



EMPLOYMENT TRIBUNALS

Claimant: Mrs M Maher

Respondent: University of Hertfordshire

Heard at: Watford Tribunal **On:** 21,22,23,24,25,28,
29,30,31 July 2025

Before: Employment Judge Cowen
Mrs A Brown
Mrs A Brosnan

Representation

Claimant: Ms Carozzi (Friend)
Respondent: Mr Lawrence (counsel)

JUDGMENT

An oral judgment was given at the hearing which stated as follows:

1. Claims 2.1.1 to 2.1.5 (direct discrimination) and 3.2 to 3.6 (harassment) in the list of issues are out of time and the Tribunal has no jurisdiction to hear them.
2. All the remaining claims of direct race discrimination and harassment are dismissed.

The Claimant then requested written reasons which are provided as follows:-

REASONS

Introduction

1. There was an agreed bundle of documents, to which additional documents

were added as a result of a SAR response. Few of these additional documents were referred to by either party in the hearing.

2. The Claimant gave evidence as did Helen Goddard, Jacqueline Roberts, Vincenzo De Bellis, Susan Murray, Karen Withers. Jenny Harris provided a witness statement but did not attend to give oral evidence. Both parties provided written closing submissions and had the opportunity to provide oral submissions.
3. The list of issues was agreed at a case management hearing (with one or two typos which have been corrected herewith), with the exception of the time limit issue, which has been set out, as it was addressed by the Tribunal.

1. Time limits

1.1 Were the Claimant's claims brought in time

1.2 If not, was there a continuing act connecting the out of time acts with any of the acts which were in time,

1.3 If not, should time be extended on the basis that it would be just and equitable to allow the claims to proceed

2. Direct race discrimination (Equality Act 2010 section 13)

2.1 Did the respondent do the following things:

2.1.1 On or around 31-08-22 C asked if she could change her hours so she could leave work early and JR, School Business Manager, refused this request when a person from a different ethnic background compared to C [including JH] was or would have been permitted to change their hours;

2.1.2 On or around 31-08-22 C asked if she could change her hours so she could leave work early and JH, Team Leader, then questioned C why she was leaving early despite knowing the reason, when a person from a different ethnic background compared to C was or would not have been questioned in this way;

2.1.3 C was not informed by JR of prospective dates during her induction for a probation review on 29-06-22 when a person from a different ethnic background compared to C was or would have been provided with this information;

2.1.4 C was not informed by JR of SPECS' expectations in relation to her role on 29-05-22 during interview or on induction on 29-06-22, when a person from a different ethnic background compared to C was or would have been provided with this information;

2.1.5 On 04-10-22 JR told C that she could not complete the training courses she had been requested to undertake by VdB when a person from a different ethnic background compared to C was or would have been provided with this training;

2.1.6 On 20-10-22 JH instructed C was not to eat her lunch in the office because JR did not want 'smelly food' in the office when a person from a different ethnic background compared to C was or would have been permitted to eat their lunch in the office;

2.1.7 Between October and December 2022 JR instructed that JH, not C, implement certain proposals including:

- a) printing for Helen Goddard [HG] Head of SPECS
- b) managing the iHasco tracker
- c) ordering stationery
- d) asking the Proctors not to support C with tasks

when a person from a different ethnic background compared to C [including JH] was or would have been permitted to implement those proposals themselves;

2.1.8 On 17-11-22 C received an email from Vince de Bellis [VdB] Health and Safety Officer she believed had been dictated by JR and / or JH revoking her access (a) to certain rooms and (b) to iHasco [a training programme] when a person from a different ethnic background compared to C was or would have been allowed this access;

2.1.9 VdB then refused to reinstate this access with the effect that C was unable to complete her work when a person from a different ethnic background compared to C was or would have had their access reinstated;

2.1.10 C was invited to a performance review meeting by JR on 23-11-22 when JR (a) failed to prepare relevant documentation and relied on hearsay and (b) failed to respond to C's request for information relating to evidence from HG, SM VdB & JH following that meeting, when a person from a different ethnic background compared to C was or would have had the information prepared / been provided with this information;

2.1.11 On 23-12-22 JR authorised JH to take an early Christmas break when C was not authorised to take a break of this kind thereby treating her less favourably and this was because of her race;

2.1.12 On 23-12-22 JR told C not to return to her role after the Christmas break thereby treating her less favourably and this was because of her race;

2.1.13 On 03-01-23 JR asked C to return her laptop when a member of staff in comparable circumstances from a different ethnic background compared to C was or would not have been asked to return their laptop at that time or at all.

2.2 Was that less favourable treatment?

The Tribunal will decide whether the claimant was treated worse than someone else was treated. There must be no material difference between their circumstances and the claimant's.

If there was nobody in the same circumstances as the claimant, the Tribunal will decide whether s/he was treated worse than someone else would have been treated.

The claimant says she was treated worse than:
JR - Jacqueline Roberts Business Manager [white UK]
JH- Jenny Harris Team Leader [white UK]
SM- Susan Murray Head of Engineering Department [white UK]
VD- Vince De Bellis Health and Safety [white UK]
Karen Withers – HR Business Manager [white UK]
Kathy Head [white UK]
Zoe Moore [white UK]
Luisa Santangelo [white UK]

or alternatively any hypothetical comparator being an Administrator with the same level of skills and qualification as the Claimant including the Claimant herself had she been of white UK ethnicity.

2.3 If so, was it because of race?

3. Harassment related to race (Equality Act 2010 section 26)

3.1 Did the respondent do the following things:

3.2 On 21-08-22 C picked up a broken biscuit and JR told C she was 'rude' causing C offence and to feel humiliated;

3.3 On 04-10-22 JR told C that she could not complete the training courses she had been requested to undertake by VdB causing C offence and to feel humiliated;

3.4 On or around 04-10-22 a meeting was held in the office where JR failed to provide C with information relating to the assessment of her work performance in her new role;

3.5 On or around 04-10-22 C was treated by JR in a dismissive manner including allocating C menial tasks and leaving miscellaneous items scattered on C's desk causing C offence and to feel humiliated;

3.6 On 18-10-22 C was reprimanded by Helen Goddard [HG] Head of SPECS for articles left in a corridor as a 'dumping ground' when this was not C's responsibility causing C offence and to feel humiliated;

3.7 On 20-10-22 C was asked by JH not to eat her lunch in the office causing C offence and to feel humiliated;

3.8 On 28-10-22 JR suggested that C was not capable of taking the

minutes of a conference meeting causing C offence and to feel humiliated;

3.9 Between October – December 2022 JR did not respond to C's emails causing C offence and to feel humiliated;

3.10 Between October – December 2022 JH moved C's emails from the shared email box to JH's personal email box causing C offence and to feel humiliated;

3.11 On 21-11-22, JR refused to allow C to erect the office Christmas tree and made negative comments in a corridor in a loud voice causing C offence and to feel humiliated;

3.12 Between November and December 2022 C was referred to by JR, JH and HG as the 'coloured printer' causing C offence and to feel humiliated;

3.13 On 02-12-22 JR initially asked C to erect the office Christmas tree but then asked JH instead, and told JH to buy new decorations causing C offence and to feel humiliated;

3.14 On 05-12-22, JH unreasonably reported C for asking a colleague to assist her causing C offence and to feel humiliated;

3.15 On 05-12-22, C returned to the office with her laptop after repair by the IT team when JR entered the office and asked in an aggressive manner holding the door handle to prevent C closing the door and asking in a sarcastic tone 'what was wrong with the laptop then?' causing C offence and to feel humiliated;

3.16 On 06-12-22 JH reprimanded C for not ordering enough stationery causing C offence and to feel humiliated;

3.17 On 12-12-22, when C was absent from work, it was reported to C that Helen Goddard [HG] Head of SPECS, had asked JR is there was any 'suspicious behaviour' and that there had been 'a lot of colour printing' and JR replied that 'no, she's not in today' causing C offence and to feel humiliated;

3.18 On 13-12-22 notices posted by C on the post room notice board were removed by SM and JH failed to investigate when requested by C, causing C offence and to feel humiliated;

3.19 On 15-12-22 during a meeting with Karen Withers [KW], JH made a series of negative comments about C to the effect that:

3.19.1 C could not do her job

3.19.2 C was not working as a level 5

3.19.3 C could not update the iHasco tracker

3.19.4 C could not send out invitations on Microsoft Teams

3.19.5 a child could do C's job

3.19.6 JH was 'the cat's mother'

causing C offence and to feel humiliated

3.20 On 23-12-22, in the administration office where C worked, JR on 4 x occasions asked C (a) to clean her desk and (b) for C's laptop such that C was unable to work causing C offence and to feel humiliated;

3.21 On 03-01-23 JH removed C's name from the SPECS administration teams depriving her of access to relevant folders to do her work or send messages to her team causing C offence and to feel humiliated;

3.22 If so, was that unwanted conduct?

3.23 Did it relate to race?

3.24 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?

3.25 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.

4. Remedy for discrimination or victimisation

4.1 Should the Tribunal make a recommendation that the respondent take steps to reduce any adverse effect on the claimant? What should it recommend?

4.2 What financial losses has the discrimination caused the claimant?

4.3 Has the claimant taken reasonable steps to replace lost earnings, for example by looking for another job?

4.4 If not, for what period of loss should the claimant be compensated?

4.5 What injury to feelings has the discrimination caused the claimant and how much compensation should be awarded for that?

