



EMPLOYMENT TRIBUNALS

Claimant: Nkechi Leeks **Respondent:** The Royal Marsden NHS Foundation Trust

Before: Employment Judge Corrigan

Representation

Claimant: In person
Respondent: Mr Counsel

HEARD by video

On: 22 June 2026

REASONS

*For the judgment dated 24 July 2026, sent to the parties on 27 July 2026.
Provided at the claimant's request at the hearing and confirmed in writing on
27 July 2026*

Claim and Issues

1. By her claim dated 8 February 2021 the claimant brought claims of discrimination based on a number of protected characteristics and what she referred to as whistleblowing victimisation.

2. The Equality Act claims have already been dismissed as out of time by the corrected judgment dated 15 February 2023. This claim was also considered to be out of time but the EAT remitted some of the time limit issues in respect of the whistleblowing claim due to the time limits applicable in NHS cases under Employment Rights Act 1996 (NHS recruitment- protected disclosure) Regulations 2018.. This decision was dated 7 November 2024. Although there had been discussion about a potential application to strike out the claim (and indeed a comment on the merits of the claim when weighing whether to extend time by Employment Judge Morton (p41)) this was not pursued by the respondent. The remaining time limit and substantive issues before me were therefore as set out in the Case Management Order dated 28 August 2025 (bundle pp 64-67). I remain bound by the findings in the corrected judgment dated 15 February 2023 that if regulation 5(3) (b) is relevant (and there was a deliberate omission) it was reasonable to expect the respondent to have acted by end of July 2020 and that time should not be extended.
3. The issues were then modified during the hearing (prior to the evidence being heard) to better reflect the relevant regulations. The issues are therefore as follows:
4. When did time start to run for the purposes of Regulation 5?
 - 4.1 Did the respondent make an offer of employment to the claimant and the date on which any such offer was made?
 - 4.2 Did the claimant accept an offer of employment from the respondent and on what date (and if so what was the date on which she accepted it)?
 - 4.3 Did the respondent make a decision not to employ the claimant?
 - 4.4 If so, was that communicated to the claimant? On what date?
 - 4.5 Did the respondent withdraw an offer that had been made to the claimant and if so on what date?
 - 4.6 Did the respondent deliberately omit to offer a contract to the claimant?
 - 4.7 Was the claim made within 3 months plus early conciliation of the time starting to run?
 - 4.8 If not, did time start to run after 31 July 2020?
 - 4.9 If so, but the claims were not made within three months, were they made within such further period that the tribunal thinks is just and equitable?The Tribunal will decide:
 - 4.9.1 Why were the complaints not made to the Tribunal in time?
 - 4.9.2 In any event, it is just and equitable in all the circumstances to extend time?
5. Did it appear to the respondent that the claimant made one or more qualifying disclosures as defined in section 43B of the Employment Rights Act 1996?
6. What did it appear to the respondent that the claimant said or wrote? When and to whom? The claimant says that she made disclosures:

- 6.1 On 24 May 2010 to the Local Counter Fraud Officer of St Georges Healthcare NHS Trust, about a named individual not having the qualifications necessary for the post he was appointed to and the job description having been wrongly changed to remove reference to the qualifications he did not have.
- 6.2 Did it appear to the respondent that she disclosed information?
- 6.3 Did it appear to the respondent that the claimant believed the disclosure of information was made in the public interest?
- 6.4 Did it appear to the respondent that the belief was reasonable?
- 6.5 Did it appear to the respondent that she believed it tended to show that:
 - 6.5.1 a criminal offence had been, was being or as likely to be committed?
 - 6.5.2 a person had failed, was failing or was likely to fail to comply with any legal obligation?
 - 6.5.3 the health and safety of any individual had been, was being or was likely to be endangered?
- 6.6 Did it appear to the respondent that the belief was reasonable?
- 6.7 Did it appear to the respondent that, if the claimant made a qualifying disclosure, it was made:
 - 6.7.1 to her employer?
 - 6.7.2 to another relevant person pursuant to Employment Rights Act 1996 sections 43C-43H?
- 6.8 Did the respondent do the following things:
 - 6.8.1 Refuse/fail to give the claimant a start date or contract despite having been offered the role on 30 June 2020 and attended a taster day on 10 July 2020?
- 6.9 By doing so did the respondent subject the claimant to discrimination?
- 6.10 If so, was it done on the ground that it appeared to the respondent that the claimant had made a protected disclosure?

