



EMPLOYMENT TRIBUNALS

Claimant: Mr K N Sajjad

Respondent: Fairfield School of Business Ltd

Heard Sheffield

ON: 1 and 2 April 2026

BEFORE: Employment Judge Brain
Ms G Fleming
Mrs J Lee

REPRESENTATION:

Claimant: Mr Kalule, friend
Respondent: Ms Nicholson, litigation consultant

JUDGMENT

The claimant's complaints of direct discrimination because of his religion fail and are dismissed.

REASONS

Introduction

1. This is a complaint of less favourable treatment of the claimant by the respondent because of the claimant's religious belief. On the afternoon of the second day of the hearing, the Tribunal gave judgment with summary reasons. The Tribunal now gives full written reasons for our judgment.
2. The issues in this case were identified by Employment Judge Davies at a case management hearing held on 2 September 2025. The claimant is a Sunni Muslim. He brings complaints of direct discrimination because of religion or belief against his former employer. He says that he was less favourably treated than others were or would have been because he is a Sunni Muslim and not a Shia Muslim.

3. The issues are whether the respondent appointed the claimant to a permanent role in July 2024 but knowing that they would only appoint Shia Muslims to permanent roles at the end of their probationary period; and/or dismissed the claimant in November 2024.
4. It must be observed that the parties' evidence (particularly that from the respondent) was in many respects unsatisfactory and unhelpful. The Tribunal was left to try to piece the sequence of events together with incomplete evidence and incomplete disclosure, making the timeline difficult to assemble.

Findings of fact

5. The claimant's contract of employment, dated 3 July 2024, is at pages 46 to 54 of the bundle. It was signed by the claimant and by Mohammed Zaidi, the CEO of the respondent. The claimant was employed as a security and facilities officer based at Sheffield Campus. His line manager was Nasir Abbas, head of operations. The claimant believes Mr Abbas to be a Shia Muslim. The contract is said to be permanent with the employment commencing that day. The first six months were to be a probationary period with the respondent being entitled to terminate the contract on one week's notice during the probationary period.
6. When the claimant started his employment, the Sheffield Campus was in the course of construction. He was the only employee working in security when he first joined. The Sheffield Campus then opened. The claimant was joined in security by Zameem Haider. The claimant gave an unchallenged account that Mr Haider was junior to him. The staff complement at the time of the opening also included a cleaner (whose name is anonymised as X), two lecturers (Dr Jonathan Banahene and Takir Hussain), the Dean (Dr Zahra Fatima), a security guard (Mr Williamson) and an admissions and student support officer.
7. Mr Haider and Mr Hussain are Shia Muslims. Mr Haider had worked at the London campus. It was not clear precisely when Mr Haider moved to Sheffield, but certain it is that he was there by early September as he is mentioned by X in an email that she sent to Dr Fatima on 6 September 2024 (page 147 of the bundle).
8. In this email, X complained about the claimant's conduct towards her. She says that he rebuked her for installing security screens which he said was not her role and instructed her to clean the toilets instead. She complained about his attitude towards her and said that she was at her "*wit's end*." She plainly was seeking the Dean's assistance.
9. Dr Fatima gives evidence in her witness statement about receiving this email (in paragraph 9) but says nothing about what action she took. It appears from the bundle (page 145 and 146) that she forwarded this onto Mr Abbas but not until 23 September 2024. Mr Abbas replied, "*we will discuss on this in the afternoon*." It was not clear whether this was in reference to a discussion between the claimant and Mr Abbas or between the Dean and Mr Abbas, or what transpired after the discussion (if indeed the discussion actually took place).
10. On 25 September 2024 X email Bruno Tabares Medina, regional HR officer (pages 148 and 149). Acknowledging there to have been an improvement after "*the initial email*" (presumably that of 6 September 2024) she reported an incident which had taken place that morning (ie on 25 September 2025). She

reported that the claimant had used foul language towards her upon learning of a report about him to HR and again complained about his attitude towards her. She also alleged that he had shouted at her earlier that week, and in addition that on the day of the opening ceremony of the Sheffield Campus he had reduced her to tears. She said his conduct was affecting her mental and physical health and that she felt unsafe in the workplace. There is also reference to X having made a complaint earlier over the phone which refers to *"your previous conversation with Sajj."* From this, we conclude that the claimant had been spoken to (presumably by Mr Medina) about his conduct. It is not clear when the phone call took place.

