



EMPLOYMENT TRIBUNALS

Claimant: Dr A Williams

Respondent: Lincolnshire Integrated Voluntary Emergency Service

Heard at: Nottingham

On: 17 to 23 October 2025 and
in chambers on 24 October
2025

Before: Employment Judge Welch
Ms L Lowe
Mr S Connor

REPRESENTATION:

Claimant: Mr J Jenkins (Counsel)

Respondent: Mr P Sangha (Counsel)

RESERVED JUDGMENT

The unanimous judgment of the Tribunal is as follows:

Automatic Unfair Dismissal for making protected disclosure(s) section 103A Employment Rights Act 1996 (ERA)

1. The complaint of automatic unfair dismissal is not well-founded. The claimant was not automatically unfairly dismissed.

Automatic Unfair Dismissal Health and Safety Cases sections 100(1)(c) and 100(1)(e) ERA

2. The complaint of automatic unfair dismissal is not well-founded. The claimant was not automatically unfairly dismissed.

Unfair Dismissal sections 94/98 ERA

3. The complaint of unfair dismissal is not well-founded. The claimant was not unfairly dismissed.

Detriment for making protected disclosure(s) section 47B ERA

4. The following complaints of being subjected to detriment for making a protected disclosure are well-founded and succeed:
 - a. Initiate and conduct disciplinary proceedings against the claimant from 21 August 2023
5. The remaining complaints of being subjected to detriment for making a protected disclosure are not well-founded and are dismissed.

Detriment for health and safety section 44(1A)(b) and 44(1)(c) ERA

6. The complaint of being subjected to detriment for making a protected disclosure is not well-founded and is dismissed.

Unfavourable treatment because of something arising in consequence of disability – section 15 Equality Act 2010 (EQA)

7. The complaint of unfavourable treatment because of something arising in consequence of disability is not well-founded and is dismissed.

Failure to make reasonable adjustments for disability – sections 20/21 EQA

8. The complaint of failure to make reasonable adjustments for disability is not well-founded and is dismissed.

Notice Pay

9. The complaint of breach of contract in relation to notice pay is well-founded and succeeds.

RESERVED REASONS

Background

1. The claimant was employed by the respondent as a Community Emergency Medicine Doctor from 1 May 2020 until her dismissal on 22 February 2024. The claimant

presented her first claim on 9 January 2024, following a period of ACAS early conciliation from 14 November 2023 until 26 December 2023. She presented a second claim on 21 May 2024 following a further period of ACAS early conciliation lasting between 28 March and 9 May 2024.

The proceedings

2. The claimant brought the following complaints under case number 2601104/2024 (previously 6000073/2024) on 9 January 2024:
 - a. Detriments under sections 47B(1) and s44(1A)(b) ERA; and
 - b. Failure to make reasonable adjustments.
3. The Claimant then submitted the following complaints under case number 2600736/2024 on 21 May 2024:
 - a. Further Detriments under sections 47B(1) and s44(1A)(b) ERA;
 - b. Automatic Unfair Dismissal under sections 103A and s100(1)(e) ERA;
 - c. Unfair Dismissal;
 - d. Wrongful Dismissal, Breach of Contract; and
 - e. Discrimination arising from disability.
4. By letter dated 15 July 2024, the Employment Tribunal Ordered the two claims to be considered together.
5. There was a case management preliminary hearing on 15 October 2024. During this hearing, Employment Judge Broughton granted the claimant leave to amend her claim to plead the 'whistleblowing' complaints in the alternative as complaints brought under the Health and Safety provisions of sections 44 (1)(c) and 100(1)(c) of the Employment Rights Act 1996 ('ERA'), there being no objection from the respondent. Therefore, the

following complaints were added:

- a. Detriments under section 44(1)(c) ERA; and
 - b. Automatic Unfair Dismissal under section 100(1)(c) ERA.
6. During this preliminary hearing, it became evident that the claimant may require adjustments for the final hearing in light of her disability (Attention Deficit Hyperactivity Disorder (ADHD)). The claimant was ordered to write in to say what adjustments were required and subsequently confirmed that she would either require written questions and/or be allowed to write the questions down, for questions to be repeated as needed and the ability to ask someone to rephrase a question as needed. There was no objection from the respondent. A writing pad and pen were placed on the witness table for the claimant's use, and all witnesses were told to ask for a question to be repeated or rephrased when required.
7. The parties agreed a list of issues as annexed to this Judgment and it was confirmed at the start of the hearing that these remained appropriate.
8. The final hearing took place at Nottingham Employment Tribunal and all parties and the witnesses attended in person. The Tribunal was provided with an agreed bundle of documents of over 1,000 pages. Any page references in this Judgment refers to pages within that bundle. In addition, the parties had prepared an agreed list of facts which proved very helpful to the Tribunal.
9. At the start of the hearing it was confirmed that the hearing would consider liability only, and that remedy would be considered once a judgment on liability had been given, should the claimant succeed in any of her complaints. It was further agreed that Polkey and/or contribution would be considered, if appropriate, at any remedy hearing.

10. The first day of the hearing was a reading day for the panel and the parties therefore did not attend on this day.
11. The parties had agreed a timetable between them, in which the respondent's witnesses were to give evidence first. Whilst this was a departure from the usual position, this was agreed and we therefore heard from the respondent's witnesses as follows:
 - a. Simon Shingler, Clinical Governance Manager;
 - b. Daniel Sedgewick, Medical Director;
 - c. James Hazel, Director of In-House (PBS) Limited, dismissing officer;
 - d. Annamieke Fussey, Trustee and Director; and
 - e. Nikki Cooke, Chief Executive Officer.
12. For the claimant, we heard from the claimant herself.
13. All witnesses had prepared written statements which stood as their evidence in chief and were subjected to questions from the other side and the panel.
14. The evidence was completed at the end of day 5. The Tribunal reserved its decision and deliberated in Chambers on the last day of the hearing, when the parties did not attend.

Findings of fact

15. The claimant was employed by the respondent from 1 May 2020 until 22 February 2024 as a Community Emergency Medicine Doctor.
16. The claimant had been formally diagnosed with ADHD on 17 February 2021. The claimant attended an Occupational Health (OH) assessment on 6 October 2022. An OH report following this assessment [247-248] was sent to the respondent. This confirmed that the claimant had developed her own strategies for coping with her condition.

However, it went on to confirm that a more formal strategy may need to be employed when there was a “*disciplinary issue*”. This included suggesting there be an independent witness present, that it be conducted face-to-face, that the interview be recorded and the claimant be given an opportunity to feedback after an appropriate time for consideration. There were no disciplinary issues considered at this time.

17. The respondent is a charity providing Community Emergency Medical Services (CEMS). It supports and works alongside ambulance services, including EMAS. It is a relatively small organisation, with approximately 20 employees running 3 vehicles which are usually crewed by two people from a variety of roles, including doctors, paramedics, nurses and technicians.
18. The claimant was a Community Emergency Medicine Doctor with over 16 years’ experience. She would triage, assess and treat patients following 999 calls.
19. In May 2023, the team in which the claimant worked had a new recruit [NW], who joined as a trainee Advanced Clinical Practitioner (ACP). NW was already a paramedic and, besides working for the respondent, carried out bank shifts working for EMAS. She was training to become an ACP, for which a Masters’ degree is required.
20. The claimant was crewed with NW on three 10 hour shifts on 11, 12 and 27 May 2023, covering 13 incidents, none of which were emergency incidents. Of these 13 incidents, 5 were telephone based, and all of the attended incidents were discharged at the scene [909].
21. There were a further 15 days (spanning 10 April 2023 to 25 July 2023) when the claimant and NW were working on the same shift, but in different vehicles [838]. Whilst working in different vehicles, this meant that they attended some major incidents where more

than one crew was required.

22. The claimant had concerns over NW's competency to carry out the role for which she was employed. NW had a portfolio which appeared to be a checklist for signing off competencies where she had been witnessed carrying out particular activities. There were positive comments from the claimant on NW's portfolio relating to the insertion of a catheter, which the claimant confirmed NW had done well. There were no negative comments within NW's portfolio from the claimant, although the claimant's evidence was that there was nowhere to put negative comments.
23. The claimant's evidence was that NW's line of questioning was very concerning, that NW would "*sit back*" when arriving at incidents, on one occasion, "*gossiping*" with an EMAS colleague at a care home when arriving to assist a patient.
24. The main concern appeared to stem from a traumatic cardiac arrest incident on 21 July 2023. The claimant was in a separate crew to NW but witnessed her being talked through managing the airway for the injured person, something the claimant says was the most basic of paramedic skills. In the claimant's view, NW had little comprehension that the patient was in a very critical condition, as evidenced by her questions at the scene.
25. The claimant's evidence was that two of her colleagues and herself all raised verbal concerns about NW's practice to Chris Cole at the scene itself. However, this was not relied upon as a protected disclosure.

Disclosure one

26. On 31 May 2023, the claimant sent an email to Mr Cole, Director of Operations/Clinical Care Paramedic, regarding NW [873]. This raised concerns over the following:

- NW had no ability to make any clinical decisions;
- no logic whatsoever;
- not capable of working as an ACP, especially on CEMS;
- Her driving is very scary (not blue lights);
- she is, *"lazy, not a team player, seems to have no initiative and I worry about going to jobs with her. She says things inappropriately. I would have concerns about her if we ended up at an RTC (because we were passing) or a cardiac arrest as her skills seem non-existent (clinical or practical) and I doubt she would be able to support a less confident Doctor/colleague in that scenario."*

27. No written response was received to this email, although the claimant and Mr Cole had a brief verbal conversation about it.
28. A Learning Event was submitted to the respondent on 8 April 2023. Learning Events are notifications/concerns raised with the respondent. The respondent's evidence was that they receive approximately 200 Learning Events a year, of which between 5 and 10 relate to the conduct of a staff member.
29. The respondent's evidence was that the raising of a Learning Event was an administrative task only. We accept that in some cases this may be the case, but when it relates to complaints about the conduct of specific individuals, particularly when subjective opinion is being recorded, we do not accept that to be the case.
30. The Learning Event on 8 April 2023 related to, *"inappropriate/bullying to colleagues"*. The person reporting the incident had allegedly witnessed the claimant and another person making inappropriate comments towards one of their colleagues, LK. Mr Shingler had spoken with LK, who had confirmed that she did not want to take this

forward and had no issues with either the claimant or the other employee named in the Learning Event. No further action was taken at this time.

Disclosure two

31. The claimant emailed Mr Cole on 30 June 2023 [887] as she felt that nothing had been done regarding her concerns. NW had clearly been spoken to about her lateness, as this was referenced in the claimant's email, but the claimant felt that the impact on the team was very detrimental. She stated, "*Noone within the team wants to work with her due to her attitude and lack of team spirit. People are actively swapping to be away from her...*". The claimant went on to say that the "*thought of working with her makes me physically anxious and this would mean I am unable to come to work if I feel like this.*"
32. Mr Cole responded by email on the same day [888]. He confirmed that he was working on a solution and asked the claimant to continue working as she had and raise/challenge issues as they arose. He confirmed that he was addressing the issues through formal channels and had arranged for a 360° feedback tool to be completed to be discussed at probationary reviews, so that a full action plan could be put in place where needed, and further action taken if performance did not improve.
33. An anonymous multisource feedback (MSF) form about NW (being the 360° feedback) was completed by a few of NW's colleagues [876 – 882]. Whilst this was supposedly anonymous, the claimant's comments were highlighted within the bundle. It was clear to the Tribunal that all of the colleagues completing the MSF had concerns over NW's clinical competency. However, the claimant's assessment appeared more personal and harsher than the others completing the form. It included comments like, "*I hate working*

with this clinician, she makes me not want to come to work when I know I am on shift with her.... She has no initiative and her poor clinical knowledge makes it feel like you are single crewed.... If she remains on the team I will have to consider my position and if it is sustainable... I believe her to be dishonest and don't trust her... NW... is clinically incompetent... She is not a nice person. She thinks she is better than she is and this makes her dangerous..."

34. On 21 July 2023, the traumatic cardiac arrest incident referred to above took place. On return to the respondent's premises after this incident, the claimant complained about NW's competency, calling her a "*shit paramedic*" and "*shit at her job*". Whilst the claimant could not recall saying this specifically, she said she may well have said something similar. We find therefore that she did say this about NW in front of others.

Disclosure three

35. on 25 July 2023, the claimant emailed Mr Cole again [265]. The claimant had learned that the person working with NW had gone home sick, leaving NW on her own to do callbacks. The claimant said this caused her great concern. Firstly, for the safety of the patient because she worried what 'advice' may have been given but also that this should not have been allowed to happen. The claimant again referenced the grave concerns she had with NW's clinical skills, knowledge and how she communicates and that she was still far below the level of a paramedic in her abilities and should not be giving advice to anyone without an experienced CEMS crew member present.
36. Mr Cole replied on 28 July 2023, saying that he was not aware that NW had been left working solo. He confirmed that NW would be following an action plan to address the issues raised by the claimant and others, which included, "*no solo work, no discharge*

of any patients without checking with HCP colleague and shift review for every clinical shift undertaken, including feedback gathered from the team on the day.”

