



EMPLOYMENT TRIBUNALS

Claimant: Ms R Basra

Respondent: University of East London

Heard at: East London Hearing Centre

On: 7-11, 15-17 November 2022 (with the parties)
5 and 6 January 2023; 6, 8, 9 February 2023 (without the parties)

Before: Employment Judge Gardiner

Members: Mrs S Jeary
Miss T Jansen

Representation

Claimant: Mrs K Basra (sister)
Respondent: Mr M Islam-Choudhary, counsel

JUDGMENT

The judgment of the Tribunal is that:-

1. The following complaints are dismissed upon withdrawal:
 - i. breach of contract **[issue 1]**
 - ii. direct race discrimination **[issue 2(bb)]** (being excluded from a meeting on 15 June 2020 to discuss the new academic year);
 - iii. harassment related to race **[issue 3(k)]** (being required to teach in rooms with open windows); and
 - iv. direct sex discrimination (being excluded from meetings between Dr Bailey and Ms Blakemore) **[issue 4(e)]**.
2. The remainder of the Claimant's complaints are not well founded and are accordingly dismissed.

REASONS

1. This is a discrimination claim brought by the Claimant, Ms Ravindra Basra, against the University of East London. In these reasons we have referred to Ms Basra as the Claimant and to the University of East London as UEL. References in square brackets and in bold in these Reasons are to the corresponding page numbers in the Final Hearing bundle.
2. The Claimant is a British Indian woman. She alleges she has been the victim of a campaign of direct discrimination because of race and sex; discriminatory harassment related to race and sex; and victimisation. The race discrimination complaints are because she is Asian/of Asian heritage. Her allegations span the entire six-year period since she started working at UEL in September 2015 until the date on which her second claim was presented, namely August 2021. That claim has not been joined with the present claim and will need to be determined separately. Throughout this period, she was still employed by UEL. Her job with UEL was initially Lecturer in Creative Writing. In August 2018, she became Senior Lecturer.
3. Evidence and submissions were heard over a period of eight days from 7 November to 17 November 2022. It had originally been scheduled for 10 days to include time for tribunal deliberation. It had been shortened by two days as a result of lack of judicial resources. There was no time for the Tribunal to deliberate at the end of those eight days. As a result, the Tribunal panel scheduled a further five days to discuss the case. This could not be arranged until two days in early January 2023 and three further days in early February 2023.
4. At the Final Hearing, the Claimant was represented by her sister Mrs K Basra, and by her brother-in-law, Mr Johnson. Mrs Basra's role was to carry out the advocacy, asking questions of witnesses and making submissions at the end of the case. Mr Johnson's role was to take notes of what was said in evidence. He was also a witness who gave evidence for the Claimant. Mr Islam-Choudhary of counsel represented the Respondent.
5. The particular issues for the Tribunal to decide were set out in several specific allegations in the Claimant's Further Details of Claim **[181 – 189]**. The breach of contract claim set out in section 1 of those issues has been withdrawn. This was also the case with an alleged act of direct race discrimination **[issue 2(bb)]** (being excluded from a meeting on 15 June 2020 to discuss the new academic year); an alleged act of harassment related to race **[issue 3(k)]** (being required to teach in rooms with open windows); and direct sex discrimination (being excluded from meetings between Dr Bailey and Ms Blakemore) **[issue 4(e)]**. They therefore do not need to be determined. Where our factual findings relate to a specific issue, we have indicated that in square brackets in the course of our narrative of events. At the start of the hearing, the Claimant successfully applied to relabel an existing allegation of direct race discrimination made against Mr Basi (who, like the Claimant, is of Indian ethnic origin) as an allegation of direct sex discrimination.