11. Mr Medina met with X on 25 October 2024 (pages 150-152). She repeated her allegations against the claimant and said that he had threatened her with dismissal. By this point, X had in fact been dismissed it seems for leaving a cleaning cupboard door open. (or at any rate that is what X understood the position to be). The tribunal was not told when X had left the respondent's employment. However, it can be no coincidence that X was interviewed by HR on 25 October 2025, the working day after the incident to which we now turn.
12. Dr Fatima gives evidence in paragraph 11 of her witness statement that she became aware on 22 October 2024 that the claimant had entered a teaching space unannounced and had disrupted a class. This was to deal with a coffee stain on the floor covering of the classroom. She mentioned in evidence before us that she had sent an email about this incident to HR. This was not in the Tribunal's bundle. Presumably, this led to Mr Medina contacting X and interviewing her.
13. On 4 November 2024, a probationary review meeting was held with the claimant. This was conducted by Rhiannon Clare, HR administrator accompanied by Toby Day, HR administrator as notetaker. The notes are at pages 153 to 155. We accept the veracity of the notes. The claimant said in evidence that he had been sent them. There is nothing to suggest that he took any issue with them. He did not, for instance, email to correct any errors upon receipt.
14. The claimant was asked about his conduct towards *"a staff member."* This was about threatening them with their job. Therefore, this must be in reference to X as in X's interview with Mr Medina, she had alluded to the claimant threatening her with her job. Ms Clare must have become aware of this either from Mr Medina or from Dr Fatima. At any rate, Ms Clare was certainly aware of it as she raised it with the claimant. The claimant refuted the allegation. He said he spoke politely to staff but acknowledged that he *"sometimes speaks loudly and that this could be misconstrued as shouting."*
15. Ms Clare then asked the claimant about a report of him having sent a student home who had missed part of their induction. The claimant said that he had not *"directly advised anyone to go home."*
16. The claimant was then asked about the incident referenced in paragraph 12 above. He said that he had been asked by Dr Banahene to go into the classroom to deal with the stain and upon being asked to do so the claimant had remarked that students should not take hot drinks into the classroom. Ms Clare said in the meeting that the claimant should not be in classrooms when students are present.

