



EMPLOYMENT TRIBUNALS

Claimant: Ms A

1st Respondent: Your Path Ltd,

2nd Respondent: Path First Triage Limited

3rd Respondent: Secretary Of State For Business & Trade

Heard at: Bristol (by CVP)

On: 14 May 2026

Before: Employment Judge Clarkson

Representation

Claimant: Ms Morgan

Respondent: Did not attend

JUDGMENT

Rule 49b The identity of the Claimant should not be disclosed to the public, by the use of anonymisation or otherwise in any documents entered on the Register or otherwise forming part of the public record;

1. The claim for unfair dismissal is allowed against the First and Second Respondent.
2. The claims for direct and indirect discrimination are dismissed.

REASONS

In accordance with Rule 62(3) of the Employment Tribunals Rules of Procedure 2013, the following reasons are provided:

The Claims and Issues

3. This is a claim brought by Ms A against her former employer Your Path LTD and Past First Triage Ltd. These companies commenced insolvency on 22/05/25 and were wound up on 16/05/2026. The Secretary of state was therefore added as a third respondent. The Claimant's representative confirmed that she had not yet made a claim to the National Insurance fund. There were no representatives on behalf of the Respondents.

4. The Claimant had provided a written statement of her evidence as part of a hearing bundle.
5. The Claim was heard on 14 May 2025 with a reserved judgment. During the hearing the Claimant gave oral evidence.
6. An ACAS certificate was issued on 12/07/2024, the ET1 was received by the Tribunal on 12/08/2024, no response was received from the First or Second Defendant. The Third Defendant provided an ET3 and confirmed no claim had as of yet been received by the Claimant against the National insurance fund.
7. The Claimant asserted that she had taken maternity leave and that the Respondents had failed to arrange keeping in touch days, work for after her maternity leave and failed to adequately communicate with her resulting in a breach of the implied term of trust and confidence and resulting in constructive unfair dismissal. The claimant also asserted that in summary she had been discriminated against as the failure to take these actions was due to her being on maternity leave and had she been in the the office then these failings would not have happened and therefore there was indirect discrimination.
8. The Tribunal must decide
 - a. Was there a repudiatory breach of contract ?
 - b. Was the principle reason for any constructive dismissal due to pregnancy or maternity leave?
 - c. Was there unfavourable treatment due to pregnancy or maternity leave?
 - d. Was there a provision criterion or practice that discriminated against the Claimant?
 - e. Were there unlawful deduction from the Claimants wages?

The Facts:

9. The Claimant has provided a contract and a maternity policy in the name of Path First triage and page slips in the name of Your Path, I accept the Claimants evidence that they two companies effectively acted as one and that the First and Second Respondents were her employers jointly.
10. The Respondent companies were an agency for locum work in the medical field. The Claimants evidence was at the time she was employed this was mainly the supply of Physician Assistants (PA's). She gave evidence to the effect that she was the only PA who was employed and that the rest of the PA's provided by the company were self employed and the companies acted as an agency placing them in GP practices.
11. The claimant asserts the following facts which I accept as supported by the documentation she has provided;
12. The Appellant took maternity leave from 14/11/22 to 13/11/23.

13. She requested keeping in touch days and was interviewed for the placement at the GP practice in Worcester but that further work at this practice did not materialise for her.
14. That she was not given work on her return from maternity leave on 14/11/23.
15. That the Claimant was not paid for the month of November 2023.
16. That the Claimant received a reduced amount of pay for the period December 2023 to July 2024 the calculations of which were not explained.
17. That the Claimant resigned by letter 04/04/24 and gave three months notice.
18. The claimant claim is on the basis that she was discriminated against due to her having taken maternity leave and that if she had been in the office and not out of the office on maternity leave that she would have been communicated with face to face.
19. The Claimant gave oral evidence to say that the director Nick Mattick recruited her and that he lived in Cardiff and she never met him in person despite trying many times. That the other director was Rob McCartney and who she had met in a hotel, who was based in Kent and believed there was another director who was a GP. The Claimant's evidence was that technically all of her work was virtual, it was a virtual triage service and that there was in fact a couple of nursing homes in Kent that she would visit.
20. In the claimant's oral evidence she acknowledged that the public backlash against the PA's being unregulated had started, she described vitriol on social media that was soul destroying. She described trying to help Nick with the social media storm while she was on maternity leave.
21. In her oral evidence the Claimant stated that while she was on maternity leave the PA locums she had arranged continued but that the Respondent's business was also providing face to face medical roles. She said that the company had started to diversify when she was on leave.
22. The Claimant explained that she had made contact with a manager of the GP practice in Worcester and that she had hoped to do her ten keeping in touch days working at this practice. She says that after a positive interview she was not contacted and subsequently found out that the Respondents had sent a different PA to the practice who she assumed was a locum.
23. When asked about the wider problems of PA's and the lack of work the claimant she said that the Respondents had tried to give her a 'shady' employment contract, that they had undervalued her, that she was the only employee, that they accused her of having been paid too much and that although there was the backlash against PAs and the steps to make them regulated, she asserted that there was still potential work available at the time that she returned from maternity leave.
24. The Claimant's evidence was that she was not paid in November 2024 and that subsequently she was paid for 2 days not three days and deduction was applied.