Hearing

7. An extended civil restraint order (ECRO) is in place in respect of CA-2024002214, proceedings against University Hospitals Sussex NHS Foundation Trust. I took some time during the hearing to understand which Employment Tribunal proceedings, i.e. which case numbers, this order was made in. The Employment Appeal Tribunal itself said it could not be definitive due to the number of linked appeals but it was made in proceedings against University Hospitals Sussex NHS Foundation Trust with the case number 2301545.18. The claimant said the only case she had made an appeal to the Court of Appeal was case number 2302070/19/ 2302071.19. There are Case Management Orders dated 9 June 2023 in the 2018 case in which it is recorded that the claimant had appealed the decision to dismiss her claims in 2302070.19/2302071.19 to the Court of Appeal. However, the extended civil restraint order also records that the claimant had made a number of appeals.
8. Alternatively an answer may lie in the fact that the same Case Management Order records that these cases had been combined in respect of applications for costs. It may therefore be the case that both of those claims are covered by the ECRO. I also note that there is an EAT judgment on our file 2302070.19/2302071.19 dated 20 April 2022 which appears to be related to all the claims and more than one appeal.
9. I have proceeded on the basis that it does not directly apply to this case though I am not certain of this given there is a reference in the ECRO to other appeals. However it does appear that the ECRO relates solely to the named respondent, a different NHS Trust. I did enquire directly to the Court of Appeal but did not receive an answer prior to the end of the hearing (or writing these reasons). I invited the claimant to provide any documentation she had from the Court of Appeal but this was also not forthcoming by the end of the hearing.
10. Civil restraint orders are to restrain a litigant from persisting in unmeritorious claims and applications that are a drain on the resources of the courts themselves.
11. In Rule 2.3 an extended civil restraint order is defined as being an order restraining the party from issuing certain claims or making certain applications in specified courts. It differs from a civil proceedings order which includes the continuation of existing claims. The order states "It is ordered that you be restrained from issuing claims or making applications in any court specified below concerning any matter involving or relating to or touching upon or leading to the proceedings in which this order is made without first obtaining [the specified permission]".
12. Where such a claim or application is issued or made without that permission the claim or application will be automatically struck out or dismissed. The Employment Tribunal is an inferior court (*Nursing and Midwifery Council v Harrold* [2016] IRLR 30). If it touches on the relevant matter it does not matter that the dismissed proceedings relate to another respondent.

13. The respondent submits that in the absence of an order explicitly saying so this order does not apply to these proceedings as they had already commenced, but may apply to any further applications in these proceedings (although by the final submissions the respondent questioned whether this case does touch on the relevant case).
14. In my view this may well be the kind of claim that the order was intended to restrain, subject to permission (if the order was made in 2301545.18). That claim was similar in nature to this current claim, the two read as if one has been used as a template for the other, although they have been substantially adapted. It also alleged that a withdrawal of a job offer for a house keeping position was because of multiple protected characteristics and victimisation for raising issues of discrimination. In the claim there was reference to the fact she was dismissed for whistleblowing at St George's and that the Trust may have withdrawn the offer on account of her history of having raised concerns in a previous NHS job. The whistleblowing claims were dismissed because there was no legal basis at that time, which pre-dated the 2018 Regulations referred to below. Although by the final judgment the claimant appeared to rely on whistleblowing at another Trust. More significantly, perhaps, the tribunal found that claim to be an abuse of process as the claimant's motivation for the claim was seeking to re-open decisions made by a previous tribunal about the way her employment with St George's ended (which includes the alleged whistleblowing relied on in this case).
15. I also note in this claim the claimant refers to her NHS history and accuses the NHS generally of whistleblowing victimisation. She has also produced in evidence documentation relating back to the case against St George's at pages 142-180 including very personal information about a particular individual (the HCPC striking off related to inappropriate access to a colleague's personal information).
16. I also note the timing of her job application and then the steps taken to progress her claim in this case appear to coincide with key events in claim 2301545.18 and 2302070.19/2302071.19 rather than any new events in this claim. 2301545.18 was initially dismissed on 2 December 2019, communicated on 20 January 2020 (though subsequently successfully appealed). She applied for this to be set aside or reconsidered on 13 February 2020. Her claim in 2302071.19 was also dismissed on 6 March 2020. The next day (7 March) she made the job applications for positions with this respondent, one of which is the subject of this claim. She had also applied for a job as a biological specimens coordinator with the respondent on 22 February 2020. Based on the information before me that appears to be the first application for work with the respondent though I am told the document may not be a complete job history. She appealed the dismissal in 2301545.18 on 12 March 2020. On 19 August 2301545.18 was listed for a further hearing; there was a decision adverse to the claimant on 18 September 2020, the hearing on 1 December 2020 and the reconsideration was refused on 2 December 2020.
17. Whilst not exactly the same timing, it is noteworthy that each of these moments of progression coincide within 2-3 weeks of a step taken by the claimant in the progression of her job applications. The one call the respondent accepts it received was end of August 2020; the claimant checked her recruitment record