17. Ms Clare said that they (that is, she and the claimant) had had meetings in the past “*around X’s departure*” where the issue of the claimant shouting at her been raised and that since then there had been “*multiple reports*” from team members about the claimant shouting at them. There was no record of such meetings (or at any rate these were not in the Tribunal’s bundle).
18. The claimant said that he was surprised that Ms Clare was raising such allegations with him as he thought that Dr Fatima and Mr Abbas were happy with his performance.
19. Ms Clare terminated the claimant’s employment with immediate effect, but with a week’s pay in lieu of notice.
20. Ms Clare wrote to the claimant to confirm her decision on 7 November 2024 (pages 156 and 157). The claimant was given a right of appeal to Mr Medina.
21. The claimant exercised this right on 12 November 2024 (pages 158 and 159). About the incident in the classroom, he said that he had received an email from Dr Fatima about entering the classroom. (This email is not in the bundle). He said that he had replied to her to the effect that he had authority to enter and that he had gone in with others. (Although not named in the reference to this email in pages 158 and 159, he gave unchallenged evidence that the others involved were Mr Haider and Mr Hussain and that they were acting on the authority of Dr Banahene).
22. About the issue with the student induction, the claimant said that he had not sent the claimant home. Rather he had suggested that the student attend the next induction.
23. The claimant also complained about procedural unfairness. He said that he was given insufficient notice to prepare for the meeting with Ms Clare and to arrange representation. He felt that the decision was pre-determined and that others knew he was to be dismissed before he was told. (He expanded on this in evidence, remarking that Mr Williamson came to escort him from the premises within just a few minutes of the dismissal).
24. The appeal hearing took place on 19 December 2024 (by Teams). The notes are at pages 160 to 163. This was heard by Mr Medina. Ms Clare attended as notetaker.
25. The claimant said that Mr Haider had entered the classroom first (to deal with the coffee stain incident). He complained that Mr Haider and Mr Hussain were still in post (and in fact Mr Haider is now in the claimant’s role). He mentioned he had Dr Banahene’s authority to go into the classroom.
26. The claimant denied sending the student home, and that he and Mr Haider had suggested that he enrol for the next induction. The claimant mentioned that he had emailed a reply to Dr Fatima about the incident a week before his dismissal but had received no reply in turn. Again, this email is not in the bundle.
27. After complaining about the short notice for the meeting, the claimant said that he believed it “*was a personal decision to dismiss him*” and “*down to a disliking*” and “*favouritism.*” The claimant did not expand on this.
28. The meeting then turned to the issue of X. The claimant denied shouting at her but did accept that he speaks loudly.

29. The claimant said that the Dean and Mr Abbas had been happy with his performance.
30. Mr Medina dismissed the appeal (page 164). He considered there to be no procedural unfairness and that the reasons for dismissal were “*well evidenced.*” The evidence upon which he relied was not cited or copied to the claimant by the decision letter. There was nothing in the bundle to show that any investigation at all had been carried out by Mr Medina. We did not hear from him. We conclude that the handling of the appeal was perfunctory.
31. The claimant did not at any point in the internal process raise that he thought the respondent’s treatment of him was because he was a Sunni Muslim. In evidence, he said this was the case but that as well as Mr Haider being a Shia Muslim, he (Mr Haider) has a cousin who works with Mr Zaidi, the CEO. The latter point was obliquely referred to by the claimant as noted in paragraph 27.
32. The respondent operates a personal profile system as part of their HR record. Dr Fatima said that completion of this part of the system is a voluntary. Mr Haider’s profile is at page 166. He has not completed any personal details. The claimant’s is at page 165. He has completed them and gave his religion as Muslim. He did not say that he was Sunni Muslim. We accept Dr Fatima’s evidence, there being nothing to suggest otherwise and the documentation at pages 165 and 166 being consistent with it.
33. The Tribunal did not have the benefit of hearing from Ms Clare, Mr Medina or Mr Day. All have left the respondent’s employment. Mr Medina now lives in France. The Tribunal formed the impression that little if any effort was made by the respondent to procure the attendance of him, Ms Clare and Mr Day. The Tribunal not hearing from the decision makers presents some difficulty for the respondent. Their witness Dr Fatima was clear that she played no part in the decision making itself. It is however open to the Tribunal to consider the contemporaneous documentation, particularly where (as here) it is unrefuted.
34. Another unsatisfactory issue is that Dr Fatima said that she had sent an email to the claimant about his conduct (see paragraph 12 above). This was not in the bundle. It was to do with the issue of entering the classroom as she said in evidence that the email was about safeguarding, professional standards, and that operational staff were not permitted to enter the class while students were present. The claimant referred in the appeal to an exchange of emails about this issue. These are not in the bundle either. This may be thought to be surprising.
35. From this factual background, we reach the following conclusions.
36. X did complain about the claimant. He accepted speaking loudly when addressing her which could reasonably be perceived as aggression. The respondent did speak to the claimant about this according to page 149. This is contemporaneous evidence which is persuasive that the respondent was aware of the issue. That they discussed this with the claimant is corroborated by the claimant’s acceptance in evidence of a discussion which he had with Mr Medina about his conduct. The Tribunal finds there to be insufficient evidence of any of the allegations made against him by X other than a perception of aggression towards her through the claimant’s tone of voice.
37. We find that the claimant did enter the classroom on 22 October 2024 with Mr Haider and Mr Hussain and that they did so with the authority of Dr Banahene.