Conclusions

25. I find that on the evidence before me the lack of communication, the lack of working in touch days and the lack of pay for November and then the subsequent lack of work and reduced pay without adequate explanation amounted to a repudiatory breach of the term of trust and confidence so that the the Claimant was dismissed.
26. I have considered whether the principle reason for these actions, which amounted to constructive dismissal, were the Claimants maternity leave or pregnancy. The Claimant acknowledges that while she was on maternity leave there was a back lash against PA's. it is well known that there was public dispute about the failure to regulate the PA and that subsequently they came to be regulated and thereafter there was significantly less work resulting in one of their repressive bodies taking legal action which was was lost. The Claimants evidence was that she had worked virtually, that she did not meet the directors in person normally, that she was the only employed PA and that the business diversified during her maternity leave, presumably in response to the obvious direction of travel of less work for PA's.
27. I therefore conclude that that the principle reason for the treatment of the Claimants was the change in circumstances nationally regarding PA's work and the changing business model of the Respondents adapting to the changing circumstances and not needing any employed PA.
28. I do not find on the balance of probabilities that there was a practice of only communicating in the office that discriminated against the Claimant. She was not normally based in an office with the directors and therefore I do not find there was a PCP. The evidence does not support that prior to her maternity leave she was in an office where she was communicated with as a result. The Claimant has failed to evidence any other PCP that could have affected her.
29. I do find that the the Respondent failed to adequately communicate with the appellant or arrange her work or pay her correctly but I do not find that on balance this was due to pregnancy or maternity pay but due to the changing external lack of work for PA's and the respondents changing business model. I therefore conclude that there was neither direct or indirect discrimination.
30. I do find that there were unlawful deductions from wages. I accept that Appellant evidence that in November- 2 x statutory 156.66 per week plus 2 x gross weekly amount 913.46 = **2140.24**.
31. That in December the gross pay should have been £3958.33 and she received £3836.49 resulting in a short fall of £121.84.
32. IN march and April the Claimant received £1644.24 resulting in a short fall of £2314.09.
33. The the shortfall for May and June was £1583.33 and for July, days plus 11.2 days of annual leave is £2776.89 less the received amount of £1863.44 resulted in a short fall of £913.45.

34. Therefore the total amount of the unlawful deduction from wages is £10,970.37.

The judgment of the Tribunal is as follows

Unfair Dismissal

1. The complaint of unfair dismissal is well-founded and succeeds.
2. The Respondent shall pay the claimant the following sums:
 - (a) A basic award of **£2100**. 3 weeks of the net capped weekly amount of £700.
 - (b) A compensatory award of **£49,237.60**
 - a. This is loss of earnings for one years work £47,500, loss of employer pension contributions £1237.60 and loss of statutory rights £500. Total £49,237.60

Wages

3. The complaint of unauthorised deductions from wages is well-founded. The respondent made an unauthorised deduction from the claimant's wages in the period November 2023 to July 2024.
4. The respondent shall pay the claimant **£10,970.37**, which is the gross sum deducted. The claimant is responsible for the payment of any tax or National Insurance.

Prescribed element

5. The total monetary award is £62,307.97.
6. The Prescribed element; This was £14,007.83 received in state benefits at the date of hearing, any further relevant benefits between the date of the hearing and the date of judgement being issued will also need to be taken into account in the prescribed element.
7. The relevant dates are the 04/07/2024 to the date of issue of this judgement.
8. At the date of hearing the monetary award exceeded the prescribed element by £48300.14.

Direct discrimination

9. The complaint of direct sex discrimination is not well-founded and is dismissed. The Claimant has failed to show on balance primary facts which could show discrimination took place.

Indirect Discrimination

10. The complaint of indirect sex discrimination is not well-founded and is dismissed.

**Approved by
Employment Judge Clarkson
Date: 23 July 2026**

Judgment sent to the parties on
6 August 2026