37. On 7 August 2023, there was an exchange of messages on the respondent’s internal system (workplace) between the claimant and Mr Shingler [884] about involvement on the respondent’s Clinical Governance Group. The claimant’s message confirmed that the mere fact that NW was on the Clinical Governance Group would put most of the team off being involved and that as there were “*huge clinical concerns*” around NW, she should not be allowed on this group in any event. The claimant said in her message that NW was unlikely to survive her probation period, and that when she was no longer involved, the claimant would be happy to contribute to the Clinical Governance Group. Mr Shingler was aware of the concerns regarding NW and referenced this in his reply but said that to discuss those concerns in this informal way would be unprofessional. He asked the claimant to reconsider her stance, although the claimant confirmed that this would not change and went further to say that neither would that of the team.

Disclosure four

38. On the same day, 7 August 2023, the claimant sent an email to an external body, EMAS [271-2], an ambulance service which the respondent worked alongside in providing emergency services to patients, and for whom NW worked separately undertaking bank shifts. The claimant had not spoken with anyone within the respondent before doing so, although, on reflection, whilst giving evidence, she confirmed that she should have gone back to speak to Mr Cole before making the referral to EMAS.
39. The email confirmed that NW was believed to work on bank for EMAS and had recently taken a paramedic role with the respondent but that there had been “*multiple concerns*

raised regarding her clinical competence. She is now restricted to what she is allowed to do without supervision from other HCPs. She was unsuccessful at her review period and has now had support put in place, but I believe this may not be sufficient. I feel in good conscience that you should be aware of this. I'm hoping she has already informed you."

40. Mr Folman of EMAS forwarded this on to Mr Shingler [271] confirming this was the first EMAS had heard of this, and asking whether these concerns had been sent via other channels which had been missed. It said that it looked as though the respondent had "*restricted practice*" and queried whether this had been referred to the Health and Care Professions Council (HCPC).
41. Mr Shingler replied to Mr Folman, Ms Cooke (CEO of the respondent) and others. The email apologised for the way in which this had been raised with EMAS. He said that the conduct of Dr Williams was thought to be a little unfair and, along with some other interactions that had occurred that week, raised some professionalism concerns. Mr Shingler confirmed that there were concerns about NW, but she was being supported and did not practice in isolation and so therefore he did not see that there was any clinical risk.
42. It was clear that the respondent was upset by the claimant's email to EMAS, since Ms Cooke sent an email to Amica HR Limited, the respondent's external HR team, copying in Mr Shingler and Mr Cole on 9 August 2023 [270-1], asking for an opinion. Ms Cooke stated that the claimant had the right to raise her concerns, but there was no evidence of the claimant speaking with anyone in the respondent about raising her concerns with EMAS. It also referred to the message exchange between the claimant and Mr Shingler

and said, *“This feels like she could be isolating NW, and potentially influencing others to do likewise. This makes me feel uncomfortable and I’d like your view. It feels like we’re walking a line between the right to raise concerns and potential bullying.”* It referenced giving NW the opportunity to improve her practice, which can only be done if she is given a fair chance to do so.

43. Mr Cole replied to this the same day [270] which confirmed that he had been made aware of the messages between Mr Shingler and the claimant earlier in the week and indicated his intention to write to all staff regarding the need for supportive action and the obligation under all registrant bodies to provide fair mentorship. Further, that he intended to outline that he believed that some attitudes were *“sailing very close to bullying”*. Mr Cole made clear that following the referral to EMAS, which he viewed as *“unacceptable behaviour”* from the claimant, he considered she was being vindictive and undertaking bullying behaviour directly towards NW. Mr Cole confirmed that he had *“no issue with issues being raised however this goes beyond that.”*
44. Ms Cooke’s email in reply [270] confirmed that HR recommended that Mr Shingler raise a Learning Event regarding the claimant’s email to EMAS and the other concerns over the messages relating to the Clinical Governance Group. Her email went on to say, *“this gives us a route to investigating and may result in HR action – or not, depending on the outcome”*. It was therefore clear to the panel that Ms Cooke was instrumental in arranging for the investigation into the claimant, following her email to EMAS.

Disclosure five

45. The claimant sent an email to the HCPC on 8 August 2023 [602]. This email identified that NW was seriously lacking in clinical competence and was a, *“‘tick box’ ‘paperwork*

paramedic'.... It went on to say that she was “*far from competent*” and had had “*restrictions placed on her practice*” and that she was currently self funding an ACP course but was “*unable to function clinically as a paramedic.*” It also said that the claimant would not want her treating a member of her family. The claimant informed the Co-Clinical Director of CEMS the next day that she had referred NW to HCPC. The email to HCPC referred to attaching the claimant’s email from May, which we find must have been disclosure one.

46. Ms Cooke, CEO of the respondent, forwarded this email again to the respondent’s external HR support on 16 August 2023, saying that there had been an escalation of the situation between the claimant and NW. The referral to HCPC was in Ms Cooke’s view, “*further evidence of [the claimant’s] ‘campaign’*”.
47. On 9 August 2023 at 7.44pm, Mr Shingler raised a Learning Event [890-1] about the possible bullying of a staff member. The bundle did not identify Mr Shingler as the reporter of this Learning Event, nor did Mr Shingler’s witness statement identify that he was the one who submitted it.
48. The Learning Event attached the messages between the claimant and Mr Shingler from 7 August about the Clinical Governance Group referred to above, although these messages had been redacted so that they did not show who was corresponding with the claimant. The Learning Event raised concerns about the way in which the claimant was raising her complaints and said that there are more professional ways of doing so, and that the staff member who they were about (NW) “*is being isolated*”, which the claimant may be encouraging.
49. Less than 24 hours after the Learning Event raised by Mr Shingler, on 10 August 2023

2.01pm, another colleague of the claimant's raised a Learning Event about "*talking horribly to member of staff*" [905-6]. This raised multiple encounters between the claimant and NW where it was alleged that the claimant had been unprofessional towards NW, calling her, "*shit at her job*" and "*rubbish paramedic*". We find the timing of this to not just be coincidental. It turned out that this related to an incident on 21 July 2023, and yet the Learning Event was not raised until 10 August. Also, having seen that Ms Cooke had prompted Mr Shingler to raise a Learning Event, we are satisfied that someone within the senior leadership team of the respondent, possibly Mr Cole or Ms Cooke, prompted this individual to raise the Learning Event, something we note was denied by Ms Cooke. Although, we accept in light of our findings, that the incident took place.

50. A meeting was held on 17 August 2023 between Ms Cooke, Mr Cole, Mr Shingler, and their external HR adviser, although this was not referenced in the witness statements of the respondent. There were no minutes for this meeting, although we did not find that to be concerning. The meeting was not referenced in either Mr Shingler or Ms Cooke's witness statements. During this meeting, Mr Shingler was asked by Mr Cole to undertake an investigation into the claimant regarding concerns that NW could potentially be being bullied, harassed or victimised by the claimant.
51. The claimant was on a period of annual leave until 21 August 2023. On her return from annual leave, Ms Cooke and Mr Cole approached the claimant in the Lincoln office and told her that an investigation into allegations of misconduct was to be undertaken. No prior notice of this meeting had been given, and it was clear that the claimant had little recollection of it other than requesting on multiple occasions to stop the meeting and for

someone to accompany her. We do not find that this was a meeting, but rather a notification that an investigation was to take place.

52. On the same day, the claimant was sent a letter by email [279-280] giving the same information as what was said during the meeting. It recorded that concerns had been raised over the claimant's behaviour towards NW and that the claimant would be invited to an investigation meeting to explain:

- a. If her conduct was in breach of LIVES bullying and harassment policy;
- b. If her correspondence regarding NW was in breach of the Confidentiality clause in her contract.

53. The claimant was also informed that she was being reallocated to an office-based role, rather than a role on vehicles. This was said to be to support the claimant, NW and the integrity of the investigation.

54. The claimant contacted Mr Shingler on 22 August 2023 requesting confirmation of the specific allegations against her [286]. Mr Shingler responded the same day [287] with the following terms of reference and asking whether she could attend an investigation meeting the next day:

"To investigate whether [the claimant's] conduct towards [NW] is in breach of the LIVES Bullying and Harassment Policy,

• To investigate and gain fact (sic) on the interactions between [the claimant] and NW in reception on or around the 21st July 2023 (as reported in LE 20230810-02), and assess against TOR 1,

• To investigate the actions and correspondence that [the claimant] has made regarding NW and assess against TOR 1 and consider whether [the claimant] has breached her

employment contract with regard to confidentiality (Clause 26),

• The investigator should be prepared to modify their investigation plan as and when further evidence comes to light that may be relevant to the investigation.”

55. The claimant sent a further email on the same day to Mr Shingler [288] asking him to speak with her witnesses, Mr Ruck and Mr Forman as part of the investigation. She confirmed that she would not be attending the investigation meeting the next day. She referred to her OH report and requested someone attend with her and that the meeting be recorded. From this point forward, it is accepted that all meetings with the claimant were conducted in line with the OH report's recommendations.
56. Following a request from Mr Shingler as to what he should speak to the claimant's witnesses about, the claimant responded via email a few minutes later stating, *“As I don't know what I'm being accused of, it's hard to know if Brett or Alan can help however, they were present that morning so perhaps their perspective might be useful?”*.
57. The claimant went off sick on 22 August 2023.
58. The claimant raised a Learning Event on 24 August 2023 [502] and emailed Mr Shingler [301] about people knowing about her investigation, as colleagues had called her. She referred to it being a breach of confidentiality. Mr Shingler asked for confirmation of names or information to identify the source of the breach, but the claimant did not feel able to provide this, save that they were members of CEMS. Mr Shingler agreed to send an email to those he had already spoken to as part of his investigation but confirmed that he was unable to look into the breach more robustly without further details from the claimant [592-4].
59. The claimant attended an investigation meeting with Mr Shingler on 4 September 2023

[minutes starting at 722 for the claimant's transcript and 954 for the respondent's minutes]. The claimant was accompanied by Mr Ruck and the hearing was recorded by the claimant. Also, the claimant was provided with a list of questions 30 minutes before the hearing commenced.

60. The claimant chased for an update on 18 September 2023, by emailing Mr Shingler [341]. She also confirmed that she was planning to return to normal shift working as opposed to office-based duties as the investigation had been completed, and there was no reason to not go out on the road. Mr Shingler stated that the report had not been completed yet, but that Mr Cole was responsible for deciding about the claimant's work. Mr Cole emailed the claimant the same day [343] to say that she must attend HQ until further notice on all planned shifts. The claimant requested an OH review as the chairs within the office were not good for her back and she found it difficult to work there due to her neurodiversity, because of the excessive noise and distractions. Ultimately, it was agreed on 22 September 2023 [350] that the claimant could work from home.
61. Mr Shingler completed his report on 2 October 2023 [785 onwards]. The report confirmed that the investigation had been expanded to include an incident in which the claimant had made inappropriate comments to LK, a colleague, for which a Learning Event had been raised on 8 April 2023. This had been informally investigated and resolved at the time since LK did not wish to take the matter further.
62. Both LK and NW confirmed when questioned as part of the investigation that they had not been harassed or bullied by the claimant, but Mr Shingler decided that the matter should proceed to a disciplinary hearing.
63. On 12 October 2023, the claimant was notified in writing of a disciplinary hearing

scheduled for 18 October 2023 [358] to discuss:

“The bullying and harassment of [NW] on 21st July 23 and an undated incident in the Kitchen at LIVES offices, in breach of LIVES Bullying and Harassment Policy.

• The bullying and harassment of [LK] on or around the 8th April 23 and an undated incident regarding the identification of an incident on the EMAS computer system, in breach of LIVES Bullying and Harassment Policy.

• Confidentiality breach when raising concerns externally to EMAS on 07/08/23 and HCPC on 09/08/23. This is a breach of employment contract, specifically in relation to clause 26.”

64. The letter attached the investigation report and appendices [785-1045]. Nikki Cooke, CEO, was to hold the disciplinary hearing.
65. Also on 12 October 2023, Gary Matthews, paramedic emailed several of the claimant's colleagues asking for *“constructive clinical feedback on [NW's] competency and capability.”* [357].
66. The claimant's request for a postponement was granted on 2 November 2023 but her request for further details regarding the allegations was refused on the basis that these were specified in the report which had been sent with the invitation letter.
67. The claimant again requested a detailed breakdown of what she was accused of on 3 November 2023 [373] although no further information was provided. The claimant made a subject access request on the same date.
68. On 6 November 2023, the claimant submitted a grievance to the respondent [378-380]. The claimant requested that it be heard by someone more senior than the CEO, as some of her grievance related to Nikki Cooke's pressure and persistent emails to arrange a

date for the disciplinary hearing.