We draw an adverse inference against the respondent from the failure to produce the string of emails around this issue. A further adverse inference is drawn from the fact that this was not investigated by Mr Medina even though the claimant had drawn the emails specifically to his attention and that there is no explanation for the failure to do so.

38. We find that the claimant did suggest to the late-coming student that he sign up for a later induction and that Mr Haider was present. The implication was that the student should go home, but we find the claimant did not expressly say that the student had to go home. The claimant was rightly concerned that the student had not undergone a health and safety induction and could not be on the premises. Doubtless he would have been criticised had he not taken this action and simply allowed the student to be on the premises unremarked. Again, an adverse inference is drawn against the respondent for failing to produce emails generated at the time about this issue.
39. However, there is valid criticism of the claimant in having not spoken first to the admissions staff as the question of what to do about the student was outside the claimant's remit. He did speak to them afterwards according to page 161 (being the part of the appeal hearing appeal notes at pages 160 to 163).
40. We find that there were no complaints from others than X about the claimant. There is simply no substantiation of this. Dr Fatima in evidence mentioned complaints but no evidence of any of these were produced. There was nothing to substantiate any complaints other than those involving X.
41. It is understandable that the claimant is aggrieved about the process and that he seeks to vindicate his position factually. However, the crucial question is the mental process of the decision makers and others within the respondent. What was in their minds when they took the impugned decisions?

The relevant law

42. By section 13(1) of the Equality Act 2010 a person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others.
43. By section 10(1) of the 2010 Act, "*religion*" means "*any religion and a reference to religion includes a reference to a lack of religion.*"
44. There is no issue that the claimant possesses a relevant protected characteristic. Sunni Muslim is a religion.
45. By section 23 of the 2010 Act, on a comparison of cases for the purposes of section 13 there must be no material difference between the circumstances relating to each case.
46. The prohibited conduct of direct discrimination is made unlawful in the workplace by the provisions to be found in Part 5 of the 2010 Act. By section 39(2) an employer (A) must not discriminate against an employee of A's (B) by (amongst other things) subjecting B to any detriment or by dismissing B. We are here dealing with a dismissal (of which the decision to refuse the appeal is part).
47. The complaint brought by the claimant pursuant to section 13 imports a comparator exercise. No comparator is required where the treatment is inherently discriminatory (**Amnesty International v Ahmed** [2009] ICR 1450).

However, where (as in this case) the treatment is not inherently discriminatory, the Tribunal must consider the reason why the claimant was treated in the way that he was. In most cases, this will fall for a consideration of the mental processes, conscious or sub-conscious, of the alleged discriminator. It is sufficient if the protected characteristic has a significant or influence on the relevant decision making. It need not be the only reason. Authority for these propositions may be found in **Nagarajan v London Regional Transport [1999] IRLR 572**.

