EMPLOYMENT TRIBUNALS

Claimant: Ms F Majothi

Respondent: Intellectual Property Office

Heard at: Cardiff **On:** 15 and 16 December 2025

Before: Employment Judge R Brace

REPRESENTATION:

Claimant: Mr W Abbas (Claimant's husband)
Respondent: Ms J Franklin (of Counsel)

Judgment having been sent to the parties on 17 December 2025 and written reasons having been requested on 17 December 2025 in accordance with Rule 60 of the Employment Tribunal Procedure Rules 2024, the following reasons are provided, the request having been referred to Judge Brace by Tribunal administration on 9 February 2026.

Written Reasons

Preliminary Issues

1. This had been an in person hearing. The Claimant was represented by her husband and at the outset of the hearing we discussed the claims and list of issues that had been drafted by Judge Webb at a public preliminary hearing on 5 September 2024, when he had permitted an amendment to some of the complaints and had determined that complaints of breach of contract and unlawful deduction from wages had been submitted out of time and that time was not extended.

2. The list of issues that had been agreed at preliminary case management before Judge Webb on 6 September 2025 was discussed (see Appendix). The Claimant was asked to explain her complaint for a statutory redundancy payment. The Claimant confirmed that she was not pursuing a complaint of constructive dismissal

by reason of redundancy but that there had been an agreed voluntary redundancy. After an adjournment for the Claimant how she was bringing such a complaint, the Claimant confirmed that she was withdrawing her complaint for a statutory redundancy payment. In response, it was confirmed that a judgment dismissing that specific complaint would be issued.

Evidence

3. The Tribunal heard evidence from the Claimant and for the Respondent from:
   a. Louise Davies, Facilities Manager;
   b. Alison Littlejohns, Head of Workplace; and
   c. Christina Capel, Administrative Officer

4. All witnesses relied upon witness statements, which were taken as read, and all witnesses were subject to cross-examination, the Tribunal's questions and re-examination.

5. The Tribunal was referred selectively to the hearing bundle of relevant documentary evidence ("Bundle"). References to the hearing Bundle (pages 1-509) appear in square brackets [ ] below.

Facts

6. The Claimant identifies as British Indian. Her employment with the Respondent commenced on 11 January 2027 when she was employed as a Hearings and Facilities Officer at Band 1 ("B1) originally based in the Abbey Orchard Street, a venue that had physical space for tribunal hearings when parties' legal representatives would attend and use the tribunal venue facilities.

7. It was part of the Claimant's role as Hearings and Facilities Officer for the Intellectual Property Office ("IPO") that she would receive the document files, or Bundles for IPO tribunal hearings, would also liaise with visitors providing basic information on intellectual property rights, organise passes for visitors and ensured that parties were familiar with where their tribunal hearing was being conducted.

8. She reported to the Facilities Manager, a grade Band 2 post ("B2"), a Mr Les Yuill, who was also based and worked from the London offices [364].

9. In late 2019, the Respondent moved to premises Victoria Street when there were no longer dedicated tribunal hearing rooms and if there were physical in-person hearings, these were generally conducted from other premises at the International Dispute Resolution Centre ("IDRC") when the Claimant would be the IPO

representative and assist in tribunal hearings on occasions, swearing in witnesses and such.

10. By February 2020, Covid-19 was upon us and, following the first Covid lockdown in 2020, the IPO tribunal went online with nearly all IPO hearings being conducted as remote on-line hearings and very few hearings taking place as in-person or even hybrid hearings. Those that did take place as in-person or hybrid took place at Victoria Street in order to save on costs where there was no dedicated hearing room and use was made of a meeting room. As a result after June 2020, there were far fewer physical visitors at Victoria Street. Some of the online hearings were managed by Tribunal staff rather than the Claimant. Likewise, Covid brought about the use of electronic rather than hard copy files and these too were managed not by the Claimant but by Tribunal staff.

11. As a result of the reduction in workload brought about by Covid and the consequential changing practices at the IPO, a decision was made to move premises again, this time out of the premises in Victoria Street to a smaller Business Hub.