6. The documents were contained in a lengthy electronic bundle which ran to 3224 pages. In addition, there was a bundle of transcripts recording what was discussed in particular meetings. Further documents were disclosed following a partially successful application for specific disclosure made at the start of the hearing.
7. The following witnesses were called to give evidence by the Claimant, in addition to the Claimant herself: Janine Rowe-Simpson; Monettee Titre; Sarbjit Purewal; Wendy Watts; Dawn Jones; Robert Johnson and Francesco Brown. Two of the Claimant's potential witnesses did not attend, which inevitably affects the weight we can give to the contents of their witness statements – Paris Rathore and Satbir Basra.
8. The Respondent called the following witnesses to give evidence: Helena Blakemore; Terry Bailey; Simon Robertshaw; Alison Bell; Fawad Inam; Hassan Abdalla; Natalie Garrett Brown; Wes Brown; Anna Robinson; Roberta Garrett; Dominic Hingorani; and Del Basi. The people who did not attend and therefore were not cross examined were – Simon Miles, Kate Hodgkin, Martin Heany, Sarahleigh Castelyn, Alan Chandler, Peter Board, Sarina Duggall and Sivakumar Jayaraman. They were willing to attend to give oral evidence if necessary. In these cases, Mrs Basra indicated that she did not have questions for them, given the time she had available to complete her cross examination, and her desire to concentrate her questioning on those witnesses on which she had chosen to focus her cross-examination. Therefore, their evidence is effectively unchallenged.
9. UEL had been unable to obtain a witness statement from Suzanne Dixon due to an ongoing health issue requiring extensive treatment. In terms of other potential witnesses, both Dr Maddison and Tessa McWatt left UEL's employment in 2018, as did Tim Atkins a year earlier, in 2017. The same is also true of Jacqui Mitchell and Sheila Preston. The Respondent has not called them as witnesses, even though they are the subject of several of the Claimant's discrimination allegations. It was said in the Respondent's closing submissions that they had not co-operated in giving evidence, although no details were provided during the course of the case. UEL argues that allegations against these individuals are substantially out of time, and it is prejudiced in responding to those allegations by the Claimant's delay in issuing the proceedings. In addition, UEL relies on the Claimant's delay to raise time points in relation to particular allegations made against Simon Mills, Del Basi, Peter Board, Katharine Hodgkin, Dominic Hingorani, Martin Heaney and Anna Robinson, even though these individuals were able to prepare witness statements explaining their conduct to the Tribunal.
10. The evidence contained in the witness statements and documents extends to factual matters going well beyond the very extensive list of issues. We have restricted our consideration to the documents to which we were directed in the course of evidence. We have restricted our findings of fact to those disputed events that are either included in the list of issues or are sufficiently closely connected with those issues to require determination. We have not sought to resolve every factual disagreement. There are two reasons for this – firstly, it would be disproportionate

and therefore unnecessary to do so in order to determine the Claimant's specific complaints. Secondly, in many cases, these evidential areas have not been tested in evidence – either because the dispute has not been put to a particular witness or in some cases because no questions have been asked of the witness concerned.

11. The Tribunal is confident that the eight-day final hearing provided sufficient time to hear relevant evidence and closing submissions; and was proportionate to the issues in the claim. We are grateful to the representatives for enabling this to be completed in the time available.
12. Where there has been an evidential dispute which we have not been capable of resolving on the documents, we have had to assess the reliability of the Claimant's evidence in comparison to that given by the Respondent's witnesses. Although we accept that the Claimant genuinely believed the allegations she was bringing, we had significant concerns about the accuracy and reliability of the Claimant's evidence on several issues. In many respects, her allegations are contradicted by the contemporaneous documents. We have found she was very ready to criticise others either where there was no proper basis to do so, or where there was an obvious non-discriminatory explanation. This leads us to have substantial doubts about the credibility of her contentions on points where there are no contemporaneous documents.
13. By contrast, we did not have any significant concerns about the reliability of the evidence from the Respondent's witnesses. In relation to Ms Blakemore, who was the subject of many of the Claimant's allegations, and who was extensively cross examined by Mrs Basra, we found her to be a plausible witness. She was willing to make concessions where appropriate. By way of example, she accepted in her witness statement that concerns had previously been raised about her style of management that had led to informal intervention by her then line manager Dr Maddison. The remainder of the Respondent's witnesses gave their evidence in a straightforward manner, generally referencing their recollections by cross referring to contemporaneous documents.

Findings of fact

14. UEL is a university based on different campuses in East London. Its students are ethnically diverse. Over the three-year period covering the academic years 2015/6 to 2017/18, approximately half of the students were recorded as of non-White ethnicity [283]. UEL offers degree courses in various subjects. The two courses relevant to the Claimant's claim are the BA (Hons) in Creative and Professional Writing and the BA (Hons) Creative Writing (Screen). The former course was offered throughout the events with which this claim is concerned. The latter was started from about 2020 onwards. There was also a Foundation Year offered for those not yet enrolled on a degree course. The academic staff teaching on these courses were referred in evidence as the Creative Writing programme team.

15. In mid-2015, the Claimant was interviewed for a part time role of Lecturer in Creative Writing. The selection panel was Ms Helena Blakemore, Professor Simon Robertshaw, Dr Stephen Maddison and an external member. The role was a 0.6 full time equivalent role. This suited the Claimant, given the extent of her own client work and projects. It was a teaching only position, which did not include any scheduled time for academic research. The panel unanimously decided to offer the role to the Claimant. In these proceedings, she accuses the three panel members who were UEL employees of discriminating against her.