- around 29 September 2020 and made contact with the respondent in writing and contacted ACAS on 26 December 2020.
18. All of the above may be sufficient to consider the case does touch on the relevant case.
 19. However I don't have clarity of which case(s) the extended civil restraint order applied to. I also do see the force in the respondent's suggestion that, though it is not clear whether or not the Court of Appeal were aware of it, in the absence of express restraint on continuing existing cases it may not cover this case. I also had in mind that, though it would not affect whether or not the claim was automatically dismissed, in the absence of explicit restraint the claimant has not asked for permission in circumstances where she might have successfully obtained it given that this case was remitted by the EAT.
 20. I considered the most prudent approach was to deal with this case on the substantive merits as if it has not been automatically dismissed.
 21. I do however note that I consider this was an unmeritorious claim for the reasons highlighted by Employment Judge Norton at page 41 and discussed at the EAT stage (though that was not the subject of the appeal). I do not consider it was reasonable for the claimant to proceed with this case once she had the evidence supporting the respondent's position that the job was given to internal candidates (due to the closure of the café) and the external recruitment was not progressed, which had nothing whatsoever to do with any alleged protected disclosure.
 22. At the outset of her evidence after confirming her statement I asked the claimant whether there was anything she would like to add now that she has seen the respondent's statements. She then said she had not read them. She did not see that as necessary until after she had given her evidence. She was prepared to continue to give evidence on that basis (having done so in previous hearings on other claims). After consulting with the respondent's representative I agreed I would give her time to read the statements. I adjourned at about 2.15pm and returned at about 3.04pm to check on progress. The claimant said she had read 48 paragraphs of Ms Forsan's statement. There remained about 18 paragraphs of that statement and Mr Jackson's 4 page statement. I then agreed to give the claimant until the rest of the day.
 23. The claimant had initially asked for a 2pm start as a reasonable adjustment at the Case Management Hearing. That had been agreed for the original full merit hearing listing. However at the Case Management Hearing in August 2025, in the absence of any medical evidence that a 1pm start was not manageable, the Employment Judge allowed an adjustment to a 1pm start. The claimant was still invited to pursue the 2pm start by making an application with medical evidence. I cannot see from our file that the claimant did this, and she does not say that she did, though in fairness to her there is a medical certificate (predating the preliminary hearing) stating she was not fit for work due to chronic fatigue for the period 31 July 2025 until 1 November 2025 that was submitted on 28 October 2025 along with the claimant's schedule of loss. She did not make her further request and this evidence is not sufficient to explain that she cannot attend between 1-2pm. Similarly she provided a further sick note

- making the same statement for the period of three months from 29 October 2025. The accompanying letter said nothing about the hearing start time though the claimant made other applications. Following further correspondence from the parties about case preparation there was a general invitation by EJ Heath on 1 May 2026 to write if there were any outstanding concerns and what the parties seek from the tribunal. The claimant replied to that raising issues about case preparation and no mention about the issue with the start time.
24. In the event on day 1 there was a delayed start and then technical issues and reading time meant that the actual hearing time was relatively short. On day 2 I did allow a 2pm start as the claimant said that would assist her to read the respondent's witness statements and any pages in the bundle she has not yet looked at.
25. When discussing why the claimant had not read the witness statements in advance of today I said it was after all her claim that she was bringing. She then said that was not the case and that it was the respondent that had "dragged" her to court. I explained to her that she can withdraw her claim any time and it has been initiated by her. I asked if she did want to proceed and from her comments inferred that she did. She said she had no choice, that she had the right to work, that she had been treated as an "animal".
26. The claimant said she brought this claim because her life changed after the whistleblowing. She never had an issue with job offers being withdrawn before that. She believes that at a senior/HR level in multiple NHS Trusts there are those who hate whistleblowers. She believes they are interfering after jobs are offered to ensure she is not appointed. In respect of this case she does not believe Ms Forson made the decision but some other unnamed HR person. She believes the respondent has treated her as an "animal" by their silence in not responding to her job application. It is their "oppressive silence" that led her to bring this claim. She said she brought the ET claim to break the silence and find out what happened. She does not accept the evidence that a hold was put on the recruitment because it was said when responding to an email with TRAC about a different post and she did not even read the respondent's witness statements prior to today.
27. I record the above because the claimant's approach to the litigation has not been reasonable given she was on notice that a weakness in the case was likely to be the reason why the respondent put the hold on recruitment, and she has had a number of decisions, including the extended civil restraint order, informing her that she has made applications that are totally without merit. In that context she has given no thought as to whether her claim had any chance of success on that point of weakness once she had all the respondent's evidence.
28. In respect of the hearing itself I heard evidence from the claimant and from Mr C Jackson (Head of Facilities) and Ms V Forson (Senior Service Catering Manager) on behalf of the respondent. There was a bundle of 274 pages.
29. Based on the evidence before me I found the following facts.