12. Unfortunately and by early 2023, the Claimant had faced a series of life-changes with her father having a serious deterioration in a medical condition that he lived with when he was moved to end of life care. By 20 March 2023, the Claimant's GP declared her as unfit for work due to 'stress-symptoms' arising from her father's terminal illness. Sadly, the Claimant's father died in early 2024 with the Claimant remaining off work with her ill-health following his death.

13. At the same time as the Claimant left work on sick leave, Alyson Littlejohns joined the Respondent as Head of Workplace. She felt that the IPO team was over-sourced, being too large for the amount of work that it was needing to carry out. She noticed that there was a general lack of productivity in the team. She concluded that resources would need to be reviewed and was tasked with reviewing how effective the Respondent's operations were with a view to determining what roles, of the 74 roles that were in the team, she considered were surplus to requirement and no longer required.

14. The review took the form of speaking to staff to understand their role. The London site fell under her operational review, but as the Claimant was still on long term sickness, the Claimant did not participate in any meeting with Alyson Littlejohns. Rather, Alyson Littlejohns instead spoke to Les Yuill about his role and Louise Davies, Facilities Manager, and responsible for both the role of the Facilities Manager and the Hearing and Facilities Officer.

15. She concluded that:
    a. Less work was available in the London office compared to other officers much of this driven by the changing nature of the work since Covid, with the London site no longer needing an office space;
    b. The future work was not going to increase;

c. The Claimant's workload had been managed during her sickness absence without needing cover;
d. That whilst the workload of the Facilities Manager had decreased as had the Claimant's, the role of Facilities Manager was distinct from that of the Claimant in that he was responsible for decision-making, ensuring that the building was legally compliant and was a management role, unlike the Claimant who was more akin to administrative support.

16. Whilst the Claimant challenged Alyson Littlejohns on how much autonomous decision-making Les Yuill had in fact taken as Facilities Manager, the live evidence from Alyson Littlejohn's was that she had seen for herself such evidence of such managerial responsibilities, making reference to organising lift repairs and estate matters.

17. She was also challenged that there was a lack of documentation supporting her oral evidence and reflecting that decision-making. She explained that documentation had been deleted when she had left, that staff had requested documents be deleted. Whilst this seemed at odds with what the Respondent should be doing in terms of retaining information to support a redundancy selection exercise, I did accept that as the real reason for the lack of documentation from Alyson Littlejohns.

18. I also accepted her evidence in terms of her conclusions on why she had concluded that the role of Hearing and Facilities Officer were no longer required

19. Whilst the Respondent witnesses were challenged on the concerns that the Claimant had previously held regarding the Facility Manager's performance, I found that concerns had been escalated by Louise Davies and that if the Claimant held any other concerns regarding his conduct or performance, she had chosen not to pursue those concerns. Furthermore, I also found, accepting the evidence of Alyson Littlejohns, that individual performance and conduct issues were not taken into account when determining whether a particular role was surplus to requirements.

20. I was therefore not persuaded that the Claimant had demonstrated that the role of Facilities Manager did not, in reality, give rise to responsibility for decision-making and was satisfied that the two roles were distinct roles with differing levels of management responsibility and decision-making.

21. The Claimant's role, of Hearing and Facilities Officer, was identified as one of four roles that could be removed from the Respondent's structure. In addition, further restructuring was also recommended by Alyson Littlejohns which included team moves as well as mergers in other roles resulting in further reduction in headcount.

22. As a result, Alyson Littlejohns decided that the role of Hearing and Facilities Officer, as an administrative role focussed mainly on 'on-site' tasks, was no longer required and the incumbent in that role, the Claimant, would therefore be at risk of redundancy.

23. She did not consider whether it was appropriate to 'pool' the Claimant's role and that of the Facility Manager as she considered that there were fundamental differences between the two roles. She was not satisfied that someone in the Hearing and Facilities Officer role could carry out the role of Facilities Manager a role with decision-making authority; that such a person would have also needed to have been at a higher grade and not the grade that the Claimant worked at.