Academic year 2015/2016

16. When the Claimant started in her role, in September 2015, her employment was subject to passing a one-year probation period, which could be extended in exceptional circumstances. She was issued with a Job Description [449]. This described her role as undertaking teaching on the BA (Hons) in Creative and Professional Writing and contributing to “adjacent areas of the programme (events, publications)”. The Programme Leader for this degree was Helena Blakemore.
17. The Creative Writing Programme consists of an annual cohort of between 10 and around 20 students, who study several different modules and write a dissertation in their final year. The ethnic composition of those students on the course inevitably changed from year to year. When she joined, half described themselves as non-White [283].
18. The size and composition of academic staff with a role in teaching or supervising students studying this degree fluctuated from year to year. It was generally about 4-5 in number. When the Claimant started, the Head of Department was Dr Stephen Maddison. He was the Claimant’s line manager at that point. Other lecturers employed in the team at that point were Helena Blakemore, Simon Miles, Tim Atkins, and Tessa McWatt. The Tribunal has not been told the ethnicities of each lecturer teaching the Creative Writing course, save that Tessa McWatt is black. In addition, at various points, teaching was supplemented by others engaged on an hourly paid basis, known as Hourly Paid Lecturers, or those attached to other programmes.
19. On 16 September 2015, Dr Maddison emailed the Claimant suggesting an informal induction on 23 September. His email mentioned that Ms Blakemore also wanted to speak to her [287]. She was also introduced, by her own admission, to Tessa McWatt and Tim Atkins. Arrangements had been made for the Claimant to complete a formal school wide staff induction, but she missed the original induction as she had ‘flu at the time. She accepted in evidence that she attended this staff wide induction at a later date [issue 2(b)]. Although we have not heard any evidence from Tim Atkins, who has now left the Respondent’s employment, we consider it most unlikely he would have told her at the start of her employment, as the Claimant alleges, “Don’t be Helena Blakemore’s bitch – she likes to dump her teaching on everyone else”.

20. Ms Blakemore asked the Claimant to teach the Adaptation, Form and Practice Module. This was taught jointly with another academic colleague, Simon Miles. The Claimant was asked to be the Module Leader for this Module. The Claimant's was scheduled to give lectures during week commencing 28 September 2015. We accept the Claimant's evidence to this extent – at one of her lectures in her first week of teaching she experienced IT problems in displaying her PowerPoint slides. As this was one of her first lectures with the students, this was upsetting for her. The problem probably occurred because there was a difficulty in connection her computer to the university system. The issue was seemingly resolved by the time of the next lecture. She did not complain at the time about this issue. We do not consider it remotely credible that this initial difficulty was deliberately engineered by Dr Maddison because she was “expected to fail” (witness statement paragraph 10) **[issue 2(a)]**. Nor do we accept that Ms Blakemore told Dr Maddison that the Claimant was “Faffing around with her Apple Mac and did not know how to use PCs” **[issue 3(a)]**. This comment is denied by Ms Blakemore. Having recently recruited the Claimant, Ms Blakemore wanted her to succeed in her role. She also supported the Claimant with issues she had experienced with Moodle.
21. On 2 November 2015, the Claimant was asked by Helena Blakemore to take responsibility for a module titled “Writer’s World”. Students who had opted to take this module produced a written anthology of student writing called “The Galleon” and participated in an end-of-year spoken word event called “Write Now”. She was assisted in this task by Wes Brown, an Hourly Paid Lecturer. Wes Brown had a PhD in Narrative Non-Fiction and a background running a mentoring programme for young writers. He was a published author and had founded a publishing company. The module had been created by Tessa McWatt, another member of the Creative Writing team. Although Ms McWatt was not directly involved, she was willing to assist where required. Ms Blakemore passed this responsibility to the Claimant to reduce her own workload as her mother was seriously ill at the time. Ms Blakemore provided the Claimant with her teaching materials to help her teach this module in her absence. It was standard practice for academic staff to share teaching materials with each other to facilitate effective teaching.
22. We have not been directed to any document specifically referring to an incident on 21 November 2015 where a white student verbally abused the Claimant, as she alleges – or alleging that the Claimant was blamed for this incident by either Ms Blakemore or Ms McWatt **[issue 2(c)]**. The minutes record that the Programme Committee meeting took place on 25 November 2015, not 21 November 2015 **[304]**. This may be the incident raised by the Claimant in an email to Wes Brown on 17 December 2015 **[1870]**. She referred to a Scriptwriting and Adaptation session in November where Dr Brown had sat in for the last half an hour. The Claimant had asked why a particular student team had not met the brief given. According to the Claimant's email, this prompted an outburst from a particular student who “claimed I was a harsh teacher, and overly critical and rude about my style of teaching”. The Claimant asked for Dr Brown's comments on the feedback she had given, asking if it was harsh or overly critical. In his response, Dr Brown said:

“I was present throughout and didn’t feel what you said was unduly harsh or you behaved inappropriately. The brief had clearly not been met and you were simply questioning why not? It was a fair question to ask”

23. The Claimant replied: “Thanks Wes”. Apart from the Claimant’s assertion in these proceedings, there is no evidence that she was subsequently blamed for this incident. We reject the Claimant’s allegation at **issue 2(c)**. It is telling that the Claimant waited almost four weeks before raising this incident. When she did so, she raised it with a colleague rather than with the Programme Leader or her line manager. She did not raise it in the email she sent to Dr Maddison on 25 November 2015 requesting an urgent meeting to discuss student behaviour **[308]**. That followed a Programme Committee meeting held on the same day. This was the first such meeting attended by the Claimant.
24. Also present at the Programme Committee meeting were other members of staff and students. The purpose of the meeting was to enable students to provide feedback and suggestions on the programme and on individual modules, and for staff to communicate changes. The only criticisms made of the Claimant as recorded in the minutes were that students felt that the Claimant should be more practical on the Writers World module; and there were criticisms about how the Adaptation module was delivered. Criticisms were also made by students about other modules taught by other lecturers. The Claimant alleges that a white student verbally abused her during this meeting. There is no reference to this in the minutes of the meeting or in any subsequent email correspondence. On the evening of that meeting, the Claimant emailed Stephen Maddison at 18:51. She asked for an urgent meeting to discuss her concerns about feedback she had received in an email from a particular student. The concerns did not allege that the Claimant was subjected to inappropriate personal comments by a white student at the meeting on 25 November 2015 **[issue 3(e)]**. Therefore, we think it unlikely that a white student had made inappropriate personal comments at the Programme Committee meeting. Had this occurred, she would have raised it in her email. Therefore, we reject this factual allegation.
25. The Claimant alleges that throughout the period from September 2015 to July 2018 she received no support from the Respondent following a campaign of consistent hostility from students **[issue 2(d)]**. She alleges that 99% of these hostile students were white. Such a criticism is inconsistent with emails sent during her first term and subsequently. Whilst it is clear that the Claimant encountered difficulties in controlling student behaviour generally during her lectures, as noted in her appraisal documents, we do not accept that there was a campaign of consistent hostility from any students, nor do we accept that any antagonism from students was because of her race. All staff members found that the behaviour of some students was difficult at times. Furthermore, we do not accept that the Claimant received a lack of support from her colleagues in controlling the students in her class.

26. For example, on 20 November 2015, the Claimant mentioned to Ms McWatt the difficulties she was having with a particular student. Ms McWatt responded:
- “Sounds like a rough day! I think our students need a different kind of attention than you might be used to. Maybe we can talk about this as a team?” **[301]**.
27. When the Claimant raised concerns about the way students had spoken to her during the Programme Committee meeting, Ms Blakemore responded “I think it would be useful if we meet with Stephen when he is back to discuss your concerns” **[308]**.
28. By way of further example, on 27 November 2015 the Claimant emailed Dr Maddison noting behaviour of students in her classes. She wrote:
- “I want to thank both Simon [Miles] and Tim Atkins for being there whenever I’ve required their support and for giving me their precious time and encouragement. I really, really appreciate” **[311]**
29. The email was copied to Simon Miles, Tim Atkins, Helena Blakemore and Tessa McWatt. Ms McWatt answered: “Really glad to hear things went well. I hope all is back on track now. I hope I was helpful in some way, but perhaps I wasn’t. Let me know how you need to be supported” **[310]**. The Claimant responded “Hey Tessa, thanks and yes your phone call was helpful, sorry I did not say that in the email. I mentioned Tim and Simon because they have spent quite a bit of time with me to getting to know the place etc etc. That’s all but thanks for the phone call yesterday. Have a fab weekend”.
30. We reject the Claimant’s evidence that she had a meeting with Stephen Maddison on 27 November 2015 in his office, as she alleges in her witness statement. Dr Maddison was on sick leave on that day. Dr Maddison emailed the Claimant on 27 November 2015 saying he would be back in the office the following week, adding that although he was catching up on emails he was still wrapped up in his duvet. It is clear he was sick, as the Claimant acknowledged in her response. Therefore, we do not find that Dr Maddison told the Claimant during a meeting on this date that the team had always been dysfunctional, or that Tim Atkins and Tessa McWatt did not like Helena Blakemore because they felt intimidated by her and her ‘hot line’ to the Senior Management Team. The Claimant’s email on 27 November 2015 ends “I enjoyed today it was fun”. This is completely at odds with how her witness statement describes her mood on this date: “the Claimant felt despondent and depressed”. The stark inconsistency between the Claimant’s evidence and the contemporaneous documents about events on this date leads the Tribunal to approach all of her evidence with caution.
31. The Claimant alleges that there was an incident on 11 December 2015 when she was verbally abused by a white student and the Claimant was blamed for the incident by her colleagues **[issue 2(e)]**. In the email to Wes Brown on 17

December 2015, to which we have already referred, the Claimant referred to the conduct of this student during a November lecture. She does not say that the conduct had been repeated on 11 December 2015. Therefore, we reject this factual allegation.