48. Although the concept of direct discrimination imports a comparator exercise, Lord Hope suggested in **Hewage v Grampian Health Board [2012] ICR 1054** that it is appropriate to go straight to the reason why unless there is a room for doubt. Further, in **Shamoon v Royal Ulster Constabulary [2003] IRLR 337**, HL Lord Nicholls said that *“Especially where the identity of the relevant comparator is a matter of dispute the sequential analysis [in the burden of proof provisions in section 136 of the 2010 Act explained in the paragraph below] may give rise to needless disputes. Sometimes the less favourable treatment issue cannot be resolved without, at the same time, deciding the reason why issue. The two issues are intertwined. The most convenient and appropriate way to tackle the issue arising on any discrimination application must always depend upon the nature of the issues and/or the circumstances of the case. There will be cases where it is convenient to decide the less favourable treatment issue first. But ... when formulating their decisions employment tribunals might find it helpful to consider whether they should postpone determining the less favourable treatment issue until after they have decided why the treatment was afforded to the claimant.”*
49. Assuming that the “reason why” cannot be clearly determined on the evidence, the initial burden is on the claimant to prove on the balance of probabilities the *prima facie* case of discrimination. The burden of proof provisions are in section 136 of the 2010 Act. This provides that if there are facts from which the court or tribunal could decide, in the absence of any other explanation, that a person (A) contravened the provision concerned, the court or tribunal must hold that the contravention occurred. However, that does not apply if A shows that A did not contravene the provision.
50. Accordingly, the burden of proof does not move to the employer to explain the reasons for the treatment unless the claimant is able to prove on the balance of probabilities those matters which they wish the Tribunal to find as facts from which an unlawful act of discrimination can be inferred. In **Madarassy v Nomura International Plc [2007] EWCA Civ 33**, Mummery LJ said at [56] that, *“The bare facts of a difference in status and the difference in treatment only indicates a possibility of discrimination. They are not, without more, sufficient material from which a Tribunal “could conclude” that, on the balance of probabilities the respondent has committed an unlawful act of discrimination.”* The “something more” than a difference in status and a difference in treatment may be found from indirect evidence and inference. This can include matters such as a lack of transparency, inconsistent explanations, and unreasonable behaviour.
51. Where the Tribunal is unable to move straight to the reason why and needs to engage comparators, then the issue arises as to who is an appropriate comparator. Comparators can take two forms. The first is an actual, real-life

comparator and the other is a hypothetical comparator. If there is no actual comparator the Tribunal must assess the complainant's treatment against that which would have been afforded to a hypothetical comparator. Upon the latter, the Tribunal derive assistance from what is known as the "*evidential comparator*." Considering the treatment of an evidential comparator (who may not qualify as a statutory comparator because of a material difference with the complainant's circumstances) is a permissible means of constructing the hypothesis as to how a statutory comparator would have been treated.

52. As we have noted, in **Shamoon** at [11] Lord Nicholls said about comparators that tribunals may be able to avoid disputes over the identity of such by instead concentrating primarily on why the complainant was treated as they had been. Was it on the proscribed ground? Or was it for some other reason? If the latter, the application fails. If the former there will usually be no difficulty in deciding whether the treatment was on the proscribed ground and was less favourable than that which was or would have been afforded to others.
53. In **Stockton on Tees Borough Council v Aylott [2010] ICR 1278** Mummery LJ said at [45] that a cross check as to the reason why a complainant was treated as they were by use of an actual or hypothetical comparator may still be of value. Accordingly, even where the reason why is clear, the Tribunal is not precluded from (and indeed is encouraged to adopt) the comparator exercise as a cross check upon their findings.
54. It is rare to find direct evidence of discrimination. While the "*something more*" may arise from (amongst other things) unreasonable behaviour, such must be treated with some caution as unreasonable behaviour is not necessarily discriminatory behaviour: **Law Society v Bahl [2003] IRLR 640**.

Discussion and conclusions

55. Had this been an unfair dismissal complaint, there can be little doubt that the claimant would succeed. The claimant was given inadequate notice of the meeting and was not told that the meeting may result in dismissal. There was no particularisation of the conduct in question, and no documentary evidence was given to him. He was not told anything in advance about what was alleged against him. The tribunal has not seen the email convening the probationary meeting. The probationary procedure states (at page 68) the final decision is made by the line manager, yet here the decision was taken not by Mr Abbas but by Ms Clare and then by Mr Medina. The appeals officer (Mr Medina) made little effort to engage with the claimant's points.
56. However, that is not the issue. This is not an unfair dismissal case.
57. We do not accept that the claimant was recruited to a permanent role in July 2024 by the respondent in the knowledge that they would only appoint Shia Muslims to permanent roles at the end of their probationary period. The contract was said to be permanent. It is against the probabilities that an employer would go to the trouble of recruiting people from a group intent on dismissing them at the end of the probationary period. Such would be wasteful of resource. If the respondent was motivated by a dislike against Sunni Muslims, why recruit them at all? They would be more likely to refuse to recruit them in the first place. Such would of course be direct discrimination, but that is not this case. The first limb of the claim lacks credibility and is dismissed.