24. She communicated her decision to HR. By this time, the Claimant had returned to work. Despite the return to work, at no time did Alyson Littlejohns attempt to meet with the Claimant and obtain from her, information regarding her role.

25. As a result of Alyson Littlejohn's decision, Christina Capel, HR adviser met with the Claimant on 24 June 2024. It is not in dispute that at that meeting, the Claimant was informed that she was at risk of redundancy and a decision had been made as a result to move her what was termed 'Priority Mover Status'.

26. This was defined in the Respondent's Voluntary Exits and Redundancy Policy [333] where an employee was considered surplus to their role and should be considered for other roles in the Respondent's organisation that were vacant or became vacant at their substantive grade. The reasons were provided and it was explained that Priority Mover status would last for a period of time and if unsuccessful in obtaining alternative work in that period, voluntary exit or redundancy would be explored after that period. Voluntary redundancy was also discussed.

27. The Claimant was invited to a second but formal meeting on 8 July 2024 [484] when the Priority Mover status was again explained to the Claimant as well as what level redundancy payment the Claimant could expect to receive if she was made redundant. On the same day, the Claimant was sent a letter confirming the outcome of that meeting which was that she was formally a Priority Mover from 8 July 2024 [389].

28. On 9 August 2024, the Claimant again met Christina Capel to discuss her job searches.

29. On 30 August 2024, the Claimant emailed Louise Davies. She referred to voluntary redundancy that had been discussed and confirmed that she had been looking for work. She confirmed that she had been offered and accepted a new job to start on 9 September 2024 and that her last day would be 6 September 2024 [498]. The Respondent treated such a letter as a resignation.

30. On 27 February 2025, the Claimant contacted ACAS and on 2 April 2025 an Early Conciliation Certificate was issued [7]. On 2 April 2025, the Claimant's claim was accepted by the Tribunal [8].

Submissions

31. The Respondent provided written submissions as well as an opening note, which are incorporated by reference to these written reasons. They were also permitted to make some oral submissions.

32. The Claimant provided oral submissions relying on the receipt of her last payslip on 24 September 2024 for time purposes despite accepting that had been told in June of her selection for redundancy. She relied on that they had to vacate their home and seek alternative accommodation (in December/January) and that the Claimant was 'not mentally behaving in a mature way' as she had been caring for her mother. The Claimant was asked to focus on the period from September onward and the Claimant repeated that she had been caring for her mother's health and she was undertaking a stressful role Mum. With her new role she was not in the 'right frame of mind' to pursue this claim.

33. The Claimant asked me to consider that Alison Littlejohn's evidence was pure speculation and placed reliance on the deletion of information and redaction of documents, that she made no attempt to meet with the claimant. They relied on performance and conduct issues (which had not been in evidence) of the comparator and invited me to find that the two roles were similar.

The Law

34. Section 123(1) EqA 2010 sets out time limits and provide that a claim must be presented to the tribunal before the end of the period of three months starting with the date of the act to which the complaint relates. The three-month time limit for bringing a discrimination claim is not absolute: employment tribunals have discretion to extend the time limit for presenting a complaint where they think it 'just and equitable' to do so (s.123(1)(b) EqA 2010). The time limit is modified if there is a course of conduct extending over a period and the claim is brought within three months of that period (s. 123(3)) or if the tribunal considers it just and equitable to extend time.

35. In **Robertson v Bexley Community Centre t/a Leisure Link** 2003 IRLR 434, CA, the Court of Appeal stated that when employment tribunals consider exercising the discretion (under what is now s.123(1)(b) EqA 2010,) there is no presumption that they should do so unless they can justify failure to exercise the discretion. Quite the reverse. A tribunal cannot hear a claim unless the claimant convinces it that it is just and equitable to extend time. So, the exercise of discretion is the exception rather than the rule. This does not mean that exceptional circumstances are required before the time limit can be extended on just and equitable grounds.