69. The respondent wrote to the claimant on 16 November 2023 [397] confirming that James Hazel, an employment relations consultant and workplace mediator had been appointed to consider the grievance and the disciplinary. Mr Hazel is a non-practising solicitor and CEDR accredited mediator.
70. A preliminary discussion meeting was arranged for 27 November 2023 between the claimant and Mr Hazel to discuss, amongst other things, whether the disciplinary process should be paused and what reasonable adjustments would be required.
71. The preliminary meeting went ahead on 28 November 2023 [minutes at 406-414 and 705]. The claimant was accompanied by David Welch, barrister. Representations were made on the claimant's behalf that the disciplinary hearing should not proceed, but if it did, that the grievance should be heard first. At the meeting the claimant provided a very supportive statement from LK (entitled "*reference*") whom it had been alleged had been bullied by the claimant [405].
72. Following this meeting, Mr Hazel recommended to the respondent that the allegation concerning the Learning Event about LK was dropped as the case was not strong enough to proceed to a disciplinary hearing.
73. The claimant received an email from the General Medical Council (GMC) on 28 November 2023, following her contacting them for advice. The GMC representative confirmed that the HCPC representative had stated their wish to escalate concerns about NW's practice [415] and wished to contact the claimant.
74. On 13 December 2023, Mr Hazel wrote to the claimant to confirm that the respondent had commissioned further investigations and that he would be in touch about a way

forward the following week. Mr Hazel confirmed that this related to the same matter after the claimant queried the expansion of the investigation.

75. Also on 13 December 2023, the claimant complained about the respondent's failure to respond to her Subject Access Request. The respondent's data protection officer responded about a week later to apologise for the delay but explained that they were looking to extend the time for response due to the complex nature of her request, and there being no dedicated resource within the respondent's organisation to deal with it. The Subject Access Request was late in being provided on 28 February 2024, despite further chasers being sent by the claimant on 6 and 8 February 2024. The claimant later complained on 2 April 2024 [554] to say that some of the data provided was not in an accessible format. It was finally sent to her in an accessible format on 15 April 2024 [553].
76. Also on 13 December 2023, the claimant emailed Daniel Sedgewick, Medical Director of the respondent [416-7], to express her "*persistent concerns*" over NW. She drew a parallel with "*Lucy Letby*" in saying that, in that case, numerous concerns were raised, but were not heeded until it was too late and harm had occurred. She stated that she was alarmed to learn that NW was working solo, which was inappropriate, given her apparent lack of competence.
77. On 20 December 2023, the claimant was sent confirmation that there would be a combined disciplinary and grievance hearing and was also sent an Investigation Addendum report completed by Mr Shingler [1046]. Its aim was stated to "*provide clarity regarding the credentials of the investigating officer in order to support his findings, conclusions and recommendations, update as to the current status of [NW] and any*

patient safety issue that may exist and finally to clarify the definitions of urgent and emergency care, and clarify why the comments regarding [NW] are difficult to understand.” Also, why the respondent did not perceive the concerns raised by the claimant as whistleblowing.

78. The claimant was sent a second invitation to a disciplinary hearing letter by Mr Hazel dated 17 January 2024 [437]. The hearing was scheduled for 9 February 2024 and would consider the following allegations.

“i. That [the claimant] is guilty of behaviour that amounts to bullying and/or harassment of [NW].

ii. That [the claimant] has made false, misleading and/or reckless allegations or statements concerning [NW] that have had the purpose or effect of negatively impacting on [NW’s] career, or otherwise tarnishing her reputational standing within LIVES.

iii. That [the claimant] has breached confidentiality.

iv. That in light of all of the circumstances, the behaviour described in the investigation report, either cumulatively or in isolation, seriously damages or destroys the relationship of trust and confidence between LIVES and [the claimant].

v. In any event, has the working relationship between [the claimant] and LIVES and/or the LIVES’ CEO and/or other senior staff broken down? If so, is that breakdown irretrievable? If so, what consequences flow from that irretrievable breakdown?”

79. The claimant requested further information about the allegations in an email to Amica HR Ltd on 5 February 2024 [470].

80. The combined disciplinary and grievance hearing took place on 9 February 2024 before Mr Hazel. The claimant was again accompanied by Mr Welch, her barrister.
81. On 21 February 2024, Mr Hazel sent his findings to the respondent, confirming that his decision was to terminate the claimant's employment with immediate effect. This was forwarded to Daniel Sedgewick to see whether the claimant needed to be reported to the GMC. Dr Sedgewick confirmed that he did not believe it passed the threshold to notify the GMC and no such referral was made. Mr Hazel's findings were that the claimant should be dismissed with immediate effect. Also, that, save for some minor observations, her grievance had not been upheld.
82. The claimant was sent a summary dismissal letter [528] enclosing Mr Hazel's findings on 22 February 2024 [511 to 522]. This confirmed that she was dismissed without notice on the following grounds:
- “ • That [the claimant] has made false, misleading and or reckless allegations or statements concerning [NW] that have had the purpose or effect of negatively impacting on [NW's] career, or otherwise tarnishing her reputation or standing within LIVES.*
- That [the claimant] has breached confidentiality.*
- That in light of all of the circumstances, the behaviour described in the investigation report, either cumulatively or in isolation, seriously damages or destroys the relationship of trust and confidence between LIVES and [the claimant].”*
83. The summary of findings sent with the dismissal letter [511-522] also stated that the claimant's treatment of NW amounted to bullying but not harassment, although this is not set out specifically in the dismissal letter.
84. The claimant appealed against the decision to dismiss her on 28 February 2024 [539]

with full grounds of appeal being provided dated 16 April 2024 [568-585]. The main grounds for appeal were:

- a. “[the claimant] did not act as alleged;*
- b. [her] dismissal was unlawful;*
- c. The [respondent] failed to follow a fair procedure;*
- d. The [respondent’s] decision to dismiss [the claimant] was inconsistent;*
- e. The decision to dismiss [the claimant] was discriminatory; and*
- f. Dismissal was an unreasonable and unfair sanction.”*

- 85. An appeal hearing was held before an Appeal Panel consisting of Mr Brooks, Mrs Fussey (both Trustees of the respondent) and Mr Harman (independent panel member) on 16 April 2024.
- 86. The decision was to uphold the claimant’s dismissal, and this was confirmed to the claimant on 29 April 2024 [555-567].
- 87. Following the claimant’s dismissal, the claimant referred herself to the GMC, although it confirmed on 21 May 2024 that there was no information to suggest that the claimant’s actions or behaviour caused a risk to patient safety, so would take no further action to protect the public.
- 88. The HCPC confirmed on 29 October 2024 that it would not be taking any further action as it did not consider that NW’s fitness to practice was impaired. Whilst the letter itself makes no reference to NW and refers to the “*registrant*”, in the agreed facts the parties provided, it was confirmed that this related to NW.

Submissions

- 89. The respondent sent in written submissions and was given an opportunity to address us

orally. The claimant gave oral submissions.

Claimant's Submissions

90. in brief, these were that the Law was as set out within the respondent's written submissions. The Health and Safety complaints were pleaded as alternatives to the protected disclosure complaints, and were fall back positions for the claimant, and no further submissions were made on these complaints specifically.
91. The claimant's case, put simply, was that she raised clinical concerns about the competency of a colleague and was dismissed for it. It was blindingly obvious that the disclosures were linked to the claimant's dismissal, particularly the one to EMAS.
92. Much of the respondent's case was that the disclosures were not protected disclosures as they were assertions which failed to give clear examples, and were not information. However, the respondent has considered assertion and information to be mutually exclusive, which is incorrect. Also, that context is important in this case. Therefore, all of the disclosures relied upon were protected disclosures. The respondent's case becomes very difficult once that is found since it presumed that they were not protected disclosures.
93. It was extremely clear that the email to EMAS was the trigger for the disciplinary action, as written down in Ms Cooke's email, and as Mr Cole removes all doubts in his response. Causation is therefore plain.
94. The investigation by Mr Shingler had multiple errors including the decision to anonymise the witness statements supporting the case, but saying little weight will be given to the claimant's witnesses before they were even seen. NW had confirmed in the investigation that she had not been bullied. He had gone back to the definition of bullying

within the respondent's procedure, but this was flawed. It was overwhelmingly likely that the second Learning Event had been commissioned by the respondent and was not coincidental.

95. The investigation was highly flawed, even if the Tribunal finds nothing more sinister. Mr Hazel failed to spot the obvious flaws in the investigation and showed his intent to provide the respondent with more avenues to fairly dismiss the claimant, by adding three more allegations, including 'breakdown in trust and confidence', which had not been hinted at prior to his involvement.
96. Even if Mr Hazel were 'squeaky clean', Mr Shingler's investigation taints his decision, but Mr Hazel was not squeaky clean.
97. For the complaint of discrimination arising from disability, it was clear from the OH report that the claimant's bluntness was attributable to her ADHD, as seen when she gave evidence. The justification for the claimant's dismissal highlighted the claimant's tone and words used. Whilst there are slightly different tests for automatic unfair dismissal and discrimination arising from disability, the dismissal was both.
98. There had been a failure to make reasonable adjustments, being those contained in the OH report. Those adjustments were not provided at the initial meeting with the claimant. This had an effect on the claimant.
99. Finally, for the detriments complaints, the causative link works slightly differently for each detriment, but all were made out and the core was the same for them all.

Respondent's submissions

100. The respondent provided written submissions which were not expanded upon orally, although the respondent did reply to the claimant's oral submissions on a point of law.

Its written submissions confirmed that the burden was on the claimant to prove each of the elements necessary for a qualifying disclosure under section 43B ERA and that there were additional requirements relating to disclosures made externally to the respondent.

101. There was insufficient factual content and specificity in the information provided in the alleged disclosures, this was only provided during evidence. Also, for the external disclosures, additional obligations are imposed the further removed the recipient of the information is from the worker's employer (Korashi v Abertawe Bro Morgannwg University Local Health Board [2012] IRLR 4).
102. EMAS was not a regulatory body (unlike HCPC) but rather a "responsible person" under section 43C(1)(b)(ii) ERA for which the claimant has to show that she reasonably believed that the relevant failure related solely or mainly to any other matter for which a person other than his employer has "*legal responsibility*". In oral evidence, the claimant said that EMAS and the respondent had equal responsibility for NW and so did not have the reasonable belief required.
103. For the disclosure to HCPC, a prescribed person, it is also necessary for the claimant to have reasonably believed that the information disclosed was substantially true.
104. The claimant had failed to show the respective elements for her disclosures to be protected disclosures.
105. The automatic unfair dismissal complaint must fail as the reason for the dismissal was the manner in which the claimant made the disclosures and not the disclosures themselves.
106. The Health and Safety claims (sections 100(1)(e)) were not made out, but misconceived as they were not engaged in the claimant's case.

107. It was not disputed that the claimant was dismissed. The respondent contended this was for gross misconduct or some other substantial reason. The respondent is a small employer, and the fairness of the investigation and dismissal should be considered with this in mind.
108. The claimant had engaged in bullying behaviour towards another colleague and had breached confidentiality, such that she committed gross misconduct.
109. The respondent made reasonable adjustments for the claimant's involvement in investigation and in the disciplinary hearing. It was accepted that the PCP was applied, but that this did not put the claimant at a substantial disadvantage assessed on an objective basis. The claimant was provided with the same information in writing and so was able to understand she was being subjected to a disciplinary process. The claimant feeling panicked and suffering a deterioration in her mental health was not a disadvantage caused by the PCP, but a reaction to being informed that a disciplinary process was commencing. The reasonable adjustments stated by the claimant would not have alleviated any disadvantage caused in any event.
110. If pursued, the discrimination arising from disability complaint was disputed. The something relied upon was the tendency to speak with a direct or abrupt communication style. This is a factual enquiry for the Tribunal to make. Foul and abusive language is very different to speaking in a direct or abrupt manner. Her condition does not make the claimant swear. Therefore, the respondent disputed that the unfavourable treatment alleged was because of the "something". It was entirely proportionate for the respondent to dismiss the claimant because the respondent has to uphold respectable standards of behaviour.