32. Ms Blakemore accepted in her evidence that concerns had been raised back in 2012 about her management style. These concerns were raised by Tim Atkins (who is white) and by Tessa McWatt (who is black). The concerns were that she was too hands on and tended to micro-manage them as their Programme Leader. The Tribunal accepts Ms Blakemore's evidence that these concerns were resolved informally by Stephen Maddison. There is no evidence that further concerns were subsequently raised by either staff member or by other colleagues about Ms Blakemore's leadership.
33. We do not accept that Ms Blakemore told anyone that she did not like brown women. This is inherently implausible from someone who had chosen to work for a large proportion of her career in a university which attracted an ethnically diverse group of students and from someone who had approved the Claimant's recruitment as part of her interview panel. Therefore, we do not accept the Claimant was repeatedly told by Tim Atkins or by other members of staff that Ms Blakemore did not like brown women **[issue 3(d)]**.
34. Because the Claimant was in her probationary period, it would have been appropriate for Dr Maddison as her line manager to sit in on her lectures. In addition, to ensure a consistency of teaching approach, it would be appropriate for the Programme Leader and for others involved in teaching the same modules to do so. We do not accept that the Claimant found this humiliating. She did not complain about this at the time **[issue 3(c)]**.
35. The Claimant alleges that in December 2015 she was not provided with module PowerPoints when teaching on the CC4100 and CC5103 modules **[issue 3(f)]**. We do not accept this as factually correct. On the balance of probabilities, PowerPoints created by other lecturers would have been shared with the Claimant if these were available, but she would have been expected to tailor them to his own teaching style. There were no standard PowerPoints for each module and the general expectation was that lecturers would prepare their own slides.
36. We do not accept that the Claimant pointed out verbally to Dr Stephen Maddison during her first term as a lecturer that BAME students were making complaints of bullying and harassment. The Claimant does not provide any date or approximate date for this alleged protected act. The nature of the Claimant's comment to Dr Stephen Maddison is expressed in the most general terms. The Claimant says that she was told by Dr Maddison to "keep quiet" about these matters. The Claimant provides no detail about the context of such an instruction or when it was said. We are not persuaded, on the balance of probabilities, that any such comment was made by Dr Maddison.

37. During her probationary period, the Claimant was expected to work towards achieving a recognised teaching qualification, known as a PGCert in Higher Education. The Claimant had to do this ‘backwards’ in that she started it in January, midway through the academic year, and carried out the second term of the course first before completing the first term of the course the following Autumn.
38. The first probationary review was carried out in February 2016, after the Claimant had been in post for around five months. The Claimant complains that this was not done after three months, which she claims was when it should have been done according to her contract **[issue 2(g)]**. Her contract was conditional on her completing a 1-year probationary period, as was standard practice for all new joiners. Formal probationary review meetings were normally held after five months and eleven months, although the precise timing of these meetings varied. The first probationary review meeting in the Claimant’s case was held after five months. It therefore took place in accordance with UEL policy.
39. The probationary review was carried out by Dr Maddison. He noted that she had approached the first five months with “huge energy and enthusiasm”. It was recorded that there was lots of very positive feedback on her teaching activities from her students. There were, however, some issues with difficult students. The Claimant added her own comments. She described Dr Maddison as “an extremely good mentor”, noting she had “found his support invaluable when dealing with a couple of difficult students”. At the time, a second mentor was being lined up to assist the Claimant, Jill Daniels. The probation review form noted her preferences for the courses she would like to teach. It reiterated she had to work three fixed days each week, in order to allow her to engage in her other activities. The comments recorded by the Claimant on the probation review form are completely at odds with her allegation that she received no support from anyone in her team with regards to her probationary period. **[issue 2(f)]** We rejection this allegation.
40. In her witness statement (at paragraph 24) the Claimant alleges that “she did not feel happy with some of the comments her Line Manager made on her form, but she was scared that if she did not sign it, she would be sacked”. She does not identify the particular comments she disputed. There are no contemporaneous documents suggesting the Claimant disagreed with any of the comments; or suggesting she feared being sacked. We reject the Claimant’s explanation and find that the probationary review form was an accurate record of her progress at the five month point.
41. By the time of this probation meeting, the Claimant had not been set any key probationary objectives **[part of issue 2(f)]**. The probation review template form indicated that this should have been done within two weeks of the probationer’s start date. This is confirmed by paragraph 7.2 of the Probation Policy **[351]**, which specified that a probation plan documented at the outset of employment will detail “key objectives and targets which will enable the probationer to meet the three requirements of this probationary policy”. This failure is evident from the blank column bearing that heading on the probation form. She did not raise the lack of