4.6 Has the discrimination caused the claimant personal injury and how much compensation should be awarded for that?

4.7 Did the ACAS Code of Practice on Disciplinary and Grievance Procedures apply?

4.8 Did the respondent or the claimant unreasonably fail to comply with it?

4.9 If so is it just and equitable to increase or decrease any award payable to the claimant?

4.10 By what proportion, up to 25%?

4.11 Should interest be awarded? How much?

5. Remedy

5.1 How much should the claimant be awarded?

Facts

4. The Claimant started working for the Respondent in August 2019. On 29 June 2022 she commenced her role as School Administrator and Facilities Coordinator in the School of Physics, Engineering and Computer Science (SPECS). This was a promotion from a UH4 position in another department, to a UH5 position. The Claimant was the first person to hold this role after the amalgamation of three schools into SPECS and the creation of a specific administration role which included facilities co-ordination. Likewise Jennifer Harris was the first incumbent of the team leader role which had also recently been created after the merger.
5. The Claimant was line managed by Jennifer Harris, who reported to Jacqueline Roberts. Helen Goddard was Head of Technical Services at this time. They were all advised by Karen Withers, the HR Business Partner for SPECS.
6. Vincenzo De Bellis was the Head of Health & Safety and reported to Ms Goddard.
7. The Claimant was given a job description with her offer letter. This described her line manager as Mrs Roberts, when in fact the position of Team Leader had been created and was shown on the updated person specification. Ms Harris was the active line manager for the Claimants role.
8. By way of induction the Claimant met with Mrs Roberts in the first day or two of her new role, for an informal chat, to introduce some aspects of the job (archiving and retention) and to introduce her to some colleagues. The other aspects of her induction were left to Ms Harris as her line manager.
9. Ms Goddard also met with the Claimant and walked around the dept with her, in order to introduce her to the facilities co-ordinator aspects of her role.
10. Mr De Bellis carried out a technical induction with the Claimant on 27 June, in order to introduce those aspects of her work connected with the SPEC safety team. This included that the Claimant needed to familiarise herself with the Access policy and the student presentation document, neither of these were training courses.
11. The Claimant was not subject to a probation period as she had been working for the Respondent for some time prior to taking this role. Probation periods were not applied to those transferring roles within the University.

12. On 5 July 2022 the Claimant attended the team meeting, at which she met her new colleagues, together with Mrs Roberts and Ms Harris. During that meeting the Claimant told her colleagues that she wouldn't be in the office much as she would be moving around, as she had work to do for Health & Safety. During a discussion about returning to office work, the Claimant said it would help her to integrate into her new team, if her colleagues were to attend the office. She suggested it would help them to become a good team, to which Zoe Moore said that they already were a good team and therefore there was no need to come to the office.
13. In response to this the Claimant reminded the meeting that the University took EDI very seriously and that she was not feeling welcomed by Zoe's questions and attitude. The Claimant made the point in a follow up email to Ms Harris on 11 July that at the meeting she said that she was not talking about colour, but about a group of colleagues wanting to stick together and that a new face was not welcome.
14. On 6 July Zoe Moore, one of the other administrators emailed Ms Harris to ask whether the Claimant's remarks about EDI were aimed at her or the whole team. This led to a meeting with Ms Harris and Karen Withers, the HR Business Partner, in which Ms Moore was reassured that the Claimant had not made an allegation of race discrimination against her. The Claimant was not aware of this meeting at the time and in fact did not become aware of this until the outcome of her grievance in June 2023.
15. In July 2022 Ms Harris provided the Claimant with an appraisal form asking her to complete it by 3 August, and arranging a meeting on 10 August. This meeting did not ultimately go ahead.
16. On 12 August Mr De Bellis arranged a small leaving party for Ruby, their Proctor colleague. Some food and drinks were provided. The Claimant's evidence in her witness statement was that upon her arrival the food had already been unwrapped and placed on plates. Her witness statement does not say that she ate a broken biscuit, but asserts that Mrs Roberts publicly reprimanded her by saying she was 'rude' and instructing her not to open the food until Ruby arrived.
17. The Claimant raised a grievance on 3 January 2023 which was investigated between March and June 2023. In the investigation interview, the Claimant asserted that she had picked up a broken biscuit and ate it, which caused Mrs Roberts to reprimand her.
18. In her evidence to the Tribunal, the Claimant altered her evidence once again to say that she had picked up a biscuit unconsciously, but that she did not eat it as she is borderline diabetic. The Claimant said that she was rebuked by Mrs Roberts saying that she was 'rude' and that she should wait for Ruby to arrive. The Claimant also asserted that Mrs Roberts was across the room and used a loud voice to make these comments, which was humiliating in front of other staff and proctors. The Claimant asserted that she approached Mrs Roberts and told her not to speak to her like that. The claimant's evidence to the Tribunal was that she felt like a black slave waiting for her white master to

say when she could eat. She also told the Tribunal that she believed that by touching the food, others thought that due to her being black, the food would be contaminated/contagious. These later detailed feelings were not contained in any of the Claimant's earlier written documents, or her grievance.

19. The Tribunal found this was in contrast to Mrs Roberts evidence which was consistent and stated that she told the Claimant to wait until Ruby arrived before eating. She asserted that there was cling film over the food when the Claimant went to take it off. She denied that she said to the Claimant that she was rude.
20. The Tribunal accepted Mrs Roberts version of events; that she told the Claimant to wait to eat until Ruby arrived. The Claimant's multiple versions of this incident, each of which became more flamboyant led the Tribunal to consider that the Claimant's evidence was unreliable.
21. In August the Claimant began to experience problems with congestion on the bus routes into the University, due to the return of a lot of people to the site. This meant that the Claimant's journey to work became difficult and delayed.
22. The Claimant discussed with Ms Harris the difficulty she was having. This was an issue which was known by the University and which was resolved by the bus company some weeks later.
23. The Claimant spoke with Ms Harris and agreed to arrive earlier and leave earlier. Ms Harris did not object to this. Mrs Roberts was also aware that there was an issue, as many of the students were also having problems.
24. The Claimant also tried to catch a train to work for a few weeks of the term, but this proved difficult too, so she reverted to the bus. There was no problem with the Claimant's time keeping and this was not an issue which was the subject of reprimand or discussion.
25. The Claimant did not make any formal application for flexible working under the Respondent's flexible working policy and therefore no such application was refused.
26. During September Zoe Moore left the department. The responsibility of updating the H&S training tracker known as IHASCO was passed to the Claimant. This was a live document which was updated and passed to senior staff regularly to ensure that all staff had the relevant training.
27. Unfortunately there were a number of mistakes on the tracker whilst in the care of the Claimant; one of which caused particular embarrassment to the safety and administration team, by removing a senior member of staff. This caused some upset, as it was taken to be an indication that this particular person had resigned, which was untrue.
28. Mr De Bellis and Mrs Roberts decided that as a result of these errors and the difficulty which had arisen, the IHASCO tracker should be completed and maintained by the safety team. This responsibility was therefore removed

from the Claimant. The Claimant's access to the tracker was not removed.

29. Around 4 October the Claimant asked Mrs Roberts if she could meet with her. Mrs Roberts agreed and sent her a Teams invitation. At this meeting the Claimant raised issues that she considered were problems she was facing about her work. These included the fact that she was not being provided with the training provided to the Proctors. Mrs Roberts told her that it was not necessary for her to have that training.
30. Later that day, the Claimant attended a one to one meeting with Ms Harris in which issues about her performance were raised informally.
31. Also on 4 October, Ms Goddard asked the Claimant to print some plans for her, connected to the new building project which was taking up a lot of Ms Goddard's time and for which she was under considerable pressure to ensure the new building was suitable for the purposes of SPECS. The plans were very large in size and had to be colour printed to enable Ms Goddard to check specific points. Unfortunately, the Claimant did not complete this task accurately and Ms Goddard was not able to undertake the work she needed to do. This placed extra pressure on her and her displeasure at being let down by the Claimant was significant. Ms Goddard told Ms Harris about the problem, and Ms Harris offered to do HG printing from this point onwards. HG resolved to do it herself or send it to reprographics.
32. Mrs Roberts had a policy of not allowing staff to eat hot food at their desks. The reasons were predominantly to ensure that staff took breaks away from their desks and also to ensure that shared rooms were not filled with the smells of hot food. There had been a previous rat infestation and she was keen to ensure that this did not return. All administration staff were aware of this rule and stuck to it. The Claimant was aware of it too. She kept her lunch bag under her desk and took it with her to go and eat lunch. Most days she ate lunch with her husband or friends and sat outside under a tree or in the Forum or elsewhere. Staff were allowed a one hour lunch break to be taken between 12 and 1.30pm. Cold food, hot drinks and snacks could be eaten at desks as these would not produce the smells that might cause upset to staff or attract pests.
33. On one occasion Ms Goddard found the Claimant eating lunch alone at the top of the stairs and asked if she would like to accompany her to lunch. The Claimant declined.
34. On 20 October, the Claimant returned early from eating lunch as she wanted to watch an online lecture. As she returned to her desk with her lunch bag, Ms Harris approached her and said " I hope you are not going to eat that in here". This was a reference to the rule imposed by Mrs Roberts.
35. During October an issue also arose with regard to the Claimant's role of collecting, recycling and disposing of old furniture within the department. The Claimant collected a number of items as part of her role and arranged for them to be disposed of, or used by others. This was part of her role in facilitating the redecoration of rooms, or preparation for the ultimate move to the new premises. The Claimant placed some of these items in the senior

management corridor, near a trophy cabinet. These were items which came from Library and Computer Services (LCS).

36. On 18 October Ms Goddard told the Claimant that these items should not be left in the corridor as this was a space which was to be kept clear and clean, so that a good view of the department was seen by visitors. This was something which the Dean was particularly keen to ensure and which Ms Goddard wanted to maintain. She therefore told the Claimant to ensure that the items were removed. She followed up their conversation with an email to ensure the Claimant understood what she had asked her to. She said that they should be put back where they came from immediately and the corridor should not be used as a dumping ground. The Claimant took exception to this order from the Head of Technical Services.
37. On 21 October the Claimant asked Access Control for access to be placed on her card to LC263 as she needed to get the room ready for painting. This was denied by Mr De Bellis as the Claimant was not allowed to have this room on her access pass. She was told that she could borrow a temporary pass which would allow her access when she needed it. This also led Mr De Bellis to review the Claimant's access to rooms. He discovered that she had been given the same level of access as Ms Harris and indicated to the Claimant that she would have her access set to the level appropriate to her role. He sent the Claimant an email on 17 November to explain this to her.
38. In mid November the Claimant went on holiday (14-18 November). She was asked to ensure that before she went away the stationery cupboard was fully stocked. Upon her return Ms Harris told her that it had been necessary to make an emergency order for whiteboard pens as there had been none available. The Claimant did not accept that this was correct. It caused further conflict between her and Ms Harris.
39. As a result of this, the Claimant and Ms Harris had a meeting at which it was agreed that the Claimant would produce an inventory of the stationery cupboard and keep it up to date. As part of that project, the Claimant took photos of the cupboard. These photos were taken after her return and not before her departure as suggested by the Claimant.
40. Around this time an issue also arose with the use of the Proctors. Although the Claimant was allowed to ask proctors to help with simple tasks of delivery and administration, it had become clear to Mr De Bellis that the Claimant had been using the proctors, who were students who were paid to help with basic jobs, to move furniture within the department. This was not allowed, as the proctors had not undergone H&S training to do this work. This was pointed out to the claimant.
41. A meeting took place between the Claimant and Mrs Roberts on 23 November as Mrs Roberts was aware that the relationship between the Claimant and Ms Harris had deteriorated. She wanted to obtain the Claimant's side of the story. She therefore requested this informal meeting to establish the Claimant's views on the situation.
42. The Tribunal accepted that Mrs Roberts said that she did not instigate this

meeting as a performance review meeting and was not following any performance procedure. However, she was in receipt of reports from various staff about the Claimant's works and she did use these to discuss with the Claimant various shortcomings in her work, albeit in an informal way. Mrs Roberts also listened to the Claimant's complaints.

