did not ask the second respondent to move the crate because she had already asked Heather Kneale (verbally) and she did not need to mention it again.
20. The claimant worked closely with the second respondent and their relationship rapidly deteriorated. The claimant complained that she was micro-managed and belittled. We do not see this from the written evidence before us in the form of Teams messages. We find the second respondent's messaging to be normal management communications. If anything, the communications show a degree of rudeness from the claimant towards the second respondent. The claimant accepted that the second respondent's message were not what she was complaining about and said that she was referring to verbal communications. However, we were given no evidence of the conversations she relies on or the dates and circumstances of these conversations.
21. On 30 March 2023, there was an exchange of emails between the claimant and Heather Kneale about her working arrangements and about milk storage as milk was sometimes stored in the claimant's office. In the course of the email exchange, Heather Kneale asked if there was '*anything else kept in your office that we might need a backup store for when it is locked*'. The claimant replied '*There definitely isn't anything other than the milk that is kept in my office that everyone else uses*'. She went on to add that there were some bits and pieces of stationery and that she was planning to move some of this. She was also planning to have a '*bit of a sweep*' in her office to move things that are not necessary to be kept there. The claimant did not mention the crate of alcohol.

22. There was a Teams catch-up meeting between the claimant and the second respondent on 18 April 2023 which lasted 22 minutes. The claimant alleges that, during the course of this meeting, the second respondent made a comment that the claimant had plenty of excuses when it came to work but she time to '*decorate toys in the office*'. The second respondent denies making this comment. We find that the claimant has not provided sufficient evidence to support her allegation. We note that the meeting was not in the claimant's office as she was working from home and it is questionable whether the second respondent would refer to something in the claimant's work office, particularly where she had not been in that office recently. This was the last meeting between the second respondent and the claimant.
23. On 19 April 2023 Heather Kneale clarified that the claimant was expected to attend the office at least three days per week and she asked to meet the claimant. 25 minutes later, the claimant resigned and cancelled her regular catch-up meetings with Bethan Jones and the second respondent. In her resignation email, she did not refer to any of the matters she now relies on. After submitting her resignation, Bethan Jones observed that the claimant was offline consistently for the next couple of days. She therefore reached out to her as she was concerned about her. They arranged to meet in person on 24 April 2023.
24. On 20 April 2023, an academic followed up with the second respondent in respect of an ongoing request to advertise for a post for her team. Two days earlier, the claimant had said she would pass the matter to the second respondent for approval. The academic stressed the urgency of the request to the second respondent. The second respondent replied to the academic, saying that the claimant had not contacted her and asking the academic some follow-up questions. The claimant was copied in on this exchange and replied privately to the second respondent saying that the reason she hadn't contacted the second respondent was because she was busy with other work which was more urgent. The second respondent pushed back and pointed out that she had not specified what work she was busy with, and it was hard for her to be aware as she had cancelled all their catch-up meetings. The claimant responded by email saying '*Don't send me such emails.*' She then sent another email a few minutes later saying '*I'd like to stress please kindly do not send me such emails*'.
25. On 24 April 2023, the claimant met with Bethan Jones. In that meeting, the claimant referred to the second respondent being rude and that she could not continue to work with her. The claimant showed Bethan Jones the exchange of emails as evidence of the second respondent's rudeness. Bethan Jones did not agree that it showed rudeness. At that meeting, the claimant did not mention allegations of religion discrimination, the alcohol crate issue or the 'toy' allegation. When the claimant saw that Bethan Jones did not agree with her criticisms of the second respondent, she became distressed and stormed out of the office. Bethan Jones then made a note of the meeting. She sent the claimant an email summarising what had happened at the meeting.
26. On 25 April 2023, the claimant sent an email to the Professor Shitij Kapur, Vice-Chancellor and President of the first respondent, complaining of her treatment. Most of the email is a complaint about the second respondent, whom the

claimant accuses of disrespect, ill-treatment and bullying. She complained about the issue of working remotely, the imbalance between managers and subordinates and she said she believed the treatment she received was racially motivated because she was Indian. In this email the claimant mentions the crate of alcohol and says this was despite her religious beliefs being flagged to the second respondent in a catch-up meeting.

27. Her employment ended on 26 April 2023.

Relevant law

28. The relevant law relating to direct discrimination and harassment related to religion is as follows.

Equality Act 2010, section 13: direct discrimination because of religion

29. Direct religion discrimination occurs if, because of religion, the respondent treats the claimant less favourably than it treats or would treat others. The claimant must show facts from which the tribunal could decide, in the absence of any other explanation, that the respondent discriminated against the claimant. In these circumstances, if the respondent is unable to show that it did not discriminate, the claimant will succeed.

30. In *Madarassy v Nomura International plc* [2007] ICR 867, the Court of Appeal held that there must be 'something more' than a difference in treatment between the claimant and the comparator to show a prima facie case of discrimination.

31. Guidance on the burden of proof was given by the Court of Appeal in *Igen v Wong* [2005] ICR 931. In *Igen* the Court of Appeal established that the correct approach for an employment tribunal to take to the burden of proof entails a two-stage analysis. At the first stage the claimant has to prove facts from which the tribunal could infer that discrimination has taken place. Only if such facts have been made out to the tribunal's satisfaction (i.e. on the balance of probabilities) is the second stage engaged, whereby the burden then 'shifts' to the respondent to prove — again on the balance of probabilities — that the treatment in question was 'in no sense whatsoever' on the protected ground.

32. Unreasonable or unfair treatment is not sufficient to transfer the burden of proof to the respondent. There must be other indications of discrimination relating to the treatment in question according to the EAT in *Commissioner of Police of the Metropolis v Osinaike* [2010] UKEAT 0373.