58. Turning to the dismissal, what really was in the minds of the decision makers were the three matters with which we have been principally concerned: the two student issues, and the issues with X. They had been directed by Dr Fatima to consider the claimant's position, these issues having been raised against the claimant. The timelines give of no other explanation. She had become aware of the classroom incident on 22 October 2024, X was interviewed the very next working day, and the claimant was dismissed a week later at a probationary review meeting held well before the end of the review period.
59. While the incident about the classroom was innocuous (and the claimant was not guilty of any wrongdoing) there were valid concerns about the issues with X and the induction. It cannot be said that those two reasons are so groundless as to constitute an unfounded pretext for the claimant's dismissal. There was some basis for the concerns raised by X and about the induction.
60. Had it been the case that the claimant was dismissed for the two student incidents alone, then there may have been some scope for a finding that the grounds were so weak that the burden of proof would shift and call for an explanation. The classroom incident was innocuous. While the induction incident raises an issue of the claimant overstepping the mark, he had been placed in a difficult position as the student could not be there without having undergone a health and safety induction. The claimant was compelled to act in some way. Dismissal for this would have been unreasonable and then (had the claimant established difference in treatment and status) may then have called for an explanation from the respondent.
61. However, the difficulty for the claimant is that the concerns raised by X were serious. Where an employee complains about another employee impacting their health, an employer is bound to take matters seriously. There was some basis for the respondent to find legitimacy in X's complaint due to the claimant's tone of voice when dealing with her.
62. The issue is not, as would be the case for an unfair dismissal claim, whether the employer had reasonable grounds to believe the claimant's conduct towards X was as she alleged or whether dismissal fell within the range of reasonable management responses. Rather, the issue is what was in the minds of the decision makers. They had in mind the gravity of what X was saying about the claimant's impact on her health.
63. There was no evidence that the decision makers knew the claimant was a Sunni Muslim. There was nothing on the HR profiles to this effect. The claimant did not raise this as an issue. He alluded to underlying reasons and favouritism but without expanding on this at all. There was no evidence that the claimant's religion played any part in the decision making.
64. There is a real tension in the claimant's case. A Shia Muslim, Mr Abbas thought well of him (see page 162) and that the respondent recruited him in the first place, yet the senior management are, according to the claimant, predominantly Shia with an antagonism against Sunni Muslims. This tension tells against the claimant being Sunni Muslim as the reason why he was treated as he was.
65. As a cross check, the Tribunal will look at how a comparator was or would have been treated. The comparator is a Shia Muslim occupying the claimant's role, in their probationary period against whom similar complaints have been made.

66. Mr Haidar is not a statutory comparator. He was junior to the claimant and was likely not in his probationary period. He also was not the subject of complaints from a female employee that his conduct was affecting her health.
67. He was present at both of the incidents with the students. No action was taken against him. The claimant is aggrieved about this. However, we do not find the treatment of Mr Haidar to be informative even as an evidential comparator. This is because Mr Haidar had no issue with employee complaints being made about him. That he was involved in the student incidents does not pull him up to being an evidential comparator as the circumstances of the claimant and Mr Haidar are very different.
68. There is no evidence that a Shia Muslim who the respondent concluded had conducted himself as had the claimant would have remained in post. The claimant alluded to Mr Haidar's cousin working for the Chief Executive. This is suggestive of family relationship being an additional reason why the claimant was treated as he was, as opposed to the reason being religion.
69. For these reasons, the claimant's claim is dismissed.

Approved by Employment Judge Brain

Date: 7 April 2026.

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Sent to the parties on:

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For the Tribunal:

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