43. The Claimant was unwilling at this meeting to concede either that she was not getting on with Ms Harris, nor that her work was not of a sufficient standard. The Claimant challenged Mrs Roberts to prove that she had made errors in her work and rather than reflect on her own performance, chose to criticise others.
44. The Claimant escalated matters on 29 November when she wrote to Dan McCluskey the Dean of the school, to report Mrs Roberts, whom she described as disrespectful and rude. The Claimant also told him that she had asked Mrs Roberts to take EDI seriously. The email accused Mrs Roberts and Ms Harris of treating her badly and the Claimant threatened that they will 'suffer the consequences'. The Claimant made clear in her oral evidence that she meant that she would go to ACAS (and then to ET).
45. As a result of that meeting, Mrs Roberts wrote to Mrs Withers on 5 December indicating that the Claimant had not accepted that she was not performing well and that she had criticised others including Mrs Roberts and Ms Harris.
46. As a result of this it was decided that a meeting with Ms Harris to discuss her performance, should take place. This too was not a formal performance view, but an informal opportunity to try to resolve the outstanding issues and to help to improve the working relationships.
47. Around the start of December the Claimant wrote a notice on a whiteboard in the stationery cupboard. The message reminded staff not to take more stationery than they required and to fill in stationery request forms and included the line 'kindly inform me of all suspicious activities'. The Claimant said that she did this as packages had gone missing.
48. This caused upset within the department as Susan Murray and others had considered it inappropriate for the Claimant to put this up. By this time the Claimant's working relationship with many of her colleagues had become quite strained.
49. On 12 December Rowena James, a colleague of the Claimant sent her a WhatsApp message; the Claimant was off work at this time. The message included the line "Helen Goddard asked Jacqui if there had been any suspicious behaviour and Jacqui replied no, she's not in today. Then Helen mentioned there had been a lot of coloured printing going on? I understand you were off sick".
50. On 13 December Ms Goddard wrote to Ms Harris to outline her experience of the Claimant's work, including the issue with the mistakes in printing, the collection of items which were left in the corridor and the errors on the IHASCO tracker document.

51. Also on this date Ms Murray removed part of the Claimant's message regarding the stationery cupboard which referred to reporting suspicious activity to her. The Tribunal accepted Ms Murray's evidence that she removed the message because she considered it to be inappropriate and accusatory and would potentially upset academic colleagues. Ms Murray said that she did not know who had written the message.
52. On 15 December Ms Harris held a meeting with the Claimant, at which Mrs Withers was invited to attend as an HR adviser. This was not a formal performance management meeting, but an opportunity once again to address the Claimant's underperformance, but also to address the Claimant's behaviour and attitude towards her colleagues which was causing repeated problems within the department. An air of tension had been reported by a number of people.
53. The meeting was described by Mrs Withers as one in which there was a role reversal as the Claimant was being very intimidating toward Ms Harris. Mrs Withers said that she did not intend to take an active part in the meeting, but had to when Ms Harris became very quiet due to the behaviour of the Claimant.
54. At the meeting, Ms Harris raised a number of examples of the Claimant not being able to complete tasks to a satisfactory standard. The Claimant demanded that evidence of these incidents should be produced, to which Mrs Withers said she would look into them and speak to the relevant people. The Claimant was adamant that none of the problems had been her fault and claimed either not to have the responsibilities, not have the knowledge, or blame others for the faults. During the meeting the Claimant attempted to resilite from a number of the tasks on her job description.
55. The meeting became strained and fractious with the Claimant holding up her hand and demanding that Ms Harris let her speak. Ms Harris became intimidated by the Claimant who repeatedly referred to Ms Harris as 'she'. This ultimately led to Ms Harris asking the Claimant not to refer to her as 'the cat's mother'.
56. The next day, on 16 December 2022 the Claimant resigned from her post, indicating that she had found a job elsewhere. She did not indicate that this was a temporary, maternity cover position. The Claimant immediately asked security to remove her from the SPECS H&S areas.
57. On 20 December Mrs Roberts spoke to the Claimant to offer her the option not to return to work after the Christmas break, but to take paid leave instead. This offer was made, having taken advice from HR, given the strained working relationships and tension in the office. Mrs Roberts offered the Claimant the opportunity to stay at home and prepare for her new role. The documentary evidence showed that Mrs Roberts had recorded that the Claimant had thanked her for this offer.
58. The claimant's final day in the office was 23 December 2022, although her contract did not end until 13 January 2023. On 23 December 2022 the office, along with the whole University closed at 12 noon and all staff were expected

to leave and not return until 3 January 2023. Mrs Roberts was present in the office and went to check that the Claimant was going to leave her desk clear and return her laptop. She made four visits to the Claimant that morning to ensure that the Claimant was finishing her work.

59. The Claimant said that she was not aware at that time that she was not returning to the office after the Christmas break. The Claimant also asserted that legally she was entitled to retain her laptop until the end of her contract. The Tribunal did not accept either of these contentions.
60. The Claimant's evidence about keeping personal information on the hard drive of the laptop, changed as her evidence progressed. At first she denied this, but acknowledged that she told Mrs Roberts at one point in the day, that she had not yet completed moving all her data across to the One drive.
61. Ultimately Mrs Roberts allowed the Claimant to take the laptop home and return it in the new year.
62. On 3 January 2023, the Claimant raised a grievance about the manner in which she had been treated by Mrs Roberts and Ms Harris. This was investigated and all the relevant staff were interviewed, The report was made in June 2023, after the Claimant had left the department.

General comments on evidence

63. The Tribunal were concerned to find that the Claimant was prone to exaggeration in her evidence to the Tribunal. The evidence the Claimant gave in relation to the biscuit eating at the leaving party was significantly different to the version contained in her witness statement and investigation and was embellished with details such as her allegation that she was contagious and that others would not eat food which she had touched. This was new evidence which the Tribunal asked the Claimant to be sure of given the seriousness of the allegation, at which point the Claimant backed down and apologised for doing so.
64. On other occasions the Claimant's evidence in oral testimony went into details which were not contained in either her pleading or her witness statement and the Tribunal concluded on these occasions that this hyperbole was an attempt to persuade the Tribunal of her position, which in fact made her less credible.
65. The Tribunal were struck by the contrast with the Respondent's witnesses whom, despite having had a difficult working relationship with the Claimant were reserved in their criticism of the Claimant. When asked directly about their working relationship they had been reluctant to provide details about the effect that the Claimant's behaviour and attitude had had on the office and department.
66. Each of the Respondent's witnesses were candid and open to acknowledging where they were at fault, or had acted less than professionally. The Tribunal accepted those concessions.
67. The Tribunal considered the witness statement of Jenny Harris who did not

attend to give oral evidence. The Tribunal took into account the fact that she was not available for cross examination. However, there were some factual matters where Ms Harris agreed with the Claimant and the Tribunal have relied on these parts of her evidence. Where there was conflict between the Claimant and Ms Harris, the Tribunal looked for other corroborative evidence to assist in deciding between the versions.

The Law

Time Limit

68. The relevant time-limit is at section 123 Equality Act 2010. According to section 123(1)(a) the tribunal has jurisdiction where a claim is presented within three months of the act to which the complaint relates.
69. The normal three-month time limit needs to be adjusted to take into account the early conciliation process and any extensions provided for in section 140B Equality Act.
70. By subsection 123(3)(b), a failure to do something is treated as occurring when the person in question decided on it. In the absence of evidence to the contrary. A person is taken to decide on a failure to do something when that person does an act which is inconsistent with doing it or, in the absence of such an inconsistent act, on the expiry of the period on which that person might reasonably have been expected to do it.
71. In *Hendricks v Metropolitan Police Commissioner* [2002] EWCA Civ 1686, the Court of Appeal stated that the test to determine whether a complaint was part of an act extending over a period was whether there was an ongoing situation or a continuing state of affairs in which the Claimant was treated less favourably. An example is found in the case of *Hale v Brighton and Sussex University Hospitals NHS Trust* UKEAT/0342/17 where it was determined that the Respondent's decision to instigate disciplinary proceedings against the Claimant created a state of affairs that continued until the conclusion of the disciplinary process.
72. Alternatively, the tribunal may still have jurisdiction if the claim was brought within such other period as the employment tribunal thinks just and equitable as provided for in section 123(1)(b).
73. The tribunal has a wide discretion to extend time on a just and equitable basis. As confirmed by the Court of Appeal in *Adedeji v University Hospitals Birmingham NHS Foundation Trust* [2021] EWCA Civ 23, the best approach is for the tribunal to assess all the factors in the particular case which it considers relevant to whether it is just and equitable to extend time. This will include the length of and reasons for the delay, but might, depending on the circumstances, include some or all of the suggested list from the case of *British Coal Corporation v Keeble* [1997] IRLR 36.
74. It is for the Claimant to show that it would be just and equitable to extend time. The exercise of discretion should be the exception, not the rule (*Bexley Community Centre (t/a Leisure Link) v Robertson* [2003] EWCA Civ 576).