Equality Act 2010, section 26: harassment related to religion

33. A person harasses another if he engages in unwanted conduct related to a religion which has the purpose or effect of either violating that person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

34. In determining whether the conduct has that effect, the tribunal must consider the perception of the claimant, the other circumstances of the case and whether

it is reasonable for the conduct to have that effect. There is therefore a subjective element and an objective element.

35. In *Richmond Pharmacology v Dhaliwal* [2009] IRLR 336, the EAT noted “not every racially slanted adverse comment or conduct [would violate] a person's dignity. Dignity is not necessarily violated by things said or done which are trivial or transitory, particularly if it should have been clear that any offence was unintended. While it is very important that employers and tribunals are sensitive to the hurt that can be caused by racially offensive comments or conduct, it is also important not to encourage a culture of hypersensitivity or the imposition of legal liability in respect of every unfortunate phrase.”

#### Determination of the Issues

*Has the first respondent subjected the claimant to the following treatment: Heather Kneale declining to move a box of alcohol from the claimant's office because of the presence of a Muslim colleague on that floor?*

36. We find that Heather Kneale did not decline to move the box. We are not satisfied that the claimant ever asked her to move it but, if she did, it is clear that Heather Kneale had forgotten about it or overlooked it and the claimant would have to ask again. We do not accept that she asked persistently. She has not said whether she made Heather Kneale aware of the religious reasons for her request, even if we accept she did make a request.
37. We note that she never mentioned the request in any of her written communications. It would have been a natural thing to mention, for example, in the milk storage emails. She did not refer to this in her resignation letter or her resignation meeting. In her email to the President & Principal, she does not mention that she had repeatedly asked Heather Kneale to move the box. In fact, she makes reference to the box as follows: ‘...*senior management here though it was completely acceptable to leave a box of alcohol in my office on the 28<sup>th</sup> floor...despite my religious beliefs being flagged to Daria Sulima in one of my catch ups*’. She does not say that she asked the second respondent to move the box, only that the second respondent was aware of her religious beliefs as being a Hindu. There is no evidence that she told the second respondent (or any of the managers) of a link between her religious beliefs and the presence of alcohol in her office.
38. The claimant is comparing herself to a Muslim colleague. That person has not been identified and it was not put to the respondent's witnesses that the reason the alcohol had not been moved was due to a sensitivity of another employee on the 8<sup>th</sup> floor. The claimant's witness, Victor Gbadebo, suggested that there was an intention to move the crate but it hadn't happened due to a shortage of space to move it to.
39. The claimant's evidence about the alcohol issue is inconsistent and confusing, relying on conversations with both Heather Kneale and Bethan Jones and criticising the second respondent in her email to the Professor Kapur.
40. To the extent that the crate was not moved, we find that this was not related to her religion. There are many, more likely, non-discriminatory reasons why it

might not have been done, such as the relevant person not being aware of a problem, having nowhere to move it to or the issue being forgotten about and not followed up.

41. We therefore find that the claimant has not shifted the burden of proof as she has failed to show a difference in treatment with her comparator, she has failed to show any link between her religion and the failure to move the box and we are not satisfied that she asked Heather Kneale to move the box.

Did the second respondent say the following things in the claimant's last catch-up meeting with her after the claimant had handed in her resignation:

when the claimant explained what other work she was doing: "You seem to have many excuses when it comes to work but you have plenty of time to decorate toys in your office" (referring to a statue of Ganesh kept by the claimant in her office);

when the claimant told the second respondent she was talking about the claimant's god: "I do not have time for this. I want this (recruitment task) to be completed and put on the system by tomorrow"?

42. It was accepted that there was no catch-up meeting after the claimant had handed in her resignation on 19 April 2023. The last meeting between the claimant and the second respondent took place on 18 April 2023 via Teams.
43. If that is the case, we find that this issue does not arise as there was no meeting as described in the List of Issues. The List of Issues was drawn up in June 2024 and the claimant has not sought to amend this point or correct it despite being legally represented throughout.
44. However, we will consider the issue as if it referred to the last catch-up meeting on 18 April 2023. We find that it is unlikely on the balance of probabilities that the second respondent would have said such a thing in a Teams meeting when the claimant was working from home. If the meeting had been in the claimant's office, and the Lord Ganesh idol had been present, it is plausible that the idol might have been in the minds of the parties. Given that the meeting was on Teams and the idol was not visible to anyone, we accept the second respondent's evidence that she did not say these words.
45. In respect of the second limb of this allegation, this appears to be a reasonable management instruction from a manager who is losing patience.
46. We note that the allegation was not mentioned at all in the email to Professor Kapur, nor was it mentioned to Bethan Jones in the meeting on 24 April 2023. We find that the claimant has not shown evidence from which we could conclude that she had been harassed due to her religion.
47. We find that the breakdown in the relationship between the claimant and the respondents was due to the claimant's unwillingness to work from the office and her reluctance to be managed by the second respondent. We do not find that her religion was a factor in any of the interactions between her and her colleagues.

48. We were taken to the first respondent's Religion and Belief Policy. Although not directly an issue before us, we do not find that either respondent has breached this policy.

49. In conclusion, we find that the claimant's claims against the first respondent and the second respondent are dismissed.

50. The remedy hearing listed for 30 April 2025 will be vacated.

Employment Judge Davidson  
Date 12 February 2025

JUDGMENT SENT TO THE PARTIES ON

19 December 2025

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FOR EMPLOYMENT TRIBUNALS