36. In exercising their discretion to allow out-of-time claims to proceed, the checklist contained in s.33 of the Limitation Act 1980 is a 'valuable reminder' of what may be taken into account, but their relevance depends on the facts of the individual cases,

and tribunals do not need to consider all the factors in each and every case. Section 33 (as modified by EAT in **British Coal Corporation v Keeble**) requires the court to consider the prejudice that each party would suffer as a result of the decision reached to have regard to all the circumstances of the case — in particular, the length of, and reasons for, the delay; the extent to which the cogency of the evidence is likely to be affected by the delay; the extent to which the party sued has cooperated with any requests for information; the promptness with which the plaintiff acted once he or she knew of the facts giving rise to the cause of action; and the steps taken by the claimant to obtain appropriate advice once he or she knew of the possibility of taking action. Other relevant factors are: Prejudice to the Respondent (beside the claim itself); any other remedy for the claimant (e.g negligence); conduct of the parties since the relevant act and the Claimant's medical situation. Not all factors will be relevant, and there is no requirement to consider each and every item slavishly by way of checklist in every case **London Borough of Southwark v Afolabi** [2003] IRLR 220 (CA).

37. A tribunal considering whether it is just and equitable to extend time is liable to err if it focuses solely on whether the claimant ought to have submitted his or her claim in time. Tribunals must weigh up the relative prejudice that extending time would cause to the respondent on the one hand and to the claimant (in the loss of a valid claim) on the other. The balance of prejudice and potential merits of the claim were both relevant considerations and it was wrong of the tribunal not to weigh those factors in the balance before reaching its conclusion on whether to extend time. The case was therefore remitted to enable the tribunal to consider the matter afresh.

38. The burden is on the Claimant to show that it is just and equitable to extend time. The absence of an explanation for any delay will not on its own be determinative against the granting of an extension. A failure to explain is a factor in the matrix. (**ABMU Local Health Board v Morgan** [2018] IRLR 1050 (CA)) If there is an explanation and it is believed, an absence of 'forensic prejudice' to the Respondent, will not automatically mean that it is just and equitable to extend time (Miller **and ors v Ministry of Justice and ors** (UKEAT/0003/15/LA) per Laing J (para 13)).

39. Section 13(1) Equality Act 2010 ("EqA 2010") provides that a person (A) discriminates against another person (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others. Section 23 EqA 2010 provides that when comparing cases for the purpose of Section 13 "*there must be no material difference between the circumstances related to each case*."

40. It is not possible to infer unlawful discrimination merely from the fact that an employer has acted unreasonably: **Glasgow City Council v Zafar** [1998] ICR 120 and in **Nagarajan v London Regional Transport and others [**1999] IRLR 527 HL, the House of Lords held that the Tribunal must consider the reason why the less favourable treatment has occurred or, why the Claimant received less favourable treatment. The concept of treating someone "less favourably" inherently requires

some form of comparison. In **Shamoon v Chief Constable of the Royal Ulster Constabulary** [2003] ICR 337 Lord Scott noted that this means, in most cases, the tribunal should consider how the Claimant would have been treated if they had not had the protected characteristic. This is often referred to as the hypothetical comparator.

41. It is well established that where the treatment of which the claimant complains is not overtly because of the protected characteristic, the key question is the "reason why" the decision or action of the respondent was taken. This involves consideration of the mental processes, conscious or subconscious, of the individual(s) responsible; (see EAT in **Amnesty International v Ahmed** [2009] IRLR 884 and the authorities discussed at paragraphs 31- 37). The protected characteristic must have had at least a material influence on the decision in question. Unfair treatment by itself is not discriminatory; what needs to be shown in a direct discrimination claim is that there is worse treatment than that given to an appropriate comparator; **Bahl v Law Society 2004 IRLR 799.**

42. Section 136 EqA 2010 provides that:

> (2) If there are facts from which the court (which includes a Tribunal) could decide, in the absence of any other explanation, that a person (A) contravenes the provision concerned, the court must hold that the contravention occurred.
>
> (3) But subsection (2) does not apply if A shows that A did not contravene the provisions.