Direct Discrimination

75. Section 13 of the Equality Act provides that: *“(1) A person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others.”*
76. Section 23 of the Equality Act goes on to provide that: (1) On a comparison of cases for the purposes of section 13, 14 or 19 there must be no material difference between the circumstances relating to each case.
77. In the House of Lords decision of *Shamoon v Chief Constable of the Royal Ulster Constabulary* [2003] UKHL 11, [2003] IRLR 285, ICR 337, it was held by Lord Scott that “the comparator required for the purpose of the statutory definition of discrimination must be a comparator in the same position in all material respects of the victim save that he, or she, is not a member of the protected class”.
78. The test as to whether there has been less favourable treatment is an objective one: the claimant’s belief that there has been less favourable treatment is insufficient. Likewise, the treatment must be less favourable, not merely different. Unreasonable treatment is not sufficient, although it may be evidence which supports an inference if there is no adequate explanation for the behaviour (*Anya v University of Oxford and anor* 2001 ICR 847, CA).
79. Where there is less favourable treatment, the key question to be answered is why the claimant received less favourable treatment: was it on grounds of race or for some other reason (*London Borough of Islington v Ladele* [2009] ICR 387). As Mr Justice Linden said in *Gould v St John’s Downshire Hill* 2021 ICR 1, EAT “The question whether an alleged discriminator acted “because of” a protected characteristic is a question as to their reasons for acting as they did. It has therefore been coined the “reason why” question and the test is subjective...For the tort of direct discrimination to have been committed, it is sufficient that the protected characteristic had a “significant influence” on the decision to act in the manner complained of. It need not be the sole ground for the decision...[and] the influence of the protected characteristic may be conscious or subconscious.”
80. In *Nagarajan v London Regional Transport* 1999 ICR 877, HL, Lord Nichols said that “discrimination requires that racial grounds were a cause, the activating cause, a substantial and effective cause, a substantial reason, an important factor. No one phrase is obviously preferable to all others, although in the application of this legislation legalistic phrases, as well as subtle distinctions, are better avoided so far as possible. If racial grounds...had a significant influence on the outcome, discrimination is made out”

Burden of Proof

81. Often there will be no clear direct evidence of discrimination on racial grounds and the Tribunal will have to explore the mental processes of the alleged discriminator and draw inferences. The claimant will need to prove facts from which a Tribunal could properly conclude that the respondent had committed an unlawful act of discrimination, and this can include the drawing of

inferences (see burden of proof section below). However, simply establishing a difference in status is insufficient: there must be “something more” (Madarassy v Nomura International plc [2007] EWCA Civ 33 and Igen Ltd v Wong [2005] ICR 931). Likewise, unreasonable conduct alone is insufficient to infer discrimination.

82. Section 136 of the Equality Act (burden of proof) states that: *“(1) This section applies to any proceedings relating to a contravention of this Act. If there are facts from which the court could decide, in the absence of any other explanation, that a person (A) contravened the provision concerned, the court must hold that the contravention occurred. (3) But subsection (2) does not apply if A shows that A did not contravene the provision.”*
83. Put simply, the claimant must show facts from which the Tribunal could infer that discrimination took place, in the absence of other explanation. If the claimant cannot do that, the claim fails. If the claimant does show such facts, then the burden shifts to the respondent to show that discrimination did not take place (Igen v Wong, , Royal Mail Group v Efofi [2021] UKSC 33). In deciding whether the burden has shifted, the Tribunal should consider all of the factual evidence provided by both parties (although not the explanation for those facts).
84. Where the burden has shifted to the respondent, it is then for the respondent to prove on the balance of probabilities that the less favourable treatment was not because of race.
85. Although the burden of proof is a two stage test, there are cases where an Employment Tribunal can legitimately proceed directly to the second stage of the test (see, for example, Laing v Manchester City Council and anor 2006 ICR 1519, EAT).

Harassment

86. Section 26 of the Equality Act provides:
- “(1) A person (A) harasses another (B) if – a. A engages in unwanted conduct related to a relevant protected characteristic, and b. The conduct has the purpose or effect of – i. Violating B’s dignity, or ii. Creating an intimidating, hostile, degrading, humiliating or offensive environment for B.*
- (2)*
- (3)*
- (4) In deciding whether conduct has the effect referred to in subsection 1(b), each of the following must be taken into account –*
- a. The perception of B;*
- b. The other circumstances of the case;*
- c. Whether it is reasonable for the conduct to have that effect.”*
87. In order to determine whether the conduct is related to the protected characteristic, it is necessary to consider the mental processes of the alleged harasser (Henderson v General & Municipal Boilermakers Union [2016] EWCA Civ 1049). This may be conscious or unconscious: as stated by Underhill LJ in Unite the Union v Nailard [2018] EWCA Civ 1203: “it will of course be liable if the mental processes of the individual decisiontaker(s) are

found (with the assistance of section 136 if necessary) to have been significantly influenced, consciously or unconsciously, by the relevant protected characteristic.”

88. As set out in the EHRC Code, “unwanted conduct” can include “a wide range of behaviour” (at paragraph 7.7) and it is not necessary for the employee to expressly state that they object to the conduct (at paragraph 7.8).
89. A single incident can be sufficient provided it is sufficiently serious (*Bracebridge Engineering Ltd v Darby* (1990) IRLR 3).
90. When looking at the effect of harassment, this involves a subjective and objective test. The subjective test is to assess the effect that the conduct had on the complainant, and the objective test is to assess whether it was reasonable for the conduct to have that effect (*Pemberton v Inwood* 2018 ICR 1291, CA). The conduct complained about must however “reach a degree of seriousness” in order to constitute harassment, so as not to “trivialise the language of the statute” (*GMB v Henderson* [2015] IRLR 451, at 99.4).
91. In relation to the subjective element, different individuals may react differently to certain conduct and that should be taken into account. However, as set out in *Richmond Pharmacology v Dhaliwal* 2009 ICR 724 by Mr Justice Underhill: “if, for example, the tribunal believes that the claimant was unreasonably prone to take offence, then, even if she did genuinely feel her dignity to have been violated, there will have been no harassment within the meaning of the section. Whether it was reasonable for a claimant to have felt her dignity to have been violated is quintessentially a matter for the factual assessment of the tribunal. It will be important for it to have regard to all the relevant circumstances, including the context of the conduct in question.”

Decisions on the List of Issues

Time limits

92. Having calculated that anything prior to 19 October 2022 would be primarily out of time, the Tribunal considered whether there was a continuing act between those allegations in time and allegations 2.1.1 to 2.1.5 and 3.2 to 3.6
93. When doing so, the Tribunal considered, in accordance with *Hendricks* whether there was evidence of an ongoing situation or a continuing state of affairs.
94. We noted that all of the allegations involve Mrs Roberts to some extent and most involve Ms Harris.
95. Specifically we considered that Mrs Roberts was the person who appointed the Claimant and who took steps to try to assist the Claimant to sort out her problems with Ms Harris. She held a meeting with the Claimant in October to try to stop the situation from escalating.

96. The tribunal also noted that Mrs Roberts was not the Claimant's line manager and left day to day management to Ms Harris. The Tribunal considered whether Mrs Roberts and/or Ms Harris were the common theme and had staged a campaign against the Claimant. However, the Tribunal concluded that the allegations brought by the Claimant were not connected as many of them were minor incidents of daily office life with limited ongoing impact. In particular the Tribunal distinguished issues like failing to reply to emails and disputes over putting up a Christmas tree, from failing to train or promote an employee. The Tribunal concluded that the Claimant had considered there was a connection and then sought about evidencing it.
97. The Tribunal noted that the Respondent did not discipline the Claimant, nor did it place her on a Performance Improvement Plan. The allegations in this case have arisen from offence which the Claimant has found in the every day actions of her colleagues. No decisions have been taken by the Respondent which placed the Claimant at a disadvantage.
98. The Respondent responded to each of the concerns which the Claimant raised.. The Tribunal therefore concluded that Mrs Roberts could not be said to have had a course of conduct towards the Claimant and that there was no continuing act. These acts were therefore out of time
99. The Tribunal went on to consider whether they ought to apply their discretion to extend time on a just and equitable basis.
100. The Tribunal took into account that the Claimant was aware by 29 November 2022 that she could go to ACAS as she referred to this as the meaning of her comment in the email to Dan McCluskey. Had she taken action at that time, then all her claims would have been in time.
101. The Tribunal noted that the Claimant offered no explanation as to why she did not bring a claim at that time, nor why the Tribunal should now use its discretion to allow her claim to proceed. She did not provide medical evidence to suggest that she was not able, and the Tribunal noted she was continuing to work at the time. The Tribunal also noted that the Claimant went straight to another job.
102. The Tribunal considered the balance of prejudice of allowing these claims to be heard, for which the Respondent was already prepared, versus the prejudice of not allowing them. The Tribunal took into account that the Claimant had a number of allegations throughout her relatively short working period in the department, of which these were just some examples.
103. The Tribunal were satisfied that the Claimant was aware of her rights and made a number of threats against her employer to enforce her rights under the Equality Act. She was able to raise her issues to the Dean of the School directly, indicating she was not afraid to raise issues about her superiors.
104. The Tribunal concluded that there were no reasons shown by the Claimant to extend time and the Tribunal did not consider that the inclusion or not of these would not influence the total award of compensation.

105. The Tribunal could see no reason to extend time for just and equitable reasons
106. However, for the sake of completeness, the Tribunal have considered all of the allegations as all the facts needed to be considered and set out in any event.

Direct race discrimination (Equality Act 2010 section 13)

2.1 Did the respondent do the following things:

2.1.1 On or around 31-08-22 C asked if she could change her hours so she could leave work early and JR, School Business Manager, refused this request when a person from a different ethnic background compared to C [including JH] was or would have been permitted to change their hours;

107. The Claimant sent an email to Ms Harris and Mrs Roberts on 3 November outlining the hours she would be working due to the bus issues.
108. The Claimant spoke to Ms Harris about it and they agreed that the Claimant would arrive early and leave early, in order to avoid the worst of the congestion. Mrs Roberts was also aware of the problem with the buses.
109. The Tribunal found that the Claimant made no formal flexible working request to Mrs Roberts and therefore Mrs Roberts did not stop her from leaving early, or refuse to alter hours.
110. The Tribunal found that there was no such refusal and therefore no discrimination. This allegation was dismissed.

2.1.2 On or around 31-08-22 C asked if she could change her hours so she could leave work early and JH, Team Leader, then questioned C why she was leaving early despite knowing the reason, when a person from a different ethnic background compared to C was or would not have been questioned in this way;

111. Ms Harris' witness statement supports the Claimant's assertion that she asked the reason for the change in hours. As her line manager, the Tribunal considered it entirely fitting that Ms Harris would request a reason for the change in working hours. There is no evidence to suggest that others were treated differently or that this behaviour was less favourable of the Claimant.
112. The Tribunal found no facts from which they could imply that this conversation was based on the claimant's race, or that it was different to the way in which other staff (white UK) would have been treated. This allegation was dismissed.