objectives as a concern at the time. Because the Tribunal has not heard evidence from Dr Maddison, the Tribunal has not received any explanation for his failure to set objectives for the Claimant at the outset of her employment.

42. On 21 March 2016, the Claimant sent Stephen Maddison another email recording her concerns about student behaviour. She said: “the reason I bring this up because the outburst in my lectures have made me feel unsafe”. She noted: “I have appreciated Tim’s presence and support in my lectures. The students I have had trouble with have behaved and have not kicked off as a result” **[322]**. This is completely at odds with the allegation she now makes that “Tim Atkins attended the Claimant’s lectures to support her through her probationary period however he undermined her and made comments about her teaching” **[part of issue 2(f)]**. Nor do we accept that Tim Atkins was interviewing students about the Claimant, at the instruction of Ms Blakemore and Dr Maddison.
43. On 24 March 2016, Dr Maddison met with the Claimant to discuss her concerns, and followed up after that meeting with a detailed email, on 15 April 2016, recording what had been agreed **[329-330]**. He said it was important to reinstate professional boundaries with students to protect her from any gossip and to ensure that any genuine complaints on the part of students could be dealt with in a neutral and formal manner. He said how much he appreciated her acknowledgement that student reports of potential favouritism might have arisen from her classroom practice. They agreed that this was a development area that needed further support. He said he would speak to her tutor on the PGCert to identify training, support and development needs. He noted that it had been helpful having Tim Atkins sitting in on Adaptation and agreed to arrange for Wes Brown to sit in on her Writers World lectures. His email recorded they had also discussed the Claimant’s ideas for supporting the employability of students, and suggested Jill Daniels as a potential research mentor. He himself would continue as her teaching mentor. He ended his email by saying he wanted to ensure she felt confident in class and wanted to support her in every way he could. He suggested another meeting the week after next.
44. The Claimant responded the same day, saying “Yes all of this sounds good” **[328]**. She welcomed the suggestion of another meeting. Her email recognised her style of teaching may have led to accusations of favouritism. She noted that she had spoken to Simon Miles about putting in place structures that allowed her to help those who want to learn. She said she had spoken to Wes Brown, presumably about him sitting in her lectures, but no-one had chatted to him about doing this. It is clear from Dr Maddison’s email to which she was responding that he had raised this issue. There may have been a delay in asking Dr Brown to sit in on the Claimant’s lectures. As an Hourly Paid Lecturer, he was paid to work 48 hours per university term, equivalent to 4 hours per week. Dr Brown did sit on the Claimant’s lectures subsequently.
45. On 14 April 2016, a meeting was held to discuss the Adaptation module and another module, probably Writers World. Ms Blakemore invited the Claimant to this

meeting. She responded to say she was able to attend [327]. Whilst it is unclear what was discussed, it is likely that this would have been a review of all aspects of the modules in advance of the next academic year. It is unlikely that there would have been a further meeting on 24 April 2016 to discuss the same issues. Even if there had been, then the Claimant would have been invited to this subsequent meeting, as she had been to the meeting on 14 April 2016 [issue 2(i)].