43. Guidance as to the application of the burden of proof was given by the Court of Appeal in **Igen** v **Wong** 2005 IRLR 258 as refined in **Madarassy** v **Nomura International Plc** [2007] ICR 867 endorsing guidelines previously set down by the EAT in **Barton** v **Investec Henderson Crosthwaite Securities Ltd** 2003 ICR 1205, EAT. In **Madarassy**, Lord Justice Mummery stressed that judicial guidance is no substitute for applying the statutory language, and that a tribunal will not err in law simply by failing to recite the **Igen** guidance in its decision or by failing to work through the guidance paragraph by paragraph.

Conclusions

44. Dealing with the time point first, the Claimant's claim for direct race discrimination is out of time. The act complained of, of being selected for Priority Mover Status, was made by the Respondent at the latest by 24 June 2024. That decision was not communicated to the Claimant however until 25 June 2024 and the formal move did not take place until 8 July 2024. Whilst I concluded that time started to run on 24 June 2024, it was just and equitable to extend time to take into account the time taken to communicate this to the Claimant such that time would not start to run for a complaint of discrimination until 25 June 2024.

45. On that basis, the Claimant should have contacted ACAS by 24 September 2025. She did not do so and indeed she did not contact ACAS until 27 February 2025. She did not file her claim until 2 April 2025. As early conciliation did not commence until after the primary limitation period had expired, time spent on early conciliation did not extend time to bring her complaint. The claim was therefore brought over 6 months out of time.

46. The Claimant has adduced no evidence on why I should permit her claim out of time. I have permitted submissions.

47. The Claimant says time did not run until she received her last pay-slip on 24 September 2024, when she could see that no redundancy payment was included and her 'suspicions' were raised at that stage. I was not persuaded that this was a new fundamental or crucial fact that would influence me in determining whether to exercise my discretion. However, even if I did take into account that the Claimant was not aware of a possible claim of discrimination until that date, she still failed to act until 27 February 2025.

48. I looked for explanation from the Claimant for the delay from the date of that pay-slip. The Claimant has relied on her continuing bereavement from June 2023 and her mother's ill-health. However by April 2024, the Claimant had returned to work with the Respondent and by 6 September 2024 the Claimant had managed to obtain alternative employment, a role which she continued in until December 2024. Whilst it has been submitted that the Claimant was not 'mentally OK' at that time and that this new role was stressful, she had found find time to look for and start in another job by December 2024, a job which she continues in. The Claimant has also made submissions that they had housing difficulties in the December of 2024, housing issues that did not get resolved until January 2025.

49. I had no evidence or submissions on why a claim was not presented until April 2024 other than the Claimant explains that she was not in the 'right frame of mind' to bring a claim.

50. There was no suggestion that the Claimant did not know of her rights to complain to a tribunal and I concluded that had the Claimant acted reasonably in the circumstances, the Claimant should have issued her claim shortly after receiving her payslip in September at the latest. She did not and I did not consider the Claimant's submissions on time to be persuasive.

51. I did not focus solely on whether the Claimant ought to have submitted her claim in time however, but weighed weigh up the relative prejudice that extending time would cause to the Respondent on the one hand and to the Claimant (in the loss of a valid claim) on the other.

52. The balance of prejudice and potential merits of the claim were both relevant considerations and as a tribunal I weighed those factors in the balance before

reaching my conclusion on whether to extend time. Having weighed up the prejudice to the Claimant and the lack of prejudice to the Respondent, despite the lack of explanation for the full delay, I was satisfied that it was just and equitable to extend time to permit the Claimant's discrimination complaint. I concluded that the prejudice to the Claimant in not permitting the complaint outweighed the prejudice to the Respondent and concluded that it was just and equitable to extend time.

53. In considering the Claimant's substantive discrimination complaint, in reaching a decision on whether the Claimant had proven, on the balance of probabilities, facts from which I could conclude, in the absence of an adequate explanation, that the Respondent had committed an act of discrimination I bear in mind that it is unusual to find direct evidence of discrimination; that few employers would be prepared to admit such discrimination, even to themselves. I also bear in mind that the outcome at this stage will usually depend on what inferences it is proper to draw from the primary facts found by the tribunal and in considering what inferences or conclusions can be drawn from the primary facts, the tribunal must assume that there is no adequate explanation for those facts.