2.1.3 C was not informed by JR of prospective dates during her induction for a probation review on 29-06-22 when a person from a different ethnic background compared to C was or would have been provided with this information;

113. Mrs Roberts spoke to the Claimant during her first week of work, to introduce herself and to specifically show her the tasks of archiving and retention. She walked her around the department and introduced her to various staff.

114. Mrs Roberts and Mrs Withers' evidence was specific that the Claimant did not require a probationary period as she had moved from a different University position. Mrs Roberts explained that probation periods are not applied to existing employees who move roles.

115. The Tribunal was satisfied that as no probation period was applied to the Claimant, no probation review would be required and therefore there was a non- discriminatory reason why such a review was not discussed with the Claimant on 29 June 22, or after. This allegation was dismissed

2.1.4 C was not informed by JR of SPECS' expectations in relation to her role on 29-05-22 during interview or on induction on 29-06-22, when a person from a different ethnic background compared to C was or would have been provided with this information;

116. Mrs Roberts evidence was that the Claimant was sent her job description with the offer letter.

117. The Tribunal noted that the Claimant was line managed by Ms Harris and therefore, as Mrs Roberts was not her direct manager, it would not have been her responsibility to outline her expectations of the Claimant. This was left to Ms Harris as line manager.

118. The Tribunal had no evidence from which they could infer that someone else (white UK) would have been treated any differently by Mrs Roberts, in that situation. The Claimant failed to show something more than the fact that she was Black African and therefore has not satisfied the test in Madarassy

2.1.5 On 04-10-22 JR told C that she could not complete the training courses she had been requested to undertake by VdB when a person from a different ethnic background compared to C was or would have been provided with this training;

119. Mrs Roberts believed that the Claimant asked to meet her informally on 4 October and that she did not have any knowledge of what it was that the Claimant wanted to discuss until the meeting happened. This was a separate meeting to the one later that day when the Claimant's performance was discussed.

120. At this first meeting, Mrs Roberts accepted that it was possible that the Claimant raised the issue of training which was being given to the Proctors. As the Claimant was not a Proctor and did not carry out these tasks, this was not training which she required. Mrs Roberts therefore said to the Claimant that it was not necessary for her to do this training.

121. In any event Mr De Bellis' evidence was that the further work for the

Claimant was comprised of two items handwritten on the induction checklist. These were not training courses, but suggestions that she review these documents. He therefore did not request her to undertake specific training.

122. The Tribunal were satisfied that the basis for the difference in treatment was not the Claimant's race, but her job title/description/responsibilities. As the training was not required for the Claimant's job role, this amounted to a non discriminatory reason for the difference in treatment. Mr De Bellis did not in fact request the Claimant to undertake any specific training and therefore the Claimant was not refused the training.

123. The Claimant did not show the Tribunal any evidence from which they could infer that this rejection of her training request was, in any way, due to her race. The Tribunal noted that it was not sufficient for the Claimant to point to a difference in treatment and her race as being enough to succeed in a discrimination claim. There must be some kind of link between the two and the Claimant had not suggested one.

2.1.6 On 20-10-22 JH instructed C was not to eat her lunch in the office because JR did not want 'smelly food' in the office when a person from a different ethnic background compared to C was or would have been permitted to eat their lunch in the office;

124. Mrs Roberts had a policy not to eat hot food at ones' desk, partially to avoid upset about smells in shared offices and also to ensure that people got up, stopped working and moved away from their desks. Mrs Roberts was clear that this did not apply to cold food such as sandwiches or chocolate, or hot drinks such as tea and coffee.

125. Ms Goddard explained that there were a number of different places, away from the desks where people could eat, including a staff room and the Forum. She spoke of an occasion where she found the Claimant eating her lunch on a chair at the top of the stairs which indicated the Claimant was aware of the policy.

126. The Claimant's evidence was that she did not usually eat hot food at her desk. Her evidence to the Tribunal was that on this occasion she had in fact eaten her lunch with her husband elsewhere and was returning to her desk with her lunch bag, in order to watch an online lecture. The Claimant's evidence to the Tribunal was that she was not intending to eat at her desk. The Tribunal accepted that was correct

127. The Tribunal also accepted the Claimant's evidence that Ms Harris made the comment of saying "you're not going to eat that in here". They had no evidence as to the tone or manner in which it was said. Ms Harris accepted that she did say it and therefore there was no reason for the Tribunal to disbelieve this.

128. The Tribunal went on to consider in detail the Claimant's evidence which they found lacked consistency and logic. Her witness statement indicated that she was challenged as she walked into the office carrying her

lunch bag, during the lunch period. There was no evidence to suggest that Ms Harris would have known that the Claimant had already eaten lunch, or was not going to eat at her desk.

129. There was no evidence before the Tribunal on how often Ms Harris made such comments and to whom. However, the Tribunal had heard that by October the relationship between the Claimant and Ms Harris was strained.

130. Either way, the Tribunal were satisfied that Ms Harris made the comment to the Claimant on this occasion as she returned to her desk. The Tribunal concluded, based on the agreed evidence of a general policy set out by Mrs Robert that this was the reason for the challenge and not due to the Claimant's race.

131. The Tribunal found that Ms Harris made the comment to the Claimant and that she did so to enforce the Claimant Mrs Roberts' rule. This allegation was dismissed.

2.1.7 Between October and December 2022 JR instructed that JH, not C, implement certain proposals including:

*a) printing for Helen Goddard [HG] Head of SPECS *

132. There was an issue about the printing that was undertaken for Ms Goddard being wrong in both colour and the pages. Ms Goddard's evidence was that she didn't ask the Claimant to do further printing for her because of this mistake, which cost her time and further administration. She alerted Ms Harris to the problem in order to ask for help to resolve it. Ms Harris took it upon herself to ensure that Ms Goddard's future printing was accurate by doing it herself, or sending it to reprographics to fulfil, Ms Goddard's evidence was that she carried out much of her own printing thereafter.

133. The evidence of Mrs Roberts was that she was aware of the issue about Ms Goddard's printing but that she did not give Ms Harris any instruction to remove printing from the Claimant.

134. There is no evidence to support the Claimant's assertion that Mrs Roberts gave such an instruction to Ms Harris. This allegation is therefore dismissed

b) managing the iHasco tracker

135. There was an issue with the IHASCO tracker. It was transferred to the Claimant after her colleague left in September 2022, but a number of errors occurred.

136. Mr De Bellis then decided, in company with Mrs Roberts, that the IHASCO tracker should be taken back into the safety team to be completed and maintained, thus removing it from the Claimant's responsibility.

137. There were a number of witnesses who described the problems which had occurred under the Claimant's watch and the Tribunal were satisfied that this was removed from the Claimant due to the mistakes made either by her,

on whilst she was the appointed person. The Tribunal accepted that they were not shown evidence that the Claimant had made mistakes on the tracker, but accepted that as this was a live document and as previous versions had not been captured, it was not possible to provide such evidence. The Tribunal were satisfied that the mistakes took place under the Claimant's responsibility and that they were published to the department. This was the reasons it was removed from her. This allegation was dismissed,

c) ordering stationery

138. The evidence was that an 'emergency' order of pens had to be made whilst the Claimant was on holiday, as the supplies were thought to be short. The Claimant asserted that she maintained a sufficient stock.

139. The Tribunal found that the Claimant's photographic evidence of the stationary cupboard, was taken after the additional stock had been ordered. These did not assist her to prove that she had ordered sufficient pens before her holiday.

140. There was no evidence to suggest that Mrs Roberts had taken this part of the Claimant's job away from her. Ms Harris had made one order, in the Claimant's absence, that is not the same as removing a duty from someone's role, as asserted by the Claimant. The Tribunal concluded that the facts of this allegation did not happen and this was a further example of the Claimant's exaggeration. The allegation was dismissed.

d). asking the Proctors not to support C with tasks when a person from a different ethnic background compared to C [including JH] was or would have been permitted to implement those proposals themselves;

141. The Tribunal found there was no evidence that such communication had been made to the Proctors. There was evidence that the Claimant was told not to use the Proctors as much and not to use them for heavy lifting tasks as they were not appropriately trained. This did not remove the ability of the Claimant to engage with the Proctors on appropriate tasks.

142. There was no evidence to suggest that Mrs Roberts had instructed Ms Harris to restrict the Claimant's use of Proctors in any other way. Nor was there any evidence on which to infer that this was due to race. This allegation was dismissed.

2.1.8 On 17-11-22 C received an email from Vince de Bellis [VdB] Health and Safety Officer she believed had been dictated by JR and / or JH revoking her access (a) to certain rooms and (b) to iHasco [a training programme] when a person from a different ethnic background compared to C was or would have been allowed this access;

143. The Tribunal accepted that an email was sent by Mr De Belis to the

Claimant. However, there was no evidence to suggest that Mrs Roberts had dictated this email, or any other, to him.

144. a) Mr De Bellis' evidence was that he had reviewed the Claimant's access on her card and found that she had erroneously been given the same access rights as Ms Harris who was her line manager. This was incorrect and therefore the error that had been made when the Claimant joined the team was corrected. This was not at the behest of Mrs Roberts and/or Ms Harris. The facts of this allegation were not proved and it was dismissed.
145. b) The Tribunal found that the decision to remove the Claimant's work on IHASCO was made by Mr De Bellis after mistakes were made (as set out above) and this was removed for non- discriminatory reasons. This allegation was dismissed.

2.1.9 VdB then refused to reinstate this access with the effect that C was unable to complete her work when a person from a different ethnic background compared to C was or would have had their access reinstated;

146. The evidence of Mr De Bellis was that as the Claimant had not been entitled to have this access, there was therefore nothing to reinstate. The Claimant was told that she could ask for a loan card, to access any room that she needed in order to complete a task, e.g. access for painting an office.
147. The Claimant's evidence was that the use of a loan card was not possible, as these were all lost. The Claimant was therefore not refused reinstatement of her card, she was offered an alternative method of access.
148. In any event the Tribunal found that the failure to provide access was not related to the Claimants race, but was a matter related to her job role and the security of the building.