Facts

30. On 7 March 2020 the claimant applied for three catering assistant posts at the respondent, two part time, one full time. The respondent uses an external recruitment platform provider to manage the application process known as TRAC. The part time posts were fixed term pending an ongoing catering review by the respondent. Although there was an agreement to recruit to these positions internal emails show there was a caveat that they “take stock on the wider review” before anyone was appointed (p184).
31. On the form the claimant included job history with the NHS dating back to January 2000. She put that her most recent employment ended in 2017. She is a Biomedical Scientist and most of her employment history consists of biomedical science roles. More recently she had a healthcare assistant role. She had a number of unexplained gaps in employment. She has not stated she has any experience as a catering assistant and does not state any interest in such a role within the body of her application. She included some evidence that could suggest a problematic employment history with dismissals for conduct or during an extended probation period. The longest position she listed was as a Biomedical Scientist at St George’s NHS Trust (April 2005 to June 2011). She volunteered that the reason for leaving was: “On 24/05/10 I made disclosures about uncompleted 1985 BTEC HNC studies of CBMS [named individual] to [another named individual] LCFO St George’s Healthcare NHS Trust, following which STGHCNStTrust dismissed me on 21/06/11 and referred me to HCPC on the 27/06/11 and I was struck off the HCPC register on 31 July 2015”.
32. I accept that Ms Forson paid little to no attention to what the claimant had said about St George’s as, if she noticed it at all, she did not consider it relevant. It did not occur to her it was a protected disclosure. It had occurred a decade previously.
33. The claimant was not short listed for the full time post but she was interviewed for both part time posts, on 9 June and 30 June 2020, though in the event the 30 June was more a discussion as the claimant had already attended on 9 June.
34. The respondent does not provide catering services at St George’s and I accept they would not have said that in the interview. If the claimant mentioned what had happened at St George’s in the interview it was volunteered by her, and not as a result of questions from the respondent. As said above Ms Forson did not consider it relevant, if she gave any thought to it at all.
35. Ms Forson liked what she heard in the interview and invited the claimant to a trial/taster day which is the next stage of recruitment. It was during covid and so this was an opportunity to meet face to face when the interview had been online, and it was also an opportunity for a candidate to decide whether or not the workplace was for them, due to the nature of the work (a cancer hospital).
36. I accept that Ms Forson may have discussed uniform with the claimant and also asked the claimant to wear a white shirt and black trousers to the taster. I also accept this may have caused the claimant expense if she did not have these items already and did not raise this with the respondent. However she was not