54. I accept that the Claimant has adduced no evidence on why she believes her selection for Priority Mover status was because of her race. However, the Claimant has raised in this tribunal proceedings a number of factors to invite me to draw inferences of discrimination.

55. The first is that the Respondent, whether Alyson Littlejohns or Louise Davies, failed to investigate what the Claimant termed 'adverse information', referring to concerns that had historically been raised by her regarding Les Yuill. I had accepted Louise Davies' evidence that:

    a. one concern had in fact been escalated and dealt with; and

    b. a second concern that the Claimant had raised at some point with an unidentifiable HR Manager (a matter the Claimant raised in live evidence,) the Claimant had in fact requested not be progressed.

56. I concluded that these were not matters that raised an inference of discrimination.

57. In any event, I accepted the evidence of Alyson Littlejohns that how an individual had been performing in their role was not a factor she considered when determining whether the role was surplus to requirements of the business. This was not a factor that I considered assisted me in determining whether inferences could be drawn on whether there was direct race discrimination and I decline to do so.

58. Whilst the Claimant relied heavily on the language that Alyson Littlejohns used in her witness statement, referring to it as 'subjective' inviting me to draw inferences from that, it was my view that any personal perception was very much restricted to Alyson Littlejohn's first impressions when joining the IPO team. I drew no adverse inference from this.

59. Thereafter, Alyson Littlejohns undertook a more detailed organisational view. I accept that despite meeting with employees and obtaining transcripts of meetings, none of that documentary evidence has been provided, or certainly none that I had been taken to. Indeed, I have been taken to no documentary evidence to support the re-organisation or Alyson Littlejohn's recommendations. To have a business-wide re-organisation, with little to no documents to support the findings of that review within subsequent tribunal proceedings, specifically none to provide support for verbal evidence, could and did, in my view, lead to an inference of discrimination.

60. I had also found that Alyson Littlejohns had failed to meet with the Claimant as part of her organisational review. Whilst I accepted her evidence that she considered it inappropriate to meet with the Claimant when the Claimant was on sick leave following her bereavement, and that she took the advice on the role from Louise Davies, she could have met with the Claimant on her return to work and did not. This too could result in an adverse inference of discrimination.

61. Whilst some of the documents that have been disclosed to the Claimant (e.g. an email that the Claimant has sent to Louise Davies,) have been redacted, I drew no adverse inference from that.

62. Finally, I place no weight on the failure of the witnesses to sign their witness statements in advance of the final hearing. There is no procedural requirement under the 2024 Employment Tribunal Procedure Rules. Further, only in submissions was it raised with me that there had been last minute Bundle changes. This was not a factor in determining whether the Claimant had been subject to direct race discrimination.

63. However, even though an adverse inference could be drawn, such that the Claimant had proven facts from which discrimination could be inferred, I was satisfied that the Respondent had provided a non-discriminatory reason for the Claimant's selection and had then discharged the burden of proof.

64. Generally, I found Alyson Littlejohns to be a credible witness and I was satisfied that there was a redundancy situation due to the reduction in the work required to be done and that there was a reduced need for the numbers of employees to be employed. The evidence supported the concluded that the Claimant had less work following Covid and the vacation of the Orchard Street premises which had no dedicated tribunal hearing rooms.

65. In particular, I accepted her evidence in terms of the findings of her review as set out at §10 and §11 of her witness statement; that Covid had changed the nature of the Claimant's administrative role, that there was a clear redundancy situation and more specifically concluded that it was not unreasonable to make a decision not to pool the Claimant with Les Yuill, when he was in a more senior management role. This explanation for the Claimant's selection had nothing to do with the Claimant's race.

66. I was not persuaded that it had been demonstrated that Les Yuill did not have management level and decision-making authority. Rather I had again accepted Alyson Littlejohn's evidence on this issue and that wider facilities responsibilities such as closing and moving offices fell within his remit and not the Claimant's. That the Claimant covered for him from time to time did not in my view render it wholly unreasonable to not pool the two.