2.1.10 C was invited to a performance review meeting by JR on 23-11-22 when JR (a) failed to prepare relevant documentation and relied on hearsay and (b) failed to respond to C's request for information relating to evidence from HG, SM VdB & JH following that meeting, when a person from a different ethnic background compared to C was or would have had the information prepared / been provided with this information;

149. The Tribunal accepted the Respondent's evidence that Mrs Roberts was aware from Ms Harris that the relationship her and the Claimant had deteriorated and therefore she attempted to step in to assist to rectify the situation and invited the Claimant to a meeting.
150. The evidence of Mrs Roberts' email to Mrs Withers after the meeting (email 5 December) show that Mrs Roberts did highlight to the Claimant various shortcomings in her performance and outline concerns about her work. However this was done in an informal manner and with a view to supporting the Claimant to improve.
151. The Tribunal found the meeting was also an opportunity for the

Claimant to air her complaints, which Mrs Roberts also listed to Mrs Withers.

152. a) The Tribunal were troubled by the Claimant's evidence of this meeting and her attitude towards her work and colleagues. In her evidence, the Claimant denied that she and Ms Harris were not getting on, which clearly was apparent to her, as she made complaints in the meeting.
153. The Claimant also demanded to see evidence of any problems which were being raised. This combative approach to informal management seemed to the Tribunal to increase the temperature of the relationships in the admin office. The claimant's email following this meeting (on 23 November) indicated that she wanted to see evidence about errors on the tracker and would not accept responsibility until such evidence was provided.
154. The Tribunal also found that on 29 November the Claimant wrote to Daniel McCluskey, Dean of SPECS. In the email she explained that she felt Mrs Roberts was disrespecting her and being rude.
155. The Tribunal considered that the performance issues with the Claimant ought to have been a matter for Ms Harris to address with the Claimant. However, due to the breakdown in their relationship, it had to be passed to Mrs Roberts to engage with the Claimant. Hence the Claimant saw the meeting as a more formal process due to Mrs Roberts more senior position. This did not take the meeting from informal to formal performance process.
156. The Tribunal considered that this meeting did meet to consider the Claimant's performance which was not currently acceptable. However, as it was not yet a formal procedure for performance, there was no requirement for relevant documentation to be provided in advance. Mrs Roberts was able to rely on the input of others who had reported to her instances of poor performance by the Claimant. The Tribunal found that Mrs Roberts did not breach any policy or procedure in having an informal meeting with the Claimant.
157. Furthermore, the Tribunal found that in any event there was nothing to suggest that Mrs Roberts discussion with the Claimant about her performance was linked in any way to the Claimant's race. The Tribunal found no evidence to make an inference. This allegation was dismissed.
158. b) The Tribunal considered that Mrs Roberts email to Mrs Withers showed that the Claimant did orally request evidence in relation to the issues of poor performance which Mrs Roberts raised.
159. The Tribunal were satisfied that the Claimant did make an oral request for evidence from Mrs Roberts and that the documentation was not supplied to the Claimant between then and the time she left her post on 14 January 2023.
160. The Claimant's email to the Dean on 29 November outlined her concerns about Mrs Roberts and suggested that Mrs Roberts and Ms Harris would suffer the consequences. The Claimant did not say that their actions were discrimination, but said that she told Mrs Roberts to take EDI

seriously and says that she was copying this email to the EDI team. In response to this Dan McCluskey asked whether the Claimant continued to engage with Mrs Roberts and Mrs Harris to resolve these issues. The Claimant's response was that she could not resolve the issues without evidence and that "there won't be any more dialogue because nothing will be resolved".

161. The Tribunal took into account that following that meeting, the Claimant was invited to a meeting with Mrs Harris and Mrs Withers to discuss her performance and her job description, which could have provided the Claimant with the information and an opportunity to discuss any concerns. The notes of the meeting suggest that it was agreed on 15 December that Mrs Withers would ask Mr DeBellis about what had happened with the IHASCO tracker. Mrs Withers also said she would follow up on other issues.

162. The Tribunal also noted that at this meeting there had been a further confrontation between the Claimant and Mrs Harris. Mrs Withers' evidence of this meeting at Tribunal stated that it was the most difficult meeting she had experienced in 25 years as an HR professional.

163. The tribunal were satisfied that the Respondent made attempts to address the Claimant's request to provide details of her poor performance and her complaint to the Dean, but that events overtook the need to do so, particularly as the Claimant resigned on 16 December, the day after the meeting with Mrs Harris and Mrs Withers.

164. In any event, the Tribunal concluded that the treatment of the Claimant was not related to her race, but to the difficult working relationship and the need to take HR advice, as well as the Claimant's stated intent not to engage further with Mrs Roberts and Mrs Harris.

2.1.11 On 23-12-22 JR authorised JH to take an early Christmas break when C was not authorised to take a break of this kind thereby treating her less favourably and this was because of her race;

165. The Tribunal found there was no evidence to suggest that Mrs Harris was allowed to take an early Christmas break. The evidence was that Mrs Harris spoke to the Dean due to her upset at the meeting with the Claimant on 15 December and was given permission to work from home for the following week, leading up to the closure for Christmas. Mrs Roberts had no involvement in this.

166. There was also no evidence to suggest that the Claimant had ever requested an early Christmas break and therefore had never been denied it.

167. The Tribunal found that this allegation had no supporting evidence and was therefore dismissed.

2.1.12 On 23-12-22 JR told C not to return to her role after the Christmas break thereby treating her less favourably and this was because of her race;

168. The Tribunal found the evidence of the Claimant was that Mrs Roberts told her that she could remain at home after the Christmas break, despite her contract running to the 13 January. The Claimant saw this as an attempt to remove her from the workplace as quickly as possible and to prevent a dignified professional departure.

169. Mrs Roberts' evidence was that on 20 December she offered the Claimant the opportunity not to work her notice period, but to remain at home on additional paid leave. This offer was made, having taken advice from HR, given the strained working relationships and tension in the office. Mrs Roberts offered the Claimant the opportunity to stay at home and prepare for her new role.

170. The Tribunal found that the documentary evidence showed that the Claimant had removed herself from the SPECS H&S areas on the day of her resignation. MRs Roberts' email to Mrs Withers on 20 December, indicated that when Mrs Roberts had spoken to the Claimant about the additional annual leave, the Claimant had thanked her for the offer.

171. The Tribunal concluded that Mrs Roberts did offer that the Claimant should not return to work after the Christmas break, but that this was done in the form of additional annual paid leave which the Claimant accepted. The Tribunal were satisfied that the offer was mutually beneficial and was not, as the Claimant suggested a hostile act to remove her from her position. The Tribunal noted that the Claimant had actively removed herself from aspects of her work, before Mrs Roberts made this offer.

172. In any event, the Tribunal could find no basis to infer that Mrs Roberts' actions were related to the Claimant's race. This was clearly an act to prevent any further discord between the Claimant and her colleagues.

2.1.13 On 03-01-23 JR asked C to return her laptop when a member of staff in comparable circumstances from a different ethnic background compared to C was or would not have been asked to return their laptop at that time or at all.

173. The Tribunal decided that there was an error in the date in the list of issues and that this referred to conversations between Mrs Roberts and the Claimant on 23 December, as set out in the evidence.

174. The Claimant's evidence was that on 23 December, Mrs Roberts visited her in the office on 4 occasions. She asked if she was leaving her laptop on the first of these occasions.

175. Mrs Roberts' evidence was that the University closed at midday on 23 December and everyone had to leave the building at that point. She visited the Claimant on four occasions to ensure that she was completing her work and leaving the laptop which belonged to the department and for which the Claimant would have no more need after the Christmas break.

176. The Claimant told Mrs Roberts that she needed to move personal

material from the laptop hard drive and Mrs Roberts offered to show her how to move a number of files together in order to speed up this process.

177. Mrs Roberts' contemporaneous email to Mrs Harris said that the Claimant "had info on her laptop she needs to copy" and that she had told the Claimant to move data to the one drive and advised her against saving anything on the hard drive.
178. Ultimately Mrs Roberts allowed the Claimant to take the laptop home on the condition that she return it in the new year.
179. The laptop was a piece of equipment which was purchased by the department and allocated to the Claimant for her work. The Respondent's evidence was that it was rare for equipment to be moved between Schools and that the Claimant was not expected to take the laptop to her next post.
180. The Tribunal therefore concluded that Mrs Roberts did ask the Claimant to leave her laptop on 23 December. But, when it became clear that the Claimant had not removed all her personal data from it, Mrs Roberts allowed her to retain the laptop over the Christmas holiday and its return occurred in the new year, by agreement.
181. There was therefore no less favourable treatment on this occasion, this allegation was dismissed.

3. Harassment related to race (Equality Act 2010 section 26)

3.1 Did the respondent do the following things:

On 21-08-22 C picked up a broken biscuit and JR told C she was 'rude' causing C offence and to feel humiliated;

- 182 The Tribunal were satisfied that Mrs Roberts admitted that she told the Claimant to wait until Ruby got there, before she started to help herself to food, but denied that she said C was 'rude'.

- 183 The Tribunal found that Mrs Roberts did not tell the Claimant that she was rude and therefore this allegation fails and was dismissed.

3.3 On 04-10-22 JR told C that she could not complete the training courses she had been requested to undertake by VdB causing C offence and to feel humiliated;

- 184 The Tribunal found that the Claimant was not requested to do training courses by Mr DeBellis. He had suggested she read two documents. When the Claimant met with Mrs Roberts, she told the Claimant that Proctors training was not appropriate for her.

- 185 The evidence therefore did not support the allegation as set out and the allegation was dismissed.

3.4 On or around 04-10-22 a meeting was held in the office where JR failed to provide C with information relating to the assessment of her work performance in her new role;

186 The Tribunal were satisfied that Mrs Roberts' evidence was that this was an informal catch up meeting at the request of the Claimant. Mrs Roberts was not her line manager, so it was not her role to provide that information.

187 The Tribunal found that as Mrs Roberts did not provide the information, it was unwanted conduct as the Claimant wanted the information.

188 The Tribunal also found that it was not related to race, as Mrs Roberts was not responsible to provide this information and therefore her actions were appropriate to her job role and were for that reason. This was a legitimate, non-discriminatory reason for the conduct.

