



# EMPLOYMENT TRIBUNALS

**Claimant:** A

**Respondent:** B

**Heard at:** Southampton Employment Tribunal **On:** 28 & 29 January 2025

**Before:** Employment Judge Bowen

Melanie Metcalf

Jean Ratnayake-Kingsley

## Representation

Claimant: In person (Assisted by C)

Respondent: In person

# JUDGMENT

Please note that there is an Anonymity Order and Restricted Reporting Order in place in respect of these proceedings, which were amended during the course of proceedings with the final versions being dated 19 November 2025.

This judgment was amended to give effect to the Rule 49 Order dated 19 November 2025.

1. The complaint of direct sex discrimination under section 13 Equality Act 2010 is well-founded and succeeds on the following basis: (a) Failure to protect A from K despite being asked to do so from 28 September 2022 to A's dismissal
2. The alternate claim of harassment related to sex contrary to s.26(2) Equality Act 2010, relating to the same factual allegation as in paragraph (1) above is dismissed pursuant to section 212(5) Equality Act 2010.
3. The following complaints of sexual harassment pursuant to s.26(3) Equality Act 2010 and harassment related to sex pursuant to s.26(2) Equality Act 2010 are well-founded and succeed:

- (a) On 19 July 2022, K smacked A's bottom with his hand and a wooden spoon;
- (b) On 31 August 2022, K smacked A's bottom with his hand and a wooden spoon;
- (c) On 23 September 2022, K smacked A's bottom with a wooden spoon.

4. There was a conduct extending over a period and all of the complaints are within time pursuant to section 123 Equality Act 2010.

5. The claims of harassment related to sex pursuant to s.26(2) and sexual harassment pursuant to s.26(3) Equality Act 2010, in relation to the following allegation is not well founded and is dismissed:

- (a) In June and July 2022 on multiple occasions, K asked A to go out with him (despite being 10 years older) for which he would provide face i.d. for A.

6. The claims of harassment related to sex and sexual harassment in relation to the following allegation are dismissed upon withdrawal:

- (a) On 9 September 2022, K smacked A's bottom with a wooden spoon.

Employment Judge Bowen (approved judgment)

Date: 13 March 2025

**Amended judgment date: 19 November 2025**

JUDGMENT SENT TO THE PARTIES ON  
08 April 2025

**Note**

Oral reasons were provided at the hearing. Written reasons will not be provided unless a written request is presented by either party within 14 days of the sending of this written record of the decision.

**Public access to employment tribunal decisions**

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