67. The Respondent had proven to me on the balance of probabilities, that it's treatment of the Claimant was in no sense whatsoever on the protected ground of race and the complaint of direct race discrimination was not well founded and was dismissed.

Approved by:
Employment Judge Brace
10 February 2026

Written reasons sent to the parties on:

10 February 2026
For the Tribunal:

Katie Dickson

Appendix

List of Issues

(as agreed by Judge Webb on 5 September 2025)

1. Time limits

1.1. Given the date the claim form was presented and the dates of early conciliation, the direct race discrimination complaint may not have been brought in time.

1.2. Was the discrimination claim made within the time limit in section 123 of the Equality Act 2010? The Tribunal will decide:

1.2.1. Was the claim made to the Tribunal within three months (plus early conciliation extension) of the act to which the complaint relates?

1.2.2. If not, was there conduct extending over a period?

1.2.3. If so, was the claim made to the Tribunal within three months (plus early conciliation extension) of the end of that period?

1.2.4. If not, were the claims made within a further period that the Tribunal thinks is just and equitable? The Tribunal will decide:

1.2.4.1. Why were the complaints not made to the Tribunal in time?

1.2.4.2. In any event, is it just and equitable in all the circumstances to extend time?

2. Statutory Redundancy Pay

2.1. Was the Claimant dismissed?

2.1.1. Did the respondent breach any term of the contract between them and the claimant?

2.1.2. Was the breach a fundamental one? The Tribunal will need to decide whether the breach was so serious that the Claimant was entitled to treat the contract as being at an end?

2.1.3. Did the Claimant resign in response to the breach? The Tribunal will need to decide whether the breach of contract was a reason for the Claimant's resignation.

2.1.4. Did the Claimant affirm the contract before resigning? The Tribunal will need to decide whether the Claimant's words or actions showed that they chose to keep the contract alive even after the breach.

2.2. What was the reason for the breach of contract? Was it redundancy?

3. Amount of statutory Redundancy Pay

3.1. If the claimant is entitled to statutory redundancy pay she is entitled to:

3.1.1. Half a weeks pay for each compete year of service below the age of 22,

3.1.2. One weeks pay for each complete year of service between 22 and 40, and
3.1.3. One and a half weeks pay for each complete years after reaching 41 years of age.

4. **Direct race discrimination (Equality Act 2010 section 13)**

4.1. The Claimant's race is British Indian and they compare their treatment with people who are White British.

4.2. Did the Respondent do the following things:

4.2.1. Select the claimant for priority mover status or possible redundancy?

4.3. Was that less favourable treatment?

4.4. The Tribunal will decide whether the Claimant was treated worse than someone else was treated. There must be no material difference between their circumstances and the Claimant's. If there was nobody in the same circumstances as the Claimant, the Tribunal will decide whether they were treated worse than someone else would have been treated.

The Claimant says they were treated worse than LY

4.5. If so, was it because of race?

4.6. Did the Respondent's treatment amount to a detriment?

5. Remedy for discrimination

5.1. Should the Tribunal make a recommendation that the Respondent take steps to reduce any adverse effect on the Claimant? What should it recommend?

5.2. What financial losses has the discrimination caused the Claimant?

5.3. Has the Claimant taken reasonable steps to replace lost earnings, for example by looking for another job?

5.4. If not, for what period of loss should the Claimant be compensated?

5.5. What injury to feelings has the discrimination caused the Claimant and how much compensation should be awarded for that?

5.6. Has the discrimination caused the Claimant personal injury and how much compensation should be awarded for that?

5.7. Is there a chance that the Claimant's employment would have ended in any event? Should their compensation be reduced as a result?

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

5.9. Did the Respondent or the Claimant unreasonably fail to comply with it by specify breach?

5.10. If so is it just and equitable to increase or decrease any award payable to the Claimant?

5.11. By what proportion, up to 25%?

5.12. Should interest be awarded? How much?