Law

111. Under section 43A of the Employment Rights Act 1996 (ERA) a protected disclosure is a qualifying disclosure (as defined by section 43B), which is made by a worker in accordance with any of sections 43C to 43H.
112. Section 43B(1) provides that a qualifying disclosure means any disclosure of information, which, in the reasonable belief of the worker making the disclosure, is made in the public interest and tends to show one or more of the following – (a) that a criminal offence has been committed, is being committed or is likely to be committed, (b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject, (c) that a miscarriage of justice has occurred, is occurring or is likely to occur, (d) that the health or safety of any individual has been, is being or is likely to be endangered, (e) that the environment has been, is being or is likely to be damaged, or (f) that information tending to show any matter falling within any one of the preceding paragraphs has been, or is likely to be deliberately concealed.
113. Under Section 43C(1) ERA, a qualifying disclosure becomes a protected disclosure if it is made in accordance with this section, including where the worker makes the disclosure to her employer.
114. The EAT considered what amounts to a ‘disclosure of information’ in Cavendish Munro Professional Risks Management Ltd v Geduld [2010] ICR 325 and held that there is a distinction between disclosing information, which means ‘conveying facts’ and making allegations or expressing dissatisfaction. It gave, as an example of disclosure of information, a hospital employee saying ‘wards have not been cleaned for two weeks’ or ‘sharps were left lying around’. In contrast, the EAT held, a statement that ‘you are

not complying with health and safety obligations' is a mere allegation.

115. The Court of Appeal, in Kilraine v London Borough of Wandsworth [2018] ICR 1850, established that 'information' and 'allegation' are not mutually exclusive. There must be sufficient factual content tending to show one of the matters in subsection 43B(1) of the ERA 1996 in order for there to be a qualifying disclosure.
116. The information disclosed by the worker does not have to be true, but rather, the worker must reasonably believe that it tends to show one of the matters falling within section 43(B)(1) ERA. The employee must also reasonably believe that the disclosure is in the public interest. When deciding whether the worker had the relevant 'reasonable belief' the test to be applied is both subjective (i.e. did the individual worker have the reasonable belief) and objective (i.e. was it objectively reasonable for the worker to hold that belief).
117. Korashi v Abertawe Bro Morgannwg University Local Health Board [2012] IRLR 4, which was endorsed in Phoenix House Ltd v Stockman [2017] ICR 84, in which the EAT held that, on the facts believed to exist by an employee, a judgment must be made, first, as to whether the worker held the belief and, secondly, as to whether objectively, on the basis of the facts, there was a reasonable belief in the truth of the complaints.
118. When considering whether a disclosure is in the public interest, the Tribunal must decide what the worker considered to be in the public interest, whether the worker believed that the disclosure served that interest and whether that belief was held reasonably.
119. In Chesterton Global Ltd (t/a Chestertons) and another v Nurmohamed [2018] ICR 731 the EAT held that it is not for the Tribunal to consider for itself whether a disclosure was

in the public interest, but rather the questions are (1) whether the worker making the disclosure in fact believes it to be in the public interest and (2) whether that belief was reasonable. Tribunals should be careful not to substitute their views of whether disclosures are in the public interest for that of the worker.

120. A dismissal is ‘automatically’ unfair if the reason or principal reason is that the person dismissed has made a protected disclosure. Section 103A of the ERA provides that “*An employee who is dismissed shall be regarded for the purposes of this Part as unfairly dismissed if the reason (or, if more than one, the principal reason) for the dismissal is that the employee made a protected disclosure.*”

Ordinary Unfair dismissal

121. The respondent has to prove the reason for the dismissal and that it was one of the potentially fair reasons provided by section 98(1) and (2) ERA. The respondent relies upon the reason in s 98(2)(b) ERA namely, “conduct”.
122. Once an employer has shown a potentially fair reason for dismissal, section 98(4) ERA provides that “*the determination of the question whether the dismissal is fair or unfair ... (a) depends on whether in the circumstances (including the size and administrative resources of the employer’s undertaking) the employer acted reasonably or unreasonably in treating it as a sufficient reason for dismissing the employee, and (b) shall be determined in accordance with equity and the substantial merits of the case.*”
123. Since this is a misconduct dismissal, we must bear in mind the guidance given by the EAT (approved repeatedly since) in BHS v Burchell. We therefore need to ask the following:
- a. Did the respondent genuinely believe that the claimant was guilty of

misconduct?

- b. Did the respondent have reasonable grounds upon which to form that belief?
and
- c. Did the respondent carry out as much investigation as was reasonable in the
circumstances?

- 124. The Tribunal must also consider whether the procedure followed by the respondent was reasonable, including whether it complied with the ACAS Code of Practice on Disciplinary and Grievance Procedures.
- 125. It is necessary for the Tribunal to be satisfied that dismissal was, in all the circumstances, within the range of reasonable responses of a reasonable employer and that a fair procedure had been followed by the employer (Iceland Frozen Foods Ltd v Jones), as subsequently approved by the Court of Appeal in other cases. This is authority for the well-known proposition that a Tribunal must not substitute its own decision on the reasonableness of a dismissal for that of the employer; rather, the Tribunal must decide, objectively, whether the decision to dismiss was within the range of reasonable responses of a reasonable employer.
- 126. Both the basic and compensatory awards may be reduced under sections 122 and 123 ERA 1996 by reason of contributory conduct on the part of the employee.
- 127. A Tribunal may also reduce the amount of compensation, by the appropriate percentage, to reflect the possibility that the employee might have been dismissed fairly in any event even if procedurally unfair – the so-called ‘Polkey’ principle. Such a reduction is only applicable to the compensatory award. There is no reason why an award may not be reduced for both Polkey and contributory conduct.

Detriment for making Public Interest Disclosure

128. Section 47B ERA provides protection for workers who have made protected disclosures from being subjected to detriments. It provides:
- “47B Protected disclosures
- (1) *A worker has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by his employer done on the ground that the worker has made a protected disclosure.*”
129. The burden of proof in detriment claims is set out in section 48(2) of the ERA:
- “On a complaint under subsection ... (1A) ... it is for the employer to show the ground on which any act, or deliberate failure to act, was done.”*
130. The concept of ‘detriment’ is very wide, and a detriment can exist if a reasonable worker would or might take the view that the action of the employer was, in all the circumstances, to his detriment. ‘Detriment’ can include general unfavourable treatment and there is no test of severity that the Tribunal must apply.
131. However, there must be a causal link between the detriment and the fact that the worker made a protected disclosure. The provisions of section 48(2) of the ERA mean that, once a claimant shows that there was a protected disclosure, and a detriment which the respondent subjected the claimant to, the burden shifts to the respondent to show that the worker was not subjected to the detriment on the ground that he made the protected disclosure. In order to succeed, we must be satisfied that the protected disclosure had more than a trivial influence on the acts complained of.
132. Tribunals can draw inferences as to the motivation of the person subjecting the worker to a detriment.

Discrimination arising from disability – section 15 EQA

“(1) A person (A) discriminates against a disabled person (B) if—

(a) A treats B unfavourably because of something arising in consequence of B's disability, and

(b) A cannot show that the treatment is a proportionate means of achieving a legitimate aim.

(2) Subsection (1) does not apply if A shows that A did not know, and could not reasonably have been expected to know, that B had the disability.”

133. No comparator is required for this assessment. In order for this to apply, the employer must have treated the claimant unfavourably. The EHRC employment code explains at paragraph 5.6 that it is sufficient to demonstrate that the unfavourable treatment is because of something arising in consequence of the disability. There must therefore be a link between the unfavourable treatment and the claimant's disability.
134. The knowledge required for a discrimination arising from a disability complaint is of the disability only and does not extend to a requirement of knowledge that the 'something' leading to the unfavourable treatment is a consequence of the disability.
135. The Employer may seek to rely upon an objective justification for the unfavourable treatment where it is a proportionate means of achieving a legitimate aim. To be proportionate, the unfavourable treatment has to be both an appropriate means of achieving the legitimate aim and a reasonably necessary means of doing so.

Health & Safety Complaints

136. Section 44 ERA provides:

“44 Health and safety cases...

(1) An employee has the right not to be subjected to any detriment by any act, or any

deliberate failure to act, by his employer done on the ground that—

...

(c) being an employee at a place where—

(i) there was no such representative or safety committee, or

(ii) there was such a representative or safety committee but it was not reasonably practicable for the employee to raise the matter by those means, he brought to his employer's attention, by reasonable means, circumstances connected with his work which he reasonably believed were harmful or potentially harmful to health or safety,

(d), (e) ...

(1A) A worker has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by his or her employer done on the ground that—

(a) ...

(b) in circumstances of danger which the worker reasonably believed to be serious and imminent, he or she took (or proposed to take) appropriate steps to protect himself or herself or other persons from the danger.

(2) For the purposes of subsection [(1A)(b)] whether steps which [a worker] took (or proposed to take) were appropriate is to be judged by reference to all the circumstances including, in particular, his knowledge and the facilities and advice available to him at the time.

(3) [A worker] is not to be regarded as having been subjected to a detriment on the ground specified in subsection [(1A)(b)] if the employer shows that it was (or would have been) so negligent for [the worker] to take the steps which he took (or proposed to take)

that a reasonable employer might have treated him as the employer did.

(4) ... this section does not apply where the [worker is an employee and the] detriment in question amounts to dismissal (within the meaning of [Part X]).”

137. Automatic unfair dismissal for Health & Safety cases - Section 100 ERA provides:

“100 Health and safety cases

(1) An employee who is dismissed shall be regarded for the purposes of this Part as unfairly dismissed if the reason (or, if more than one, the principal reason) for the dismissal is that—

...

(c) being an employee at a place where—

(i) there was no such representative or safety committee, or

(ii) there was such a representative or safety committee but it was not reasonably practicable for the employee to raise the matter by those means, he brought to his employer's attention, by reasonable means, circumstances connected with his work which he reasonably believed were harmful or potentially harmful to health or safety,..

(e) in circumstances of danger which the employee reasonably believed to be serious and imminent, he took (or proposed to take) appropriate steps to protect himself or other persons from the danger.”

Conclusion

138. The following conclusions were reached on a unanimous basis after carefully considering the evidence before the Tribunal, the legal principles summarised above, and the submissions of both parties.

139. We considered whether each of the five disclosures relied upon by the claimant for her

public interest disclosure complaints were protected disclosures.

Disclosure one

140. We considered that the email to Mr Cole on 31 May 2023 amounted to a protected disclosure. Firstly, there was sufficient factual content to count as a disclosure of information. Whilst the respondent contended that there needed to be more factual content and specificity, we considered that the disclosure, particularly when considered within the context of the environment in which the claimant was working, sufficiently conveyed information. The claimant raised concerns over NW's ability to make clinical decisions and was not performing at the required level for her role, particularly in light of the work they carried out in CEMS. She specifically raised concerns over the claimant's cardiac arrest skills, which she said seemed non-existent and her ability to support more junior colleagues.
141. Secondly, we find that the claimant genuinely believed that the disclosure was made in the public interest. Her evidence at Tribunal was convincing in this regard. She was concerned that someone would be harmed by NW being allowed to administer to them and this caused her anxiety, as evidenced by her emails sent around this time.
142. Thirdly, we find that this was a belief she reasonably held. The public interest is clearly engaged in circumstances such as these.
143. Fourthly, we find that the claimant believed that the disclosure tended to show that an individual's health and safety may be harmed by NW's continued work as a paramedic/ Trainee ACP. It was clearly possible that if someone worked as a paramedic/ Trainee ACP providing emergency treatment, and were not competent to do so, someone may be injured or harmed. Therefore, finally, we find this belief was reasonably held.

144. Disclosure one was a qualifying disclosure. As the qualifying disclosure was made to the claimant's employer, this was a protected disclosure.

Disclosure two

145. Whilst the email on 30 June 2023, when taken on its own, would not convey sufficient specificity of her concerns to amount in itself to a disclosure of information, it has to be read in context with her earlier email (disclosure one) sent to the same recipient, Mr Cole. In light of this, we find that this, together with the first email, satisfies the above tests for the same reasons. At this point, Mr Cole had only had a brief chat with the claimant about the concerns she had raised, but nothing more. Therefore, we find that disclosure two, when read in context with disclosure one, amount to a protected disclosure.

Disclosure three

146. The third email dated 25 July 2025 again must be read in context with the two earlier emails (disclosures one and two) since they were sent to the same recipient, Mr Cole. Also, there was evidence that the claimant had, along with others, spoken with Mr Cole at the traumatic cardiac arrest incident on 21 July 2023 conveying their concerns about NW's performance. Whilst what was said at the incident was not relied upon for the protected disclosure itself, we found that to be sufficiently proximate to this email to provide further context for it. We note that by the time of this email, Mr Cole had responded to disclosure two to say that a 360° feedback was to be undertaken for NW and that "*clear discussions*" could be held at probationary reviews following this so that a full action plan could be put in place. However, we did not consider that this sufficiently altered the factual context surrounding the disclosure to change any of our findings in

respect of disclosure one which also applied to disclosure three. Therefore, we find that this was a protected disclosure for the reasons set out above.