3.5 On or around 04-10-22 C was treated by JR in a dismissive manner including allocating C menial tasks and leaving miscellaneous items scattered on C's desk causing C offence and to feel humiliated;

189 The Tribunal found that the Claimant's job description included "support the management team in the administration of the department" and "act as a main point of contact for school maintenance issues" and "co-ordinate procurement of school stationery, office furniture and equipment". The Tribunal heard that goods incoming were delivered to the Claimant and she then put them away or forwarded them to the correct person in the department.

190 The Claimant accepted in her evidence that Mrs Roberts did not allocate her tasks very often. She did not give specific examples of tasks that she considered menial, requests made by Mrs Roberts or items left by her, scattered or otherwise.

191 The Tribunal found that Mrs Roberts may from time to time, have left items on the Claimant's desk, although these were accompanied by a note with instructions on what to do. She did not give the Claimant instructions often, as those would be given via Mrs Harris.

192 The Tribunal therefore considered that the Claimant had failed to provide evidence that Mrs Roberts gave her menial tasks around this time, or that Mrs Roberts had treated her in a dismissive manner. Nor did the Tribunal consider that the Claimant had proved that miscellaneous items were scattered on the Claimant's desk by Mrs Roberts around this time.

3.6 On 18-10-22 C was reprimanded by Helen Goddard [HG] Head of SPECS for articles left in a corridor as a 'dumping ground' when this was not C's responsibility causing C offence and to feel humiliated;

- 193 The Tribunal found the Claimant's evidence was that she identified that items had been dumped in the corridor and that she had alerted Mr DeBellis to these, as a H&S issue, but that he failed to take any action. She was then reprimanded by Ms Goddard due to the fact that the Claimant was responsible for overseeing the shared spaces of the school and ensuring they were maintained, as well as co-ordinating the procurement of furniture.
- 194 An email from Ms Goddard dated 18 October refers to the blue trolley and Perspex barrier belonging to another department and telling the Claimant to return them immediately, as the management corridor is the shop window of the department and should not be used as a dumping ground.
- 195 Ms Goddard's evidence on this was that she saw the Claimant moving the furniture there and told her she could not leave them there and she should return them to where they had come from. That she followed this up with an email in order to be clear. This was within her purview as the Senior Technical Manager and manager of that area.
- 196 The Tribunal accepted that Ms Goddard's comments amounted to a reprimand and were unwanted by the Claimant who was irritated by this. However, the Tribunal considered this to be a legitimate management request which was carried out in a suitably appropriate professional manner and was not therefore related to race, nor was it reasonable for the Claimant to consider it offensive.

3.7 On 20-10-22 C was asked by JH not to eat her lunch in the office causing C offence and to feel humiliated;

- 197 The Tribunal found that Mrs Harris did ask the Claimant not to eat her lunch in the office on this occasion. This was unwanted conduct, as the Claimant felt that Mrs Harris was attempting to belittle her.
- 198 The Tribunal didn't consider this was related to race, as Mrs Harris was outlining the policy applied to all staff, and therefore was not related to the Claimant's race.
- 199 In any event, The Tribunal also considered whether the Claimant's allegation that the comment had the effect of being hostile because Mrs Harris perceived African food to be smelly, was accurate or reasonable.
- 200 The Tribunal considered the principles in Dhaliwal were engaged, as the Claimant's view that Mrs Harris perceived African food as smelly, was without any justification. The Tribunal noted that it was the Claimant herself who projected racist and stereotypical views onto Mrs Harris about the type of food that was being brought into the room, without any evidence to support this.
- 201 The Tribunal noted that the Claimant also projected these stereotypical and racist views onto others, in relation to other allegations such as the biscuit issue, and therefore took this into account as part of the consideration of

reasonableness of the Claimant's perceived upset. This allegation was dismissed.

3.8 On 28-10-22 JR suggested that C was not capable of taking the minutes of a conference meeting causing C offence and to feel humiliated;

202 The Claimant said that she was told after a meeting in which she had taken minutes that Mrs Roberts had told someone else (unnamed) that the Claimant was not capable of taking minutes.

203 Mrs Roberts denied that she said to the Claimant that she was incapable of taking minutes in a conference meeting.

204 The Tribunal found that Mrs Roberts had offered the Claimant the opportunity to obtain training on the specific method used in the Respondent for minute taking as the Claimant was going to be minuting upcoming meetings.

205 In her evidence to the Tribunal Mrs Roberts said that there hadn't been training since Covid and she had offered this opportunity to all administrators. The Tribunal found no reason to disbelieve this reason for the offer.

206 The Tribunal concluded the allegation was vague and that the Claimant had not proved that this did occur. There was no evidence to support the allegation and it was dismissed.

3.9 Between October – December 2022 JR did not respond to C's emails causing C offence and to feel humiliated;

207 The Claimant asserted that three different emails which she sent were not responded to;

208 The Claimant's email on 23 November – the Tribunal found that this email together with other actions resulted in the meeting on 15 December, but no direct written response was required.

209 The Claimant's email about Christmas trees on 21 November – Mrs Robert's evidence was that her response to this was to go to speak to the Claimant and tell her it was too early to put up the Christmas tree. The Claimant accepted in her evidence that Mrs Roberts did speak to her about this (see allegation 3.11). The Tribunal therefore concluded that Mrs Roberts did respond to the Claimant's email by way of her action.

210 On 23 November by an email referencing an introduction to stationery – Mrs Roberts evidence, which the Tribunal accepted was that the email sent by the Claimant did not require an answer.

211 The Tribunal found that there was not a failure as it was not necessary to provide a response to two of these emails and the other was responded to face to face.

212 The Tribunal accepted that Mrs Roberts did not respond in writing, but did not accept that the Claimant was offended by this.

213 Alternatively, the Tribunal found that even if it was unwanted then it was unreasonable for the Claimant to be offended as her communication did not warrant response and the Claimant did not include any question in her emails and the third email was responded to in person. This allegation was dismissed.

3.10 Between October – December 2022 JH moved C's emails from the shared email box to JH's personal email box causing C offence and to feel humiliated;

214 The Claimant said emails to her were allocated an orange flag and that she believed that Mrs Harris had moved some of these to her own inbox, making the Claimant feel that she was being watched.

215 Mrs Harris' witness statement said that she copied emails to her personal inbox, as the Claimants line manager, to make record of performance concerns.

216 The Respondent's submissions indicated that the two emails relied on by the Claimant were never sent to the shared inbox, but only to the Claimant's personal email address and therefore her allegation that they were moved from the shared inbox is an error and cannot be proved.

217 The Tribunal accepted this submission, as they had not been shown any evidence to suggest that these emails were sent to the shared inbox at all. The Claimant therefore failed to prove that this conduct occurred. This allegation was dismissed.

3.11 On 21-11-22, JR refused to allow C to erect the office Christmas tree and made negative comments in a corridor in a loud voice causing C offence and to feel humiliated;

Also 3.13

218 The Tribunal accepted that the Claimant sent Mrs Roberts an email on 21 November asking to set up Christmas trees in the department. She said that Mrs Roberts did not reply to the email, but came into the corridor and said to her in a loud voice that she should not put up Christmas trees at this time

219 Mrs Roberts admitted, and the Tribunal accepted that she responded to the email by going out into the corridor and speaking to the Claimant who had already started to put up the trees. She denied shouting or raising her voice as it was not her style of management. She considered it a reasonable management instruction not to put up Christmas trees until December.

220 On 2 December Mrs Roberts emailed the Claimant asking her to now put up

the Christmas trees. The Claimant didn't respond to this, and told Mrs Harris that she refused to do it. As a result Mrs Harris and Mrs Roberts arranged for the proctors to put up the Christmas trees instead.

221 The Tribunal found that Mrs Roberts did not speak to the Claimant in a loud voice and that it was a reasonable management instruction to say that she didn't want the trees put up as early as 21 November. It is unwanted conduct as the Claimant disagreed with Mrs Roberts' view. However, the Tribunal found that Mrs Roberts' decision and her communication of it, were not related to the Claimant's race in any way.

3.12 Between November and December 2022 C was referred to by JR, JH and HG as the 'coloured printer' causing C offence and to feel humiliated;

222 There was no evidence to suggest that Mrs Harris had made such a comment.

223 The documentary evidence showed that the Claimant received a Whatsapp message from Rowena James on 12 December.

224 The Claimant's evidence was that in October she had undertaken coloured printing for Ms Goddard.

225 Ms Goddard's evidence was that the Claimant had made mistakes with this task on 4 October and that she had therefore not asked her again after that to do any more printing for her.

226 Both Ms Goddard and Mrs Roberts in their evidence strongly denied that they would ever make such a comment and also indicated that in any event, printers within the department are referred to as MFD (multi function devices).

227 The message from Rowena does not convey that either Mrs Roberts or Ms Goddard referred to the Claimant as a 'coloured printer'. The message talks about there being 'coloured printing'. The only connection therefore would be to infer this to be about the Claimant. The Tribunal found there was no other evidence to support that contention.

228 The Tribunal were satisfied that Rowena had overheard a conversation between Ms Goddard and Mrs Roberts and had made mistakes or assumptions, as had the Claimant when she received the message. The Tribunal found that this allegation did not occur as alleged and was dismissed.

3.13 On 02-12-22 JR initially asked C to erect the office Christmas tree but then asked JH instead, and told JH to buy new decorations causing C offence and to feel humiliated;

229 See above at 194

3.14 On 05-12-22, JH unreasonably reported C for asking a colleague to assist her causing C offence and to feel humiliated;

230 The Claimant said that she had a problem with her laptop not charging and had asked Joanne to send an email to the IT department for her. The Claimant said that Mrs Harris reprimanded her for asking the colleague to help and then reported her to Mrs Roberts for being 'rude'.

231 Mrs Harris' witness statement indicated that on 5 December she suggested to the Claimant that she should not bother Joanne, but should ask her for help, or ask IT department for help. The Claimant's response to this was 'no, I am asking Joanne'. Mrs Harris admitted that she was 'miffed' by this response from the Claimant and so she reported it to Mrs Roberts as another instance of how the Claimant had upset her.

232 The Tribunal accepted that Mrs Harris did report this incident to Mrs Roberts as she was irritated by the interaction she had had with the Claimant. This was another minor incident of insolence by the Claimant who refused to take instruction from those higher than herself in the management chain, even over minor matters.

233 The Tribunal accepted that this did amount to unwanted conduct as it escalated a minor interaction.

234 However, the Tribunal could find no evidence from which it could be inferred that this had any connection to the Claimant's race. Once again this related to the breakdown in relationship between the Claimant and Mrs Harris. This allegation was dismissed.