46. We do not accept that there was a further meeting between the Claimant and Dr Maddison on 15 April 2016 at which Ms Blakemore was unexpectedly present, as the Claimant alleges in paragraph 25 of her witness statement. There was email correspondence between the two on this date. Dr Maddison offered a further meeting at the end of the month. We reject the contents of paragraph 25, which are contradicted by the contemporaneous emails.
47. The Claimant alleges she was not invited to a meeting held around this time to discuss the contents of Adaptation, Form and Practice, the module she was teaching. On this issue, her witness statement cross refers to a document at page [325]. This document shows the exact opposite – namely, a response from the Claimant to an email from Ms Blakemore circulating the agenda for the meeting.
48. In May 2016, the annual Write Now event took place. The Claimant alleges that in this year and in the following two years she was not asked to participate in this event [issue 2(q)]. The Claimant's witness statement contains no evidence about the 2016 Write Now event. Accordingly, the Tribunal is unable to make any findings on this allegation.
49. On occasions, Ms Blakemore was frustrated with the Claimant. At times, she was angry with the Claimant. She was also angry with other members of staff. The evidence from Terry Bailey was that she had been grumpy or abrupt with other members of the team. His evidence was that when stressed, she could be like that with everyone. As he memorably put it in the course of cross examination, "Helena is an equal opportunities angry person". Simon Miles notes that Ms Blakemore could occasionally be short and abrupt with both staff and students in a way that could be misinterpreted as rude (witness statement para 21). Roberta Garrett describes her as process-focussed "and at times she can come across as brusque" (witness statement para 20).
50. In paragraphs 28 and 29 of her witness statement the Claimant deals with her concerns about the lack of diversity in the set texts studied on the creative writing curriculum. She alleges that "the hostile atmosphere was created against her by Helena Blakemore because of her numerous attempts to diversify the curriculum and meet the needs of the diverse cohort of students (who were predominantly BAME). Helena Blakemore also got very annoyed and angry when the Claimant made suggestions for improvement to the curriculum". The documents to which she refers at the end of these paragraphs do not support this contention. This point was not put to Ms Blakemore in cross examination. Accordingly, we are unable to accept it.

51. The Claimant alleges that Ms Blakemore was angry with her during a meeting on 13 June 2016 which had been convened to moderate coursework. It is likely that there was a disagreement on this date, given email correspondence between the two on 13 and 14 June 2016. The Claimant emailed to say “it was me who second/third marked myself. I gave her 48 then 50 and thought 55, but I agree it lacks substance” **[334]**. Ms Blakemore wrote to the Claimant saying she was concerned that the Claimant had “fundamentally misunderstood the purpose and process of moderation/double marking. You cannot second mark coursework you have marked yourself”. This prompted the following response from the Claimant: “Let me be clear I have fundamentally misunderstood nothing ... I’m finding your concern hard to comprehend ... to assume I would act as a second marker is ridiculous” **[336]**.
52. Given that Ms Blakemore was the Programme Leader, it was ultimately her responsibility to ensure that student work was correctly assessed. We do not find that the Claimant was being asked to use methods which were contrary to standard marking policy or was excluded from Teams meetings regarding dissertation marking at any point from Term 2 onwards **[issue 3(t)]**. Based on the evidence we have heard, we consider that Ms Blakemore was keen to ensure that the marking closely followed the assessment criteria at the Respondent. The Claimant adopted a more fluid approach marking for effort and ideas. However, it was her responsibility to follow the marking approach required by the Programme Leader. The fact that the Claimant, in her first year at UEL, had a disagreement with Ms Blakemore on this topic is illustrative of how the Claimant was unwilling to accept direction from Ms Blakemore.
53. We do not accept the Claimant’s evidence that her colleagues had told her students that her probationary period had been extended. This is not something that is clearly evidenced in any of the contemporaneous documents.
54. On 13 June 2016, the Claimant and other members of the Creative Writing team were invited to a meeting to be held before an Assessment Board. The purpose of the meeting was to discuss the External Examiner’s comments about a module and about the programme in general. This was due to take place on 17 June 2016, not 16 June 2016 as the Claimant alleges. It is unclear whether the Claimant attended this meeting, but it is not correct that she was not invited to this meeting **[issue 2(j)]**. The Claimant’s witness evidence infers she did meet the External Examiner (witness statement para 35).
55. The Claimant alleges that throughout the Claimant’s first academic year, the Claimant would be intimidated and degraded by being shouted at by Ms Blakemore whilst moderating coursework. She dates this allegation to 13 June 2016 **[issue 3(g)]**. She is not specific about the particular comments that were made or when this took place during the year. Given the vagueness of the allegations and the lack of contemporaneous documentary evidence in support, we do not accept this general allegation.