Disclosure four

147. The claimant's email to EMAS has additional tests to be applied for it be classed as a protected disclosure. Also, there is no context for this disclosure that EMAS would be aware of other than the fact that NW worked some shifts for them. Therefore, we need to be satisfied that the email itself sufficiently satisfies all the tests in order to be a protected disclosure.
148. Firstly, the email to EMAS was sent following confirmation from Mr Cole on 28 July 2023 that an action plan had been instigated to address issues raised by the claimant and others. This set out what the claimant referred to as restrictions on NW's practice. We note that restrictions on practice has a specific meaning within the health profession. We understand that the matters identified by Mr Cole including "*no solo work, no discharge of any patients without checking with a HCP colleague and shift review for every clinical shift undertaken*" may have been informal restrictions put into place for NW, and make no findings of whether these were "*restrictions*" on practice in the formal sense.
149. The email to EMAS was a short email but made clear that NW worked bank shifts for EMAS, and specified the ambulance station that NW worked from. It said that there were "*multiple concerns raised regarding her clinical competence*" and referred to the restrictions put in place and that NW had been unsuccessful at her probation review. It again gave no clear examples, and we carefully considered whether this was a mere allegation as opposed to a disclosure of information.

150. However, we find that the claimant raised concerns over a particular paramedic's (NW's) clinical competence, and that restrictions had been placed on her practice, and despite failing to give specific examples of the incidents, we find this was sufficient to disclose information.
151. The claimant believed that the disclosure to EMAS was in the public interest. We do not find that this was made out of malice or to cause mischief. We accept the claimant's evidence that she was concerned over the health and safety of individuals treated by NW and that the public would be interested in knowing that a paramedic was working who was not, in the claimant's view, competent.
152. Further, we find that the belief that this was in the public interest was a reasonable belief to hold. We note that the respondent had put measures in place as regards NW's work, but the claimant was concerned that EMAS may not be aware of these and therefore fail to take action she considered necessary to protect the public.
153. The claimant reasonably believed that the health and safety of an individual may be harmed by NW's work whilst at EMAS. Further, the claimant reasonably believed that the respondent had failed, was failing, or was likely to fail, to comply with its duties in respect of notifying organisations about the restrictions on NW's practice. We note that the respondent did not consider that formal restrictions had been put in place regarding NW, which would have triggered these types of disclosures to third parties, however, we accept that the claimant reasonably believed this to be the case.
154. We further find that the claimant's belief that the disclosure tended to show that the health and safety of any individual was likely to be endangered and/or that a person had failed, was failing or likely to fail to comply with a legal obligation to which they were

subject, were both reasonably held. We are not concerned with whether there had been a breach of a legal obligation, only whether it was reasonable for the claimant to believe that to be the case. We find that this was reasonable for her to believe in these circumstances.

155. We have to consider whether this particular disclosure, as it was made to an external body, EMAS, was made to a prescribed person being an “*other responsible person*” under section 43C(1) ERA. In order to fall within this section, the claimant must show that she reasonably believed that the relevant failure related solely or mainly to “*(ii) any other matter for which a person other than his employer has legal responsibility, to that other person.*”
156. The respondent did not dispute that EMAS had a legal responsibility for the patients that NW treated, however it still contended that the disclosure did not fall within the definition. The reason the respondent gave was that the claimant was not saying that EMAS had ‘sole’ responsibility for those patients and that, as the claimant’s evidence was that EMAS and the respondent had equal responsibility for NW, it failed to satisfy the test. We found that argument to be unconvincing, particularly as in the Case Management Order dated 15 October 2024, it is noted that, “*PID 4: the Respondent accepts that EMAS has legal responsibility pursuant to section 43B(1)(b)(ii), in that it employed [NW] and also had responsibility for the patients she attended to.*”
157. We find that the claimant had a reasonable belief that EMAS had main or even sole responsibility for the EMAS patients NW was treating when working for EMAS. We do not accept that the claimant’s answer that the respondent and EMAS had joint responsibility was helpful to our deliberations.

158. We therefore find that disclosure four was a protected disclosure for the reasons set out above.

Disclosure five

159. This being the second disclosure to an external body. The email to HCPC dated 8 August 2023 raised concerns about NW *“seriously lacking in clinical competence”*. It referenced the restrictions on NW’s practice and the multisource feedback as part of her probationary review because there was *“so much noise from the team”*. The claimant says that she would not want her treating a member of her family and this was why her competence needed review. It also attached the claimant’s email from May, which, as set out above, we find to have been disclosure one.
160. As this was made to a prescribed person, we have to consider whether the disclosure falls within the *“description of matters”* for disclosures to HCPC in Schedule 1 ERA. These matters include, *“matters relating to – (a) the registration and fitness to practise of a member of a profession regulated by the Council...”*
161. The whole email concerns NW’s fitness to practice as a paramedic and therefore we find that it falls within the description of matters for which disclosures can be made to HCPC.
162. Again, the respondent contended that this disclosure lacked sufficient specificity and only contained vague references such that it was not possible to understand what fitness to practise issues there were. We do not accept that to be the case for the reasons already stated. We find that it discloses information. We further find that the claimant believed that the disclosure was being made in the public interest for similar reasons to those set out above. We further find that the claimant’s belief that the disclosures were

in the public interest was reasonably held.

163. The claimant genuinely believed that the disclosures tended to show that the health and safety of any individual was likely to be endangered by NW continuing to practise as a paramedic, and that the respondent and/or NW had failed to comply with a legal obligation by not referring the restrictions on NW's practise to HCPC, as required.
164. We find that the beliefs regarding the disclosures tending to show matters contained within sections 43B(1)(b) and 43B(1)(d) ERA were reasonably held by the claimant.
165. We find that the disclosure was made in accordance with section 43C(1)(b)(ii) ERA since it related to the fitness to practise of NW and was made to a prescribed person.
166. Finally, we must consider whether the claimant believed that the information disclosed was substantially true. We find that to be the case. The claimant genuinely believed, and, by the time of the hearing, clearly still believes, that NW was incompetent as a paramedic, and that the respondent and/or NW should have informed HCPC themselves of the restrictions that had been imposed on NW's practise. We do not find that the claimant's dislike of NW clouded this.
167. Therefore, disclosure five was also a protected disclosure.

Detriments for making protected disclosures

168. Having found that all the disclosures amounted to protected disclosures, we considered whether the claimant was subjected to detriments for making these disclosures and considered each relied upon in turn:

Detriment 1: Initiate (and conduct) unjustified disciplinary proceedings against the claimant from 21 August 2023

169. The respondent initiated and conducted disciplinary proceedings against the claimant

from 21 August 2023. We do not consider that the disciplinary proceedings were “*unjustified*”, since there was conduct of the claimant which we found to warrant some form of disciplinary investigation and proceedings. However, we accept that the reason that this disciplinary procedure was instigated, which we accept was a detriment, was the claimant’s email to EMAS (disclosure four). The respondent’s contention that the disciplinary action was commenced not because of the disclosure, but rather the manner in which the disclosure was made is not fully accepted. We consider that the evidence before us showed the reason for the disciplinary action was the claimant’s disclosure to EMAS itself. This is evidenced in particular by Mr Cole’s email confirming what his intended actions were to be prior to the email to EMAS being sent, and that following this, he considered action should be taken. Therefore, this detriment complaint succeeds.

Detriment 2: Inform the claimant they were investigating allegations of misconduct against her in a meeting on 21 August 2023 without prior warning, information about the contents of the meeting or any companion?

170. We accept that the claimant was informed that she was being investigated on 21 August 2023 without any prior warning being given to her. Nor was she provided with information about what the meeting was about; nor was she given the opportunity to have a companion with her.
171. We note that the concept of detriment is very wide, and have considered whether a reasonable worker would or might take the view that being informed that she was being investigated without prior warning may have been a detriment. However, we do not consider that the information provided to the claimant on 21 August 2023 and the

method of conveying that information (namely the fact of the disciplinary investigation taking place and that a letter would be sent to her) was because she made protected disclosures. Nor that this formed any part of the decision to inform the claimant in person that she was to be investigated, without giving any prior notification.

172. There may have been no investigation had the claimant not sent the email to EMAS, as dealt with above, however, the reason that she was told about the investigation in person and the method of doing this was unrelated to any protected disclosures. Therefore, we find that this complaint must fail.

Detriment 3: Instruct the claimant to work from the office (instead of working on the road) on 21 August 2023

173. We accept that being made to work from the office is a detriment. However, we find that the reason for this decision was to ensure an investigation could take place without any concerns about NW and the claimant working together, particularly when there were investigations of alleged bullying. We do not accept that this was because of any of the protected disclosures. Therefore, this complaint fails.

Detriment 4: Fail to deal with the claimant's subject access request submitted on 3 November 2023 adequately

174. The respondent delivered the claimant's personal data late and not in accordance with data protection legislation and failed initially to provide copies of all the requested personal data in an appropriate form. This again counts as a detriment as a reasonable person would view it as such. However, we accept the respondent's evidence that there was a wide search to undertake and that this was complex. The respondent is a small employer with one person to undertake this task alongside their other responsibilities.

This was not delivered late because the claimant made any of her protected disclosures.

This complaint therefore fails.

Detriment 5: Fail to adequately deal with the claimant's formal grievance.

175. We do not accept that the respondent failed to adequately deal with the claimant's grievance. We find that the grievance was so linked to the disciplinary issues under investigation that it was reasonable for the respondent to deal with these at the same time and for them to be heard by the same person. We accept Mr Hazel's evidence that the crux of the grievance was that the disciplinary investigation was unfair and biased. The decision to consider them together was taken after an initial meeting between Mr Hazel and the claimant, during which representations were made on the claimant's behalf by her barrister.
176. We find that there was an investigation into the claimant's grievance. Mr Hazel discussed this with the claimant, as evidenced by the meeting notes and the outcome letter/ report sent to the claimant, [particularly P514-516].
177. As pointed out by the claimant, Mr Hazel did not meet with Ms Cooke, Chief Executive, before coming to his decision on the grievance. However, we do not find that this meant that there was not an adequate investigation into the claimant's grievance. Other than complaints about the disciplinary process, the only allegation concerning Ms Cooke was that the claimant felt bullied and intimidated by her "*as she persistently emailed and put pressure on me to arrange the disciplinary date*" [379]. This was able to be investigated by looking at the correspondence/emails around this time between the claimant and Ms Cooke, which Mr Hazel did.
178. Other than making some minor observations, Mr Hazel dismissed the claimant's formal

grievance against the respondent for the reasons set out in Mr Hazel's report [510-522].

This is a clear detriment. However, the reasons for not upholding the claimant's grievance were not because of the claimant's protected disclosures or related in any way to any of them. It was clear to the panel that this had no bearing on Mr Hazel's decision in how the grievance was to be handled, nor the decision not to uphold it.

Automatic unfair dismissal for making protected disclosures

179. For this case to succeed, we have to be satisfied that the reason, or principal reason for the claimant's dismissal, was because the claimant made a protected disclosure. As set out, for the reasons above, we accept that the claimant made 5 protected disclosures. We therefore have to consider what the reason for the claimant's dismissal was and whether any of these disclosures were the principal reason for her dismissal.
180. It is clear that Mr Hazel, the dismissing officer, was aware of most of the protected disclosures relied upon by the claimant, although it did not seem that disclosure 3 (email to Mr Cole dated 25 July 2023) was referred to in his outcome letter. However, we accept that he was fully aware of the disclosures the claimant was making before coming to his decision on dismissal.
181. Mr Hazel was very clear in his evidence that he did not consider the disclosures to be protected disclosures, although that is not of relevance to us. Rather, we have found them to have been so. However, his evidence was also very clear, that the reason he dismissed the claimant was not because of her raising concerns over NW's clinical competence, but was because the manner of raising those concerns was *"unprofessional; unnecessarily persistent; vague; in breach of GMC guidance and [the respondent's] internal policies; and was, I think, not designed to draw attention to a*

genuine problem, but designed to achieve a particular outcome, namely NW's dismissal, which was not a legitimate aim to have pursued."

182. We accept that the reason or principal reason for the claimant's dismissal was the reasons provided by Mr Hazel in his report and outcome letter and was not the claimant's protected disclosures.
183. Therefore, the automatic unfair dismissal complaint for making protected disclosures fails and is dismissed.

Automatic unfair dismissal – Health & Safety cases section 100(1)(c) and (e) ERA

184. This appears not to have been actively pursued by the claimant in the hearing and was stated to be an alternative to the whistleblowing complaints.
185. Firstly, looking at section 100(1)(c) ERA, the respondent accepted in submissions at paragraph 9 that there was no representative or health and safety committee. In any event, we saw no evidence of one before us.
186. We had to consider whether the claimant brought to the respondent's attention by reasonable means, circumstances connected with her work which she reasonably believed were harmful or potentially harmful to health and safety. The claimant relied upon the same five protected disclosures for her Health and Safety complaints as relied upon for her whistleblowing complaints. However, the emails to the external bodies do not, in our view, fall within section 100(1)(c) ERA (or indeed section 44(1)(c) ERA) as they were not made to the claimant's employer. Although, as the claimant forwarded these emails sent to external bodies to the respondent, we accept that the forwarded emails count as bringing matters to her employer's attention.
187. We note that the respondent considered that the disclosures relied upon were not

connected with the claimant's work. We do not accept that to be the case. The respondent relied upon Goldstein v Herve [2024] EAT 35 which it contended confirmed that the purpose of the Health & Safety protection was to encourage improvements in the safety and health of workers at work [emphasis by the respondent] and that the matters referred to by the claimant were not connected with her work. We do not accept that proposition. These were Health & Safety concerns which we find were connected with the claimant's work as a CEMS doctor.