3.15 On 05-12-22, C returned to the office with her laptop after repair by the IT team when JR entered the office and asked in an aggressive manner holding the door handle to prevent C closing the door and asking in a sarcastic tone 'what was wrong with the laptop then?' causing C offence and to feel humiliated;

235 The Tribunal considered that this was a further allegation arising out of a minor incident.

236 The Tribunal heard very little evidence about this incident. The Claimant said that she returned to the office having taken her laptop to IT to be fixed and Mrs Roberts came into the office and held the door handle in an aggressive stance and asked her sarcastically what was wrong with the laptop.

237 Mrs Roberts denied that she acted in this way or asked her this question in a sarcastic or aggressive manner. In her evidence to the Tribunal she said that she went to the office and Melvin from IT was dealing with the laptop and explained the problem to Mrs Roberts.

238 The Tribunal found there was no evidence to support the Claimant's allegation; That Mrs Roberts gave an explanation, in detail about how this incident had occurred. The Tribunal preferred the evidence of Mrs Roberts

whom they saw as an honest and open witness. Whereas the Tribunal considered that the Claimant was prone to embellishment and her evidence that she was frightened and could not get words out on this occasion, was another instance of such hyperbole

3.16 On 06-12-22 JH reprimanded C for not ordering enough stationery causing C offence and to feel humiliated;

239 The evidence was that the Claimant went on holiday between 14- 18 November and Mrs Harris had to order extra whiteboard pens as they were running out.

240 The Claimant suggested in her evidence that she took photographic evidence before her holiday to prove that there was sufficient stationery, The Tribunal found it absurd to think that anyone would do this. They therefore found that the photos were taken after her return and this issue arose, and therefore did nothing to assist the Tribunal with consideration of whether the Claimant had fully stocked the cupboard before her holiday. Indeed the Tribunal concluded that the Claimant had attempted to manipulate the evidence in this situation.

241 The Tribunal accepted Mrs Harris' evidence that she had asked the Claimant to ensure the cupboard was fully stocked and then had to make an emergency order whilst the Claimant was absent. She admitted in her witness statement that she had a management discussion with the Claimant about the mistake she had made, but did not see it as a very big issue. When the Claimant emailed her about it later, she suggested that they draw a line under it.

242 The documentary evidence before the Tribunal showed that on 30 November an inventory was instigated and that both parties agreed to continue to use this to avoid future problems.

243 The Tribunal considered that there was no evidence to suggest that any reprimand had occurred specifically on the 6 December. The Tribunal accepted that there was a management discussion at some point in November after the Claimant returned from holiday, which resulted in an inventory being produced by 30 November.

244 To the extent that the agreement to produce an inventory and maintain it going forward, was a reprimand, the Tribunal accepted that this did occur.

245 Equally the Tribunal accepted that the Claimant said that she considered this to be offensive.

246 However, the Tribunal concluded that the imposition of this inventory and the conversation around it was not related to the claimant's race, but due to the error over the stationery. This allegation was dismissed.

3.17 On 12-12-22, when C was absent from work, it was reported to

C that Helen Goddard [HG] Head of SPECS, had asked JR is there was any 'suspicious behaviour' and that there had been 'a lot of colour printing' and JR replied that 'no, she's not in today' causing C offence and to feel humiliated;

247 The Tribunal found that in early December 2022 Claimant had written a notice on a whiteboard in the stationery cupboard.

248 Mrs Murray's evidence was that she considered part of the message to be inappropriate as it would make academic colleagues upset that they were being accused of theft of items. She admitted that she removed the line about suspicious activity. This led to the Claimant putting the date against the removal on 13 December.

249 The Tribunal were satisfied that around this time the Claimant had placed a notice in the stationery cupboard which had caused some upset and discussion.

250 The Claimant referred to her language in this message as being 'professional security' language.

251 Ms Goddard admitted that she may have made a comment to Mrs Roberts about 'suspicious behaviour', as she recalled having made a joke to Mrs Murray about this on another occasion. Ms Goddard said she did not recall the conversation but that if she did it was a glib comment on a busy day.

252 Mrs Roberts had no recollection of the conversation.

253 The Tribunal considered that on balance these comments were made by Ms Goddard, in conversation with Mrs Roberts, which were overheard by Rowena James.

254 The Tribunal found that this was unwanted conduct as it amounted to discussing the Claimant's actions behind her back and could be upsetting and hostile to the Claimant.

255 The Tribunal considered that the reason why Ms Goddard and Mrs Roberts had this conversation was because the Claimant was a challenging and difficult colleague who had written a message which had caused upset and that Ms Goddard who was working hard at this time with a school building project, was taking a moment to have a light hearted conversation with a colleague.

256 The Tribunal did not consider that the comments made were related to the Claimant's race. They were about the foremost issues in Ms Goddard's mind about the Claimant. This was corroborated by the fact that the following day, Ms Goddard wrote an email to Ms Harris about the issues she had experienced with the Claimant. That email was used as part of Mrs Harris' information when going to the meeting on 15 December,

3.18 On 13-12-22 notices posted by C on the post room notice board were removed by SM and JH failed to investigate when requested by C, causing C offence and to feel humiliated;

257 The Tribunal were satisfied that the reason that Mrs Harris did not investigate the matter any further, was because Mrs Murray told Mrs Harris that she had been the person who removed the message.

258 The Tribunal considered that the removal of the message was unwanted conduct as the Claimant had said she was upset by it.

259 The Tribunal found no reason to consider that Mrs Murray's actions were related to the Claimant's race. Her evidence of her management reasons for removing it were accepted.

260 The Tribunal considered that Mrs Harris did not need to investigate this matter, as she already knew that it was Mrs Murray who had removed the messages and her reasons for doing so.

261 The Tribunal found this too was unwanted conduct as the Claimant has said she was upset by it. But again, there was no evidence to support the suggestion that it was related to race.

3.19 On 15-12-22 during a meeting with Karen Withers [KW], JH made a series of negative comments about C to the effect that:

3.19.1 C could not do her job

3.19.2 C was not working as a level 5

3.19.3 C could not update the iHasco tracker

3.19.4 C could not send out invitations on Microsoft Teams

3.19.5 a child could do C's job

3.19.6 JH was 'the cat's mother'

causing C offence and to feel humiliated

262 The Tribunal found that the notes of the meeting on 15 December were drafted by Mrs Withers from her handwritten contemporaneous notes.

263 The Claimant challenged these minutes and said that they were produced for the purposes of the investigation which occurred months later.

264 The Tribunal noted that Mrs Withers' handwritten notes were in the bundle. The Tribunal accepted that the handwritten notes were the contemporaneous notes of Mrs Withers, who was an experienced HR Business Partner, was likely to have taken notes during the meeting.

265 19.1 - Mrs Withers' evidence was that Mrs Harris did not expressly say that the Claimant could not do her job, but did raise a number of concerns. The Tribunal noted that the notes did not refer to not being able to do the job, and therefore concluded that this was not expressly said by Mrs Harris.

266 19.2 The Respondent accepted Mrs Harris said something to the effect that the Claimant was not working as a Level 5, based on the various grounds

discussed. This was unwanted conduct. But the Tribunal could see no reason why this was related to the Claimant's race. The evidence was that it was a matter of performance and therefore totally unrelated to race.

26719.3 The Claimant could not update the IHasco tracker – Mrs Withers' evidence was that Mrs Harris did not say those words, but pointed out that she had not done a good job in updating the IHASCO tracker. The Tribunal accepted that this amounted to words to the same effect and that these were unwanted conduct, but the Tribunal found that nothing that was said had any link with race.

26819.4 – The Tribunal found there was very little evidence from either party on this point, but found no evidence to suggest that the Claimant was not allowed to send out invitations on Microsoft Teams. Nor any evidence that if this did happen, that it was related to race.

26919.5 – Mrs Withers' evidence was categorical that this was not said. The Tribunal accepted her evidence as she was a reliable witness.

27019.6 – Mrs Harris was the cat's mother. The Tribunal accepted the Claimant's evidence that this was said by someone who was a line manager. The found this amounted to unwanted conduct, but again not related to race, but to Mrs Harris' frustration at being referred to repeatedly by the Claimant as 'she' and not by name.

271The Tribunal found that none of these allegations could be upheld as acts of harassment.

3.20 On 23-12-22, in the administration office where C worked, JR on 4 x occasions asked C (a) to clean her desk and (b) for C's laptop such that C was unable to work causing C offence and to feel humiliated;

272The Tribunal considered that the detail of this claim was addressed with regard to direct discrimination at allegation 2.1.12 and 2.1.13

273The evidence was that Mrs Roberts accepted that she went in and spoke to the Claimant four times that day and asked her to clean her desk and to return the laptop, but relented when the Claimant needed to remove data which was on the hard drive.

274The Tribunal accepted this amounted to unwanted conduct in the sense that the Claimant didn't like it.

275The Tribunal found that it was not related to race as it was standard practice for anyone leaving to return items owned by the department.

276Mrs Roberts gave the Claimant extra annual paid leave which meant it was unlikely that she intended to treat the Claimant less favourably or that her actions were related to race. The allegation was dismissed.

3.21 On 03-01-23 JH removed C's name from the SPECS administration teams depriving her of access to relevant folders to do

her work or send messages to her team causing C offence and to feel humiliated;

277 The Claimant's evidence was that she was upset that she was denied access to the system until 13 January when her contract expired. She did not specify what use she would have made of the SPECS admin team email box whilst on leave before moving to another job.

278 Ms Goddard's evidence was that this was standard practice and she knew that the Claimant was not returning before her leaving date. She told the Tribunal that where people left with any kind of animosity this was standard practice to secure SPECS systems.

279 The Claimant told the Tribunal she was upset by it. The Tribunal concluded that it was not related to race in any way, but due to the manner of the Claimant's departure and her attitude towards her colleagues and managers.

Conclusion

280 The Claimant therefore failed on all her remaining allegations and the claim was dismissed entirely.

Approved by:

Employment Judge Cowen

2 September 2025

JUDGMENT SENT TO THE PARTIES ON

9 September 2025

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. If written reasons are provided they will be placed online.

All judgments (apart from judgments under Rule 51) and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.

If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. If a transcript is produced it will

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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:

www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/