



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms P Brooks

**Respondent:** Sandwell Community Caring Trust Ltd

**Heard at:** Midlands West

**On:** 28 February, 1 March and 2 March 2022

**Before:** Employment Judge Faulkner  
Ms S Bannister  
Mr P Wilkinson

**Representation:** **Claimant** - in person  
**Respondent** - Ms J Duane (Counsel)

## JUDGMENT

1. The Respondent did not contravene section 39 of the Equality Act 2010 by discriminating against the Claimant in relation to either its refusal to permit her brother to accompany her at a disciplinary hearing on 2 October 2020 or in dismissing her with effect from 28 October 2020. The Claimant's complaints of direct race discrimination are therefore dismissed.

2. The Respondent did not contravene section 40 of the Equality Act 2010 by harassing the Claimant related to her race in the disciplinary hearing on 2 October 2020. Her complaint of harassment is therefore dismissed.

3. The Claimant was unfairly dismissed. Her complaint of unfair dismissal is therefore well-founded. The question of remedy in relation to unfair dismissal will be determined at a further hearing.

4. The Respondent was in breach of the Claimant's contract of employment in not paying NHS pension contributions during August, September and October 2020. It is ordered to pay to the Claimant within 14 days of the date of this Judgment the sum of £540.46.

5. The Claimant's further complaints of breach of contract, her complaints of unauthorised deductions from wages and her complaints of breach of the Working Time Regulations 1998 are not well-founded and are dismissed.

Employment Judge Faulkner

Date: 3 March 2022