188. The claimant had a reasonable belief that the matters she raised concerning the clinical competency of NW were harmful or potentially harmful to health or safety. She genuinely believed that NW could cause harm to patients and that was at the forefront of her mind when sending the emails.
189. We therefore considered that section 100(1)(c) and section 44 ERA were both engaged.
190. However, we do not consider that the reason or the principal reason for the claimant's dismissal was that she raised those health and safety concerns to her employer. The reason for the dismissal, was as set out in the findings on the whistleblowing automatic unfair dismissal complaint.
191. Considering the complaint under section 100(1)(e) ERA, there needs to be "*danger which the employee reasonably believed to be serious and imminent*", which she took steps or proposed to take steps to protect herself or other persons from the danger. In this case, by 28 July 2023, being the date on which Mr Cole sent an email to the claimant informing her of the action plan which had been put in place for NW, the claimant knew that NW would not be doing any solo work and would not discharge any patients without checking with a colleague (what we considered to be informal restrictions placed upon

her working practice). Therefore, we did not consider that the claimant could have held a reasonable belief from 28 July 2023 that there was serious and imminent danger posed by NW's practice from this point.

192. However, in any event, even if section 100(1)(e) ERA were engaged, we do not accept that the reason or principal reason for the claimant's dismissal was the raising of the health and safety issues. The reason for the dismissal was as set out in the dismissal findings by James Hazel which we accept were the true reasons for the claimant's dismissal.

193. Therefore, these automatic unfair dismissal complaints for Health & Safety also fail and are dismissed.

Detriments under section 44 ERA

194. The detriments relied upon for these complaints are the same as the detriments for the whistleblowing detriments complaint. Our findings in respect of whether we find them to be detriments are therefore as set out above and will not be repeated here.

195. We do not find that the reason for any of the detriments relied upon by the claimant was because of the claimant taking all (or any) of the steps outlined in paragraphs 9 to 13 of the list of issues (annexed to this Judgment).

Unfair dismissal

196. We find that the respondent had a potentially fair reason for dismissal, namely conduct. We find that this was the reason or principal reason for the claimant's dismissal. Mr Hazel found that the claimant was guilty of bullying behaviour, had made statements concerning NW that were exaggerated through inappropriate channels which had the purpose or effect of damaging NW's reputation, had breached confidentiality by emailing

EMAS, and that these actions seriously damaged or destroyed the trust and confidence the respondent had in the claimant. We consider that Mr Hazel had an honestly held genuine belief in the claimant's misconduct.

197. The claimant suggested that the behaviour did not amount to bullying in accordance with the respondent's own definition within its bullying and harassment policy [966], and questioned Mr Shingler and Mr Hazel on this. We accept that the behaviour of the claimant did not fit neatly within the respondent's own definition of bullying, but the conduct relied upon, in particular calling the claimant "*shit at her job*" and "*a shit paramedic*" in front of colleagues, the nature of the comments, together with the personal campaign she undertook against NW to try and see that her employment was terminated was sufficient in our view to amount to misconduct.
198. We considered that the fact that NW did not herself complain about this and did not categorise this as bullying did not affect our consideration of whether this was misconduct.
199. We also considered whether this was the real reason for the claimant's dismissal. We are satisfied that it was from the evidence of Mr Hazel, an independent consultant brought in to consider this. He was a convincing witness, and we accept that the matters contained within his outcome letter and summary were the genuine reasons for the claimant's dismissal.
200. This is not a Jhuti type case, and did not seem to be relied upon as such by the claimant's representative. In that case, the performance issues were fabricated, whereas, here, there were genuine issues with the claimant's conduct, however, we accept that they were only investigated once the claimant had sent her email to EMAS

about NW.

201. The email exchange between Mr Cole, Ms Cooke and Mr Shingler on 9 August 2023 [270] confirming the recommendation from the respondent's HR advisers, does say that it is not the raising of issues, but the vindictive nature of the claimant's actions directed towards NW that was the concern. It also says that it may, or may not, result in disciplinary action depending upon the outcome of the investigation.
202. We find, therefore, that the respondent has proven the reason for the claimant's dismissal and that this was the one set out by Mr Hazel in his outcome letter and attached report.
203. We must consider the general fairness of the dismissal and whether the other parts of the test in BHS v Burchell have been met. Mr Hazel held an honest belief that the claimant was guilty of misconduct, as set out clearly in the summary of his outcomes [511-2]. He found that she was guilty of bullying behaviour and had made statements concerning NW which were exaggerated through inappropriate channels which had the purpose or effect of damaging NW's reputation. He further found that the notification to EMAS on 7 August 2023 amounted to a breach of confidentiality. Also, that the claimant's actions had seriously damaged or destroyed the trust and confidence the respondent had in the claimant as an employee. As a result of his findings, he considered the claimant to have been guilty of gross misconduct.
204. Was this based on reasonable grounds? We consider that it was. There was evidence before Mr Hazel in the report prepared by Mr Shingler for him to come to the finding [paragraph 8.3 of his findings 517] *"...In my view, a senior clinician with responsibility and status within an organisation openly saying someone is "shit at their job" in front of*

that person and their colleagues is a form of bullying.” He also found that the claimant viewed NW as incompetent but also “*clearly dislike[d] her*” and formed her view on a very limited number of interactions, and, over time, had become more extreme, “*where it now smack[ed] of a vendetta, rather than a genuine concern*”. He also provided a rationale for why he considered that the email to EMAS (disclosure 4) was a breach of confidentiality, relying upon the Information Officer concluding that it was since EMAS was neither the employer nor the regulator. Finally, he considered that there had been a breakdown in trust and confidence between the claimant and the respondent caused by the claimant’s actions, compounded by a breakdown in the relationship between the claimant and Ms Cooke as CEO, and Dr Sedgwick.

205. In considering whether the reasonable belief in the claimant’s guilt followed a reasonable investigation, we carefully considered the flaws raised by the claimant, including:
- a. the fact that the investigation was instigated by Ms Cooke, having taken advice from the respondent’s HR advisers;
 - b. the investigation was carried out by Mr Shingler, who had raised the Learning Event about the communications relating to the claimant’s inclusion on the Clinical Practices Group and did not identify himself as such in the report, or indeed his witness statement;
 - c. Mr Shingler’s assessment of witnesses, anonymising the ones supporting the disciplinary, and assessing the claimant’s witnesses negatively; and
 - d. The suspicious timing of the Learning Events.
206. Despite these concerns, we still consider that the investigation was within the range of reasonable investigations open to an employer in these circumstances. Of relevance

here is that the respondent is a small employer, with few managers at the time able to undertake a disciplinary investigation. The investigation was far from perfect, and in light of this, and the background leading up to the investigation (including Ms Cooke's involvement), we deliberated on whether this affected the fairness of the decision overall. However, we do not find that the investigation was flawed to such an extent as to make this an unfair dismissal, procedurally or substantively. Also, we note that Mr Hazel was independent of the respondent, and we accept his evidence that he was not hampered in his decision making and was free to come to whatever decision he considered appropriate in the circumstances.

207. Mr Hazel adding additional allegations and removing one of the allegations prior to the disciplinary hearing, did not affect our decision that this was a reasonable investigation and fair process overall. We do not find that Mr Hazel was doing this to make it easier to dismiss the claimant, but rather that he was attempting to clarify the allegations the claimant was facing as a result of the investigation report prepared by Mr Shingler. The fact that further investigations were carried out did not alter the fairness of the investigation. We therefore find that Mr Hazel's belief in the claimant's misconduct was based on reasonable grounds following a reasonable investigation.
208. Finally, we find that the dismissal was within the range of reasonable responses open to an employer in these circumstances. It is irrelevant whether we would have dismissed in these circumstances.
209. We do not consider that the ACAS Code of Practice on disciplinary and grievance procedures has been breached in this case.
210. Therefore, we find that this was a fair dismissal.

Wrongful dismissal

211. We must decide whether the claimant was guilty of gross misconduct such that the respondent was entitled to dismiss her without notice. This is different to the test for unfair dismissal, since we must decide whether the claimant committed gross misconduct by her actions.
212. We do not find that to be the case. The claimant had clearly got concerns, at least initially, over NW's competency. Her method of dealing with this was far from ideal and the escalation of it bordered on a personal vendetta against NW. However, we do not find that this was a fundamental breach of the claimant's contract of employment. Mr Hazel himself confirmed in evidence that the bullying behaviour was not in itself sufficient for dismissal for gross misconduct.
213. Further, we do not accept that the breach of confidentiality in confirming the informal restrictions placed upon NW's practice to EMAS was gross misconduct justifying summary dismissal.
214. Dismissal for some other substantial reason, including where there has been a breakdown in the employment relationship is not sufficient to entitle the respondent to dismiss without notice.
215. Even when considering all of the allegations together, we do not accept that the claimant fundamentally breached her contract of employment by committing gross misconduct and therefore she is entitled to receive her notice pay. This complaint therefore succeeds.

Failure to make reasonable adjustments

216. The respondent conceded in its amended grounds of resistance that the claimant was

disabled at all material times.

217. The respondent did have a PCP of notifying employees of misconduct allegations without prior notice or warning, without providing the opportunity to be accompanied and without recording the meeting.
218. This complaint relates only to the initial meeting on 21 August 2023, when the claimant was informed that an investigation was to take place. It was accepted by both parties that, after this point, the respondent ensured that adjustments were made to the investigatory meetings and disciplinary hearings (including the appeal hearing) in line with the recommendations made by OH.
219. The claimant says that she was placed at a substantial disadvantage in comparison with employees who do not have ADHD, in that she could not fully understand the allegations and next steps on 21 August 2023. And that the meeting on 21 August 2023, during which she was informed an investigation was to take place, made the claimant feel panicked and result in a deterioration of her mental health.
220. Dealing with each in turn: We accept that the claimant could not fully understand what was said to her during the very brief exchange on 21 August 2023. However, a letter was sent on the same day, confirming what had been said to her. Therefore, we do not find that the claimant was placed at a disadvantage (being more than minor or trivial) by being told about the investigation in advance of the letter being sent to her.
221. It is difficult to envisage a way in which this disadvantage could have been ameliorated in any event. Since, if the claimant was invited to a meeting and told that she could be accompanied, and that she could record it, this would have caused similar concern or upset for the claimant. As would outlining the contents of the meeting beforehand. As

nothing material was said in this initial meeting on 21 August, and no investigation took place, we do not accept that the claimant was placed at a substantial disadvantage by the respondent's actions.

222. Turning to the second part, we accept that the claimant felt panicked and this may well have resulted in a deterioration of her mental health. However, the claimant would have felt this way even had the steps been taken as suggested by the claimant in paragraph 55 of the List of Issues (annexed to this Judgment). We, therefore, do not uphold the failure to make reasonable adjustments complaint and it is dismissed.

Discrimination arising from disability

223. The claimant relied upon her direct or abrupt communication style as a consequence of her ADHD. We accept that the claimant did have a direct and sometimes abrupt way of communicating, as evidenced during her evidence at the Tribunal hearing.
224. However, we do not accept that calling someone "*shit at her job*" and "*a shit paramedic*" arose as a consequence of her disability of ADHD. There was no evidence that the claimant used swear words for any reason associated with her disability. We note that the disability need not be the predominant reason for the something arising from it, but we do not accept that there was a link between the wording used and the claimant's disability.
225. The claimant was investigated and disciplined for making this comment and her other behaviour connected with NW. However, the claimant was not dismissed for making this comment alone. Mr Hazel confirmed in his evidence that he would not have dismissed for this comment alone, as he did not consider this to be gross misconduct.
226. We do not find that the investigation, and subsequent dismissal was because of the

something arising in consequence of the claimant's disability, namely her direct or abrupt communication style.

227. There is no need therefore to consider whether the respondent has objectively justified the treatment as a proportionate means of achieving a legitimate aim.
228. This complaint is therefore dismissed.
229. A remedy hearing has been listed for Friday 27 February 2026 at 10am. The parties were clear that no further directions were required for this hearing and an updated schedule of loss was not required, as the claimant had mitigated her losses.

Approved by:

19 December 2025

Judgment sent to the parties on:

4 February 2026

For the Tribunal:

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Note

Public access to employment tribunal decisions Judgments (apart from judgments under rule 51) and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

AGREED LIST OF ISSUES

Background

The Claimant submitted the following claims under case number 2601104/2024 (previously 6000073/2024) on 9 January 2024:

- Detriments, Employment Rights Act 1996, s47B(1) and s44(1A)(b); and
- Failure to make reasonable adjustments, Equality Act 2010, s20 and s21.