- required to purchase a uniform and had she been successful this would have been provided by the respondent. Staff are not required to pay for their uniform.
37. I accept the respondent's evidence that they did not make an offer of employment at the end of the second interview as the claimant alleges. Her own email leading up to the taster/trial session described it as "phase 2 recruitment activities in connection with the above job vacancy" and "looking forward to the phase-2 in person on site attendance recruitment process for the position of catering assistant". Her email correspondence on 26 December 2020 also does not say this, only that she "was successful at the interviews...Following which [her] application was progressed to an onsite 'get a Taste of the Job role -Tester day'". She said that "Tester day experience" was capped off with more discussions about the role with Veronica Forson and [the other interviewer], who had "sent [her] home with the expectation that the Trust will be in contact with [her] shortly..." She requested an update rather than chased up an offer.
38. The claimant did attend the taster session on 10 July 2020. She says at the end of the day she expected the Trust to get back shortly. The other candidates were also offered a similar taster session around the same time.
39. At that visit she signed a visitor health declaration (p 207) and an agency/temporary staff food hygiene induction training record. I accept the respondent's case that these are not evidence of the start of employment but need to be completed for health and safety reasons for all visitors and act as a checklist to ensure they run through everything.
40. The respondent meanwhile had decided to outsource their coffee shop provision. The contract was awarded to an external provider and the relevant contract was signed between 10- 16 July 2020. There is reference in the later consultation that this was announced to staff on 15 July 2020.
41. As a result of this Ms Forson was initially told "to wait" in respect of progressing the recruitment, and then to put the recruitment on hold pending the outcome of consultation. This is evidenced by the fact that on 29 July 2020, in response to contact from TRAC about proceeding to interview in respect of a different vacancy, Ms Forson wrote that she had had to put all catering vacancies on hold until she was given further notice.
42. She also spoke with TRAC by phone and believed they would communicate with the candidates.
43. The claimant says she called between a week and 10 days after her taster day and then continued to call every 2-3 weeks and was just told her message would be passed to the recruiting manager. The respondent acknowledges they received one message at the end of August when Ms Forson was on leave. They accept there was no reply to that as they believed candidates were updated by TRAC.
44. The TRAC record continues to remain at interview stage in respect of the claimant's application for the part-time role. Her record has never progressed to either offer or rejected stage.

45. The claimant continued to make applications with the respondent for a variety of roles on various dates up to 2 March 2021. She said this was because this is necessary to keep the account open.
46. On 29 September 2020 she noted that her job seeking records had been amended to show she was unsuccessful in respect of the full time position.
47. The respondent commenced consultation on the outsourcing of the café as per the consultation document (issued 5 October 2020) starting at page 251. There were 6 affected staff who did all have the option of transferring with the café. However they also had the option to remain in the Trust and therefore working for the NHS. The roles the claimant had applied for were included in those regarded as potential alternative roles (p254). All 6 staff opted to be redeployed and remain with the Trust. The consultation period was due to run from 5 October 2020 to 2 November 2020. The timetable within the consultation document dated the informal notification of the outcome of the tender as being week commencing 15 July 2020. These staff signed their agreement to remain in the roles in the trust by about 16 October 2020. Their job descriptions were amended and a number of vacant catering roles, including those the claimant was being considered for, were disestablished (deleted) (page 269, dated 23 November 2020, shows that decision had been made but not yet necessarily implemented).
48. The respondent's café closed the week of 26 November 2020 (as per the email on page 214).
49. On 26 December 2020 the claimant wrote to a number of people at the respondent to request an update on the part-time roles. Without waiting for the response the claimant contacted ACAS and commenced early conciliation.
50. Internal messages within the respondent on 5 January 2021 show the Senior Recruitment and Onboarding Administrator asking Ms Forson what the situation was with the claimant and whether there had been halt on recruitment. Ms Forson responded on the same date confirming that there was a halt on recruitment "and covid". In fact covid had not been the reason for the halt – I accept it was the outsourcing of the cafe (p216).
51. The claim form comments on a number of other speculative issues the respondent might have had with the claimant's application.
52. On 13 April 2021 Ms Forson interacted with the Head of Catering who asked her "This is from back in December isn't it-was the person not notified of the outcome?" and she replied across two messages...I did let [TRAC know she had been rejected for the job] ...And also, we were told to put a hold on all recruitment, I think due to the coffee shop being outsource[d]" (225-226).
53. The respondent accept that although they informed TRAC of the suspension of the recruitment they did not inform the claimant and it appears that she was not informed prior to submitting her claim. She said that was why she submitted her claim – to flush out what had happened.
54. The claimant asserts that she does not believe Ms Forson discriminated against her but that someone in HR, due to hatred of whistleblowers, intervened and ensured she was not sent a formal offer. There is no evidence to support that

contention and this did not happen. She also suggests that they would have searched for her on the internet and found her case against St George's and record of the decision regarding the HCPC register. Again there is no evidence of this occurring and I find this did not happen.

Relevant law

55. The relevant law is in Employment Rights Act 1996 (NHS Recruitment Protected Disclosure) Regulations 2018 and the definition of a protected disclosure is as set out in the Employment Rights Act s43A and the following sections.