The Claimant then submitted the following claims under case number 2600736/2024 on 21 May 2024:

- Further Detriments, Employment Rights Act 1996, s47B(1) and s44(1A)(b);
- Automatic Unfair Dismissal, Employment Rights Act 1996, s103A and s100(1)(e);
- Unfair Dismissal, Employment Rights Act 1996, s94 and 98;
- Wrongful Dismissal, Breach of Contract and Employment Rights Act 1996, s86; and
- Discrimination arising from disability, Equality Act 2010, s15.

By letter dated 15 July 2024, the Employment Tribunal Ordered the two claims to be considered together.

At the Preliminary Hearing on 15 October 2024, the Claimant made an application to add the following additional claims:

- Detriments, Employment Rights Act 1996, section 44(1)(c); and
- Automatic Unfair Dismissal, Employment Rights Act 1996, section 100(1)(c).

The above application was granted by Employment Judge Broughton and confirmed in the record of Preliminary Hearing dated 16 October 2024.

Claims & Issues

Public Interest Disclosures, Employment Rights Act 1996 (ERA 1996), Section 43B

Disclosure 1

1. Was the Claimant's email to Chris Cole (Director of Operations/Critical Care Paramedic) on 31 May 2023, a qualifying disclosure pursuant to the ERA 1996, Section 43B specifically:
 - a) Was there a disclosure of information?
 - b) Did the Claimant believe that the disclosure was being made in the public interest?
 - c) If the Claimant did believe that the disclosure was being made in the public interest, was that belief reasonably held?
 - d) Did the Claimant believe that the disclosure tended to show that the health and safety of any individual has been, is being or is likely to be endangered (ERA 1996, Section 43B(1)(d)?
 - e) If the Claimant did believe (d) above, was that belief reasonably held?
 - f) Was the above disclosure made to the Claimant's employer pursuant to the ERA 1996, Section 43C(1)(a)?

Disclosure 2

2. Was the Claimant's email to Chris Cole (Director of Operations/Critical Care Paramedic) on 30 June 2023, a qualifying disclosure pursuant to the ERA 1996, Section 43B specifically:
 - a) Was there a disclosure of information?
 - b) Did the Claimant believe that the disclosure was being made in the public interest?
 - c) If the Claimant did believe that the disclosure was being made in the public interest, was that belief reasonably held?
 - d) Did the Claimant believe that the disclosure tended to show that the health and safety of any individual has been, is being or is likely to be endangered (ERA 1996, Section 43B(1)(d)? and/or
 - e) Did the Claimant believe that the disclosure tended to show that a person had failed, was failing or likely to fail to comply with a legal obligation to which they are subject (ERA 1996, Section 43B(1)(b)?
 - f) If the Claimant did believe (d) and/or (e) above, was that belief reasonably held?
 - g) Was the above disclosure made to the Claimant's employer pursuant to the ERA 1996, Section 43C(1)(a)?

Disclosure 3

3. Was the Claimant's email to Chris Cole (Director of Operations/Critical Care Paramedic) on 25 July 2023, a qualifying disclosure pursuant to the ERA 1996, Section 43B specifically:

- a) Was there a disclosure of information?
- b) Did the Claimant believe that the disclosure was being made in the public interest?
- c) If the Claimant did believe that the disclosure was being made in the public interest, was that belief reasonably held?
- d) Did the Claimant believe that the disclosure tended to show that the health and safety of any individual has been, is being or is likely to be endangered (ERA 1996, Section 43B(1)(d)? and/or
- e) Did the Claimant believe that the disclosure tended to show that a person had failed, was failing or likely to fail to comply with a legal obligation to which they are subject (ERA 1996, Section 43B(1)(b)?
- f) If the Claimant did believe (d) and/or (e) above, was that belief reasonably held?
- g) Was the above disclosure made to the Claimant's employer pursuant to the ERA 1996, Section 43C(1)(a)?

Disclosure 4

4. Was the Claimant's email to East Midlands Ambulance Service (EMAS) on 7 August 2023 a qualifying disclosure pursuant to the ERA 1996, Section 43B specifically:

- a) Was there a disclosure of information?
- b) Did the Claimant believe that the disclosure was being made in the public interest?
- c) If the Claimant did believe that the disclosure was being made in the public interest, was that belief reasonably held?
- d) Did the Claimant believe that the disclosure tended to show that the health and safety of any individual has been, is being or is likely to be endangered (ERA 1996, Section 43B(1)(d)? and/or
- e) Did the Claimant believe that the disclosure tended to show that a person had failed, was failing or likely to fail to comply with a legal obligation to which they are subject (ERA 1996, Section 43B(1)(b)?
- f) If the Claimant did believe (d) or (e) above, was that belief reasonably held?
- g) Was the above disclosure made pursuant to the ERA 1996, Section 43C(1)(b)(ii)?

At the Preliminary Hearing on 15 October 2024, the Respondent accepted that EMAS has legal responsibility pursuant to ERA 1996, Section 43(C)(1)(b)(ii). Please see record of the Preliminary Hearing dated 16 October 2024, Appendix 1.

Disclosure 5

5. Was the Claimant's email to the Health and Care Professions Council (HCPC) on 8 August 2023 a qualifying disclosure pursuant to the ERA 1996, Section 43B specifically:

- a) Was there a disclosure of information?
- b) Did the Claimant believe that the disclosure was being made in the public interest?
- c) If the Claimant did believe that the disclosure was being made in the public interest, was that belief reasonably held?
- d) Did the Claimant believe that the disclosure tended to show that the health and safety of any individual has been, is being or is likely to be endangered (ERA 1996, Section 43B(1)(d)? and/or
- e) Did the Claimant believe that the disclosure tended to show that a person had failed, was failing or likely to fail to comply with a legal obligation to which they are subject (ERA 1996, Section 43B(1)(b)?
- f) If the Claimant did believe (d) or (e) above, was that belief reasonably held?
- g) Was the above disclosure made pursuant to the ERA 1996, Section 43C(1)(b)(ii)?
- h) Was the above disclosure made to a "prescribed person" pursuant to ERA 1996, Section 43F(1)?

At the Preliminary Hearing on 15 October 2024, the Respondent accepted that HCPC is a "prescribed person" pursuant to ERA 1996, Section 43(F). Please see record of the Preliminary Hearing dated 16 October 2024, Appendix 1.

Detriments, ERA 1996, Section 47B

6. Did the Respondent:

- a) Initiate (and conduct) unjustified disciplinary proceedings against the Claimant from 21 August 2023?
- b) Inform the Claimant they were investigating allegations of misconduct against her in a meeting on 21 August 2023 without prior warning, information about the contents of the meeting or any companion?
- c) Instruct the Claimant to work from the office (instead of working on the road) on 21 August 2023?
- d) Fail to deal with the Claimant's Subject Access Request submitted on 3 November 2023 adequately, specifically:
 - i. Deliver the Claimant's personal data late contrary to data protection law; and
 - ii. Fail to provide copies of all requested personal data?
- e) Fail to adequately consider the Claimant's Formal Grievance, specifically:
 - i. Decide to combine the Claimant's Formal Grievance with the disciplinary process;

- ii. Not appoint a separate grievance manager;
 - iii. Conduct no investigation into the Claimant's Formal Grievance; and
 - iv. Dismiss the Claimant's Formal Grievance.
7. Were the acts, incidents and/or omissions at paragraph (6) above detriments to the Claimant? At the Preliminary Hearing on 15 October 2024, the Respondent stated that they did not dispute that the acts, incidents and/or omissions at paragraph 6 could amount to detriments to the Claimant. Please see record of the Preliminary Hearing dated 16 October 2024, Appendix 1.
8. If so, were the acts, incidents and/or omissions at paragraph (6) above because of the Claimant making all (or any) of disclosures 1 to 5 at paragraphs 1 to 5 above?

Detriments, ERA 1996, Section 44(1A)(b)

9. Was the Claimant's email to Chris Cole (Director of Operations/Critical Care Paramedic) on 31 May 2023 a health and safety action pursuant to the ERA 1996, Section 44(1A)(b). Specifically:
- a) Did the Claimant consider there were circumstances of serious and imminent danger?
 - b) If so, was the Claimant's belief reasonably held?
 - c) If so, did the Claimant email Chris Cole on 31 May 2023, as above, to protect other persons (i.e., patients).
 - d) If so, was this an appropriate step for the Claimant to take?
10. Was the Claimant's email to Chris Cole (Director of Operations/Critical Care Paramedic) on 30 June 2023 a health and safety action pursuant to the ERA 1996, Section 44(1A)(b). Specifically:
- a) Did the Claimant consider there were circumstances of serious and imminent danger?
 - b) If so, was the Claimant's belief reasonably held?
 - c) If so, did the Claimant email Chris Cole on 30 June 2023, as above, to protect other persons (i.e., patients).
 - d) If so, was this an appropriate step for the Claimant to take?
11. Was the Claimant's email to Chris Cole (Director of Operations/Critical Care Paramedic) on 25 July 2023 a health and safety action pursuant to the ERA 1996, Section 44(1A)(b). Specifically:
- a) Did the Claimant consider there were circumstances of serious and imminent danger?
 - b) If so, was the Claimant's belief reasonably held?

- c) If so, did the Claimant email Chris Cole on 25 July 2023, as above, to protect other persons (i.e., patients).
 - d) If so, was this an appropriate step for the Claimant to take?
12. Was the Claimant's email to EMAS on 7 August 2023 a health and safety action pursuant to the ERA 1996, Section 44(1A)(b). Specifically:
- a) Did the Claimant consider there were circumstances of serious and imminent danger?
 - b) If so, was the Claimant's belief reasonably held?
 - c) If so, did the Claimant email EMAS on 7 August 2023, as above, to protect other persons (i.e., patients).
 - d) If so, was this an appropriate step for the Claimant to take?
13. Was the Claimant's email to HCPC on 8 August 2023 a health and safety action pursuant to the ERA 1996, Section 44(1A)(b). Specifically:
- a) Did the Claimant consider there were circumstances of serious and imminent danger?
 - b) If so, was the Claimant's belief reasonably held?
 - c) If so, did the Claimant email HCPC on 8 August 2023, as above, to protect other persons (i.e., patients).
 - d) If so, was this an appropriate step for the Claimant to take?
14. Did the Respondent act as follows:
- a) Initiate (and conduct) unjustified disciplinary proceedings against the Claimant from 21 August 2023;
 - b) Inform the Claimant they were investigating allegations of misconduct against her in a meeting on 21 August 2023 without prior warning, information about the contents of the meeting or any companion;
 - c) Instruct the Claimant to work from the office (instead of working on the road) on 21 August 2023;
 - d) Fail to deal with the Claimant's Subject Access Request submitted on 3 November 2023 adequately. Specifically:
 - i. Deliver the Claimant's personal data late contrary to data protection law; and
 - ii. Fail to provide copies of all requested personal data?
 - e) Fail to adequately consider the Claimant's Formal Grievance. Specifically:
 - i. Decide to combine the Claimant's Formal Grievance with the disciplinary process;
 - ii. Not appoint a separate grievance manager;

- iii. Conduct no investigation into the Claimant's Formal Grievance; and
- iv. Dismiss the Claimant's Formal Grievance.

15. Were the acts, incidents and/or omissions at paragraph 14 above detriments to the Claimant?
At the Preliminary Hearing on 15 October 2024, the Respondent stated that they did not dispute that the acts, incidents and/or omissions at paragraph 14 could amount to detriments to the Claimant. Please see record of the Preliminary Hearing dated 16 October 2024, Appendix 1.

16. Were the acts, incidents and/or omissions at paragraph 14 above because of the Claimant taking all (or any) of the steps detailed at paragraphs 9 to 13 above?

Detriments, ERA 1996, Section 44(1)(c)

17. Was there a Health & Safety Committee at the Respondent? The Claimant submits there was no Health and Safety Committee while the Respondent submits that they do have a health and safety function within their business, namely the 'Risk Management Committee'. If there was such Health & Safety Committee, was it reasonably practicable for the Claimant to raise the matter by those means? The Claimant submits that it was not reasonably practicable.

18. Was the Claimant's email to Chris Cole (Director of Operations/Critical Care Paramedic) on 31 May 2023 a health and safety action pursuant to the ERA 1996, Section 44(1)(c). Specifically:

- a) Did the Claimant believe there were circumstances connected with her work which were harmful (or potentially harmful) to health or safety?
- b) If so, was the Claimant's belief reasonably held?
- c) If so, did the Claimant bring those circumstances to her employer's attention in her email dated 31 May 2023?
- d) If so, was this by reasonable means?

19. Was the Claimant's email to Chris Cole (Director of Operations/Critical Care Paramedic) on 30 June 2023 a health and safety action pursuant to the ERA 1996, Section 44(1)(c). Specifically:

- a) Did the Claimant believe there were circumstances connected with her work which were harmful (or potentially harmful) to health or safety?
- b) If so, was the Claimant's belief reasonably held?
- c) If so, did the Claimant bring those circumstances to her employer's attention in her email dated 30 June 2023?
- d) If so, was this by reasonable means?

20. Was the Claimant's email to Chris Cole (Director of Operations/Critical Care Paramedic) on 25 July 2023 a health and safety action pursuant to the ERA 1996, Section 44(1)(c). Specifically:

- a) Did the Claimant believe there were circumstances connected with her work which were harmful (or potentially harmful) to health or safety?
- b) If so, was the Claimant's belief reasonably held?
- c) If so, did the Claimant bring those circumstances to her employer's attention in her email dated 25 July 2023?
- d) If so, was this by reasonable means?

21. Did the Respondent act as follows:

- a) Initiate (and conduct) unjustified disciplinary proceedings against the Claimant from 21 August 2023;
- b) Inform the Claimant they were investigating allegations of misconduct against her in a meeting on 21 August 2023 without prior warning, information about the contents of the meeting or any companion;
- c) Instruct the Claimant to work from the office (instead of working on the road) on 21 August 2023;
- d) Fail to deal with the Claimant's Subject Access Request submitted on 3 November 2023 adequately. Specifically:
 - i. Deliver the Claimant's personal data late contrary to data protection law; and
 - ii. Fail to provide copies of all requested personal data?
- e) Fail to adequately consider the Claimant's Formal Grievance. Specifically:
 - i. Decide to combine the Claimant's Formal Grievance with the disciplinary process;
 - ii. Not appoint a separate grievance manager;
 - iii. Conduct no investigation into the Claimant's Formal Grievance; and
 - iv. Dismiss the Claimant's Formal Grievance.

22. Were the acts, incidents and/or omissions at paragraph 21 above detriments to the Claimant? At the Preliminary Hearing on 15 October 2024, the Respondent stated that they did not dispute that the acts, incidents and/or omissions at paragraph 21 could amount to detriments to the Claimant. Please see record of the Preliminary Hearing dated 16 October 2024, Appendix 1.

23. Were the acts, incidents and/or omissions at paragraph 21 above because of the Claimant taking all (or any) of the steps detailed at paragraphs 18 to 20 above?

Automatic Unfair Dismissal, ERA 1996, Section 103A

24. Was the Claimant dismissed from her employment by the Respondent?
25. Pursuant to s103A of the ERA 1996, was the reason, or principal reason, for the Claimant's dismissal because she made all (or any) of Protected Disclosures 1 to 5 at paragraph 1 to 5 above?

Automatic Unfair Dismissal, ERA 1996, Section s100(1)(e)

26. Was the Claimant dismissed from her employment by the Respondent?
27. Was the Claimant's email to Chris Cole (Director of Operations/Critical Care Paramedic) on 31 May 2023 a health and safety action pursuant to the ERA 1996, Section 100(1)(e). Specifically:
- a) Did the Claimant consider there were circumstances of serious and imminent danger?
 - b) If so, was the Claimant's belief reasonably held?
 - c) If so, did the Claimant email Chris Cole on 31 May 2023, as above, to protect other persons (i.e., patients).
 - d) If so, was this an appropriate step for the Claimant to take?
28. Was the Claimant's email to Chris Cole (Director of Operations/Critical Care Paramedic) on 30 June 2023 a health and safety action pursuant to the ERA 1996, Section 100(1)(e). Specifically:
- a) Did the Claimant consider there were circumstances of serious and imminent danger?
 - b) If so, was the Claimant's belief reasonably held?
 - c) If so, did the Claimant email Chris Cole on 30 June 2023, as above, to protect other persons (i.e., patients).
 - d) If so, was this an appropriate step for the Claimant to take?
29. Was the Claimant's email to Chris Cole (Director of Operations/Critical Care Paramedic) on 25 July 2023 a health and safety action pursuant to the ERA 1996, Section 100(1)(e). Specifically:
- a) Did the Claimant consider there were circumstances of serious and imminent danger?
 - b) If so, was the Claimant's belief reasonably held?
 - c) If so, did the Claimant email Chris Cole on 25 July 2023, as above, to protect other persons (i.e., patients).

- d) If so, was this an appropriate step for the Claimant to take?
30. Was the Claimant's email to EMAS on 7 August 2023 a health and safety action pursuant to the ERA 1996, Section 100(1)(e). Specifically:
- a) Did the Claimant consider there were circumstances of serious and imminent danger?
 - b) If so, was the Claimant's belief reasonably held?
 - c) If so, did the Claimant email EMAS on 7 August 2023, as above, to protect other persons (i.e., patients).
 - d) If so, was this an appropriate step for the Claimant to take?
31. Was the Claimant's email to HCPC on 8 August 2023 a health and safety action pursuant to the ERA 1996, Section 100(1)(e). Specifically:
- a) Did the Claimant consider there were circumstances of serious and imminent danger?
 - b) If so, was the Claimant's belief reasonably held?
 - c) If so, did the Claimant email HCPC on 8 August 2023, as above, to protect other persons (i.e., patients).
 - d) If so, was this an appropriate step for the Claimant to take?
32. Pursuant to s100(1)(e) of the Employment Rights Act 1996, was the reason (or principal reason) for the Claimant's dismissal because of her taking all (or any) of the above steps?

Automatic Unfair Dismissal, ERA 1996, Section 100(1)(c)

33. Was the Claimant dismissed from her employment by the Respondent?
34. Was there a Health & Safety Committee at the Respondent? The Claimant submits there was no Health and Safety Committee while the Respondent submits that they do have a health and safety function within their business, namely the 'Risk Management Committee'. If there was such Health & Safety Committee, was it reasonably practicable for the Claimant to raise the matter by those means? The Claimant submits that it was not reasonably practicable.
35. Was the Claimant's email to Chris Cole (Director of Operations/Critical Care Paramedic) on 31 May 2023 a health and safety action pursuant to the ERA 1996, Section 100(1)(c). Specifically:
- a) Did the Claimant believe there were circumstances connected with her work which were harmful (or potentially harmful) to health or safety?

- b) If so, was the Claimant's belief reasonably held?
 - c) If so, did the Claimant bring those circumstances to her employer's attention in her email dated 31 May 2023?
 - d) If so, was this by reasonable means?
36. Was the Claimant's email to Chris Cole (Director of Operations/Critical Care Paramedic) on 30 June 2023 a health and safety action pursuant to the ERA 1996, Section 100(1)(c). Specifically:
- a) Did the Claimant believe there were circumstances connected with her work which were harmful (or potentially harmful) to health or safety?
 - b) If so, was the Claimant's belief reasonably held?
 - c) If so, did the Claimant bring those circumstances to her employer's attention in her email dated 30 June 2023?
 - d) If so, was this by reasonable means?
37. Was the Claimant's email to Chris Cole (Director of Operations/Critical Care Paramedic) on 25 July 2023 a health and safety action pursuant to the ERA 1996, Section 100(1)(c). Specifically:
- a) Did the Claimant believe there were circumstances connected with her work which were harmful (or potentially harmful) to health or safety?
 - b) If so, was the Claimant's belief reasonably held?
 - c) If so, did the Claimant bring those circumstances to her employer's attention in her email dated 25 July 2023?
 - d) If so, was this by reasonable means?
38. Pursuant to s100(1)(c) of the Employment Rights Act 1996, was the reason (or principal reason) for the Claimant's dismissal because of her taking all (or any) of the above steps?

Unfair Dismissal, ERA 1996, Sections 94 and 98

39. Was the Claimant dismissed from her employment by the Respondent?
40. What was the reason, or principal reason, for the Claimant's dismissal?
41. Did the reason for the Claimant's dismissal fall within one of the potentially fair reasons pursuant to section 98(2) of the ERA 1996?

- 42. If the potentially fair reason is found to be misconduct, did the Respondent hold belief in the Claimant's alleged misconduct on reasonable grounds?
- 43. Did the Respondent act within the range of reasonable responses in dismissing the Claimant?
- 44. Did the Respondent fail to follow the ACAS Code on Disciplinary and Grievances?

Wrongful Dismissal, Breach of Contract and ERA 1996, section 86

- 45. Did the Claimant fundamentally breach her contract of employment by committing gross misconduct?
- 46. If not, was the Claimant wrongfully dismissed and therefore entitled to her notice pay?
- 47. If so, what was the amount of notice pay the Claimant was entitled to receive?

Disability Status and Knowledge, Equality Act 2010

- 48. Was the Claimant, at the material times, a disabled person within the meaning of section 6 of the Equality Act 2010 by reason of her attention deficit hyperactivity disorder?
- 49. Did the Claimant have a mental impairment?
- 50. Did it have a substantial adverse effect on her ability to carry out normal day-to-day activities?
- 51. If so, were the substantive adverse effects of the impairment long-term? Specifically, did they last at least 12 months, or were they likely to last 12 months?

Further to paragraphs 48 to 52 above, the Respondent accepts the Claimant was disabled at the relevant time (21 August 2023 to 22 February 2024), as confirmed in their Amended Grounds of Resistance dated 29 October 2024, paragraph 25.

- 52. Did the Respondent know, or could it have reasonably been expected to know, that the Claimant was a disabled person?

Failure to make reasonable adjustments, Equality Act 2010, sections 20 and 21

53. Did the Respondent have Provision, Criterion or Practice (PCP) of notifying employees of misconduct allegations:
- a) Without prior notice or warning;
 - b) Without providing the opportunity to be accompanied; and
 - c) Without recording the meeting.
54. If so, did the above PCP put the Claimant at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled? Specifically:
- a) Did this PCP mean the Claimant could not fully understand the allegations and next steps on 21 August 2023?
 - b) Did this action on 21 August 2023 subsequently cause the Claimant to feel panicked and result in a deterioration of her mental health?
55. If so, would the following have been steps which it would have been reasonable for the Respondent to take to avoid the disadvantage?
- a) Giving the Claimant prior notice of the meeting on 21 August 2023;
 - b) Outlining the contents of the meeting beforehand;
 - c) Organising for an independent witness/companion to be present at the meeting, as recommended in the Occupational Health report dated 6 October 2022;
 - d) Recording the contents of the meeting, as recommended in the Occupational Health report dated 6 October 2022;
 - e) Allowing the Claimant the opportunity to feedback after an appropriate time for consideration, as recommended in the Occupational Health report dated 6 October 2022.

Discrimination arising from disability, Equality Act 2010, section 15

56. What is the “something arises” in consequence of the Claimant’s disability? The Claimant submits that, as a consequence of her ADHD, she speaks with a direct or abrupt communication style (which she believes may have happened in the below instance).
57. Did the Respondent do the following:
- a) Initiate and conduct disciplinary proceedings in relation to the alleged comment by the Claimant that [NW] was “*shit at her job and a shit paramedic*”.
 - b) Find the above alleged comment had been founded;

c) Decide to dismiss the Claimant on the grounds of this alleged comment.

58. Were the above acts at paragraph 57 unfavorable treatment for the Claimant?

59. If so, was the above unfavorable treatment because of the “something arising” in consequence of the Claimant’s disability?

60. Can the Respondent show that the treatment was a proportionate means of achieving a legitimate aim?

Remedy

Detriments, ERA 1996

61. Did the Claimant suffer any financial loss because of the detrimental treatment by the Respondent?

62. Is the Claimant entitled to an award of Injury to Feelings (*Vento v Chief Constable of West Yorkshire Police (No2)* [2003] IRLR 102) in relation to the detriments?

Unfair Dismissal, ERA 1996

63. In accordance with section 119 of ERA 1996, what Basic Award is the Claimant entitled to?

64. Is the Claimant entitled to a compensatory award having regard to what is just and equitable in all the circumstances under section 123 of ERA 1996?

65. Has the Claimant attempted to fully mitigate her losses? If not, should the Claimant be subject to a reduction on her award with regards failure to mitigate?

66. Did the Respondent unreasonably fail to comply with the ACAS Code on Disciplinary and Grievances procedure? If so, is the Claimant entitled to an uplift on her award?

67. Did the Claimant unreasonably fail to comply with the ACAS Code on Disciplinary and Grievances procedure? If so, should the Claimant be subject to a reduction on her award?

68. Did the Claimant’s conduct contribute to her dismissal? If so, should the Claimant be subject to a reduction on her award with regards contributory fault?

69. Should any *Polkey* deduction be applied to any award on the basis that the Claimant would have been dismissed in any event?

Wrongful Dismissal, Breach of Contract and ERA 1996, Section 86

70. What was the amount of notice pay the Claimant was entitled to receive?

Disability Discrimination, Equality Act 2010

71. Did the Claimant suffer any financial loss as a result of the acts of discrimination?

72. Is the Claimant entitled to an award of Injury to Feelings (*Vento v Chief Constable of West Yorkshire Police (No2)* [2003] IRLR 102) in relation to the acts of discrimination?

73. Is the Claimant entitled to interest in respect of her discrimination claims?