Conclusions

When did time start to run for the purposes of Regulation 5? Did the respondent make an offer of employment to the claimant and the date on which any such offer was made? Did the claimant accept an offer of employment from the respondent and on what date?

56. The respondent did not make an offer of employment. The claimant was invited to the taster day and then before any decision to appoint a candidate was made a hold was placed on the recruitment and ultimately the posts were given to existing staff affected by the decision to close the café.

Did the respondent make a decision not to employ the claimant?

57. This is the best fit with the facts in this case. An interim decision to put a hold on recruitment was made on about 16 July 2020 and then a final decision to disestablish the roles on about 23 November 2020 or shortly after.

If so, was that communicated to the claimant? On what date?

58. It was not communicated to the claimant prior to her contact with ACAS. I consider that the claim is in time. The remaining time limit issues were therefore not relevant.

Did it appear to the respondent that the claimant made one or more qualifying disclosures as defined in section 43B of the Employment Rights Act 1996? What did it appear to the respondent that the claimant said or wrote? When and to whom?

The claimant says that she made disclosures:

On 24 May 2010 to the Local Counter Fraud Officer of St George's Healthcare NHS Trust, about a named individual not having the qualifications necessary for the post he was appointed to and the job description having been wrongly changed to remove reference to the qualifications he did not have.

59. Ms Forson formed no opinion about the claimant having made a protected disclosure. She did not consider the events at St George's relevant if she was even aware of them.

60. The claimant said she made disclosures about uncompleted studies (using only initials to reference the studies concerned, the job post involved and the person she made the disclosure to). Ms Forson was not familiar with the concept and in any event this was not enough information to be able to make sense of what the claimant was referring to and conclude that the claimant's disclosure was protected. There is no evidence that anyone else formed a view that the claimant had made a protected disclosure.

Did the respondent do the following things:

Refuse/fail to give the claimant a start date or contract despite having been offered the role on 30 June and attended a taster on 10 July?

61. The respondent did not offer the claimant a role. She was invited to interview and then a taster session. She then heard nothing more. Ms Forson wrote to TRAC to say all recruitment was on hold. Ultimately the recruitment was not progressed.

By doing so did the respondent subject the claimant to discrimination?

62. There were other candidates and there is no evidence any were treated any differently. I agree with the claimant that it would have been courteous to email her directly after she had attended the taster session however there is no evidence anyone else was treated any better. No external candidate was appointed as the postholders of the café roles were moved to do the relevant work.

63. I accept that for the claimant, who had invested in an outfit to wear and given her time to attend, this was disappointing and unsatisfactory not to be informed. However it had nothing to do with her personally.

If so, was it done on the ground that it appeared to the respondent that the claimant had made a protected disclosure?

64. For the avoidance of doubt I do not consider there is any evidence which would shift the burden of proof. The claimant gave partial information about alleged whistleblowing 10 years previously on her application form. She was invited to interview and the taster day and then did not hear anything. This does not suggest the information on her application form or anything said in the interview had anything to do with what happened as she was invited to the interview and then progressed to the taster day. In the absence of an explanation there could be more than possible reason why a candidate then did not receive an offer in

those circumstances, the most obvious being that there was a preferred candidate. The claimant herself acknowledged that reasons for not contacting her could include covid or pressure of work. There is nothing to infer that the reason was what she had put in her application or said in her interview.

65. In any event I accept the explanation evidenced by the respondent which is that almost simultaneously with the taster sessions the respondent awarded the contract for the café to an external contractor (the first signature on the contract was 10 July and the second 16 July 2020). This meant the respondent needed to consult with the affected staff as to whether they preferred to remain with the Trust or TUPE transfer to the external provider. The recruitment process was always subject to a check on the progress of the staffing review prior to final appointment of a candidate. I accept that the need to consult with affected staff prompted an instruction to wait in respect of the recruitment process, and then a decision to put it on hold. Ultimately, after confirmation with affected staff, a decision was made to disestablish the roles and not recruit externally. I accept the staff affected by the outsourcing of the café all opted to remain with the trust and their roles were amended to cover the relevant work. The vacancies were then deleted and no external appointment was made.

Employment Judge Corrigan

28 September 2026

Notes

All judgments (apart from judgments under Rule 51) and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunaldecisions> shortly after a copy has been sent to the claimants and respondents.

If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings and accompanying Guidance, which can be found at www.judiciary.uk/guidance-and-resources/employment-rules-and-legislationpractice-directions/