56. The second probationary review took place on 15 July 2016 [356]. Although this was described as an 11-month review, the Claimant had only completed around 10 months of teaching by that point. Dr Maddison said: "I would stress that many students [had] found working with the Claimant to be a positive and rewarding experience". However, the probationary review form noted she had encountered "some problems". It was recorded that some students had made serious complaints about the Claimant's conduct in class. Some alleged that the Claimant had engaged in bullying towards certain students, ridiculing them and making them unwelcome. There were also allegations of favouritism. As a result, Tim Atkins had been asked to sit in on the Adaptation Module. In addition, it was noted that the Claimant had at times not been sufficiently aware of the need to maintain professional boundaries with students. Steps were put in place to address the underlying factors behind the Claimant's lack of appreciation of the need for professional boundaries.
57. On the probationary review form completed in July 2016, the Claimant recorded she had enjoyed working with Simon Miles and enjoyed her constructive mentoring sessions with Stephen Maddison. She went on to say that she felt she had not been sufficiently supported by the Creative Writing team. Despite making detailed criticisms of her colleagues, she did not formalise her concerns as a formal grievance.
58. As a result, of the difficulties that the Claimant was experiencing, it was decided that the probation period should be extended. It was to be reviewed in January 2017, after the end of the first term of teaching in her second academic year. It was agreed that the Claimant's teaching in the first term of her second year should be carried out in a team context. A development plan was put in place to assist the Claimant [379]. The document listed seven support mechanisms that would be put in place, described as "key support mechanisms". These were as follows:
1. Monthly meetings with Stephen Maddison and Andy Rees to help support the development of a reflexive and adaptive teaching practice, and to help work through any emerging challenges in the classroom or CPW team.
 2. Monthly meetings with Helena Blakemore to help review planning of teaching delivery and to build engagement across the team.
 3. Facilitation by Andy Rees and Stephen Maddison of Ravinder's wider collegial engagement with ADI staff teams.
 4. Ravinder's teaching load will be consolidated, to enable her to manage her time more effectively, and develop a sustained engagement with module content.
 5. All of Ravinder's teaching will be delivered in a team context, so as to foster sharing of best practice, and to foster enhanced collegiality. This will also foster a congenial and supportive working environment.

6. PGCertHE

7. The CPW team will meet more regularly to develop enhanced lines of communication and to reflect on the needs of students.”

59. We accept the evidence of Alison Bell that this support was typical of the support that would be provided in similar circumstances where there were concerns about the performance of staff members who were still in their probationary period.
60. In her witness statement the Claimant alleges (at paragraph 6) that the Claimant raised concerns with Dr Maddison about discriminatory treatment that her students had received from Ms Blakemore. She alleges he told her to ignore these concerns. We do not accept that this conversation place. It is a vague allegation, both as to its date and as to detail, which is unsupported by any contemporaneous documents.

Academic year 2016/17

61. At the start of the next academic year, in September 2016, there was some confusion as to whether the Claimant or Tim Atkins would be the Module Leader for Adaptation, Form and Practice. Mr Atkins had sent the Claimant a draft of the Module Guide on 18 August 2016 [340]. The Claimant had some involvement in amending the module and the module handbook. In an email to Ms Blakemore and Tim Atkins on 21 September 2016, she said she had noticed that Tim Atkins was down to be the Module Leader for Adaptation, Form and Practice. Her comment was “I’m happy with this” [346]. Mr Atkins comment was “I’m happy to module lead. And it will be great to work with you on this module, Rav”. The Claimant’s response was “Yes Tim looking forward to working with you too”. She continued to teach the Adaptation module during 2016/2017 and subsequent years. The Claimant alleges that she was told she was being removed as Module Leader, with no explanation [issue 2(k)]. Although no explanation was provided by the Respondent in the email exchanges – and it is unclear whether an explanation was given verbally - the Claimant was happy at being released from this responsibility. Therefore, we do not consider that this amounted to any detriment.
62. The Claimant alleges that on 26 September 2016 there was an incident when Tim Atkins aggressively kicked his office wall with his Doc Martins, saying that this was Ms Blakemore’s head [issue 3(h)]. The cause of Tim Atkins’ frustration is said to have been Ms Blakemore instruction that he should not be teaching Harold Bloom as she was teaching this. As a result of Mr Atkins behaviour, the Claimant alleges she had a panic attack and was shaking for at least 10 minutes. Given the claimed impact of such an alleged incident and given the Claimant’s willingness to raise genuine matters of concern over email, if this incident actually occurred it is remarkable that the Claimant never reported the incident at the time. It did not feature in any subsequent grievance lodged by the Claimant. Without such contemporaneous support, if this incident did occur as the Claimant alleges (on which we are unable to make any positive finding), the conduct was not aimed at the Claimant and was not something that concerned her at the time.

63. On 15 November 2016, Ms Blakemore carried out a lesson observation on the Claimant [2797]. There is a dispute as to whether she showed her report to the Claimant at the time. The Claimant asserted it had never been discussed with her; Ms Blakemore could not recall discussing it with her. In the circumstances, we find that it probably was not discussed with her at the time. We accept the explanation given by Ms Blakemore in evidence that this is likely to have been because of the breakdown in relations between the two of them at the time.
64. The Claimant alleges that she was subjected to an unfounded investigation for alleged harassment and bullying of students on 16 November 2016 [issue 2(h)]. The Claimant's witness statement mentions no such incident. Such an allegation was disputed by Dr Maddison when he was asked about this in the course of the Claimant's grievance. Whilst Dr Maddison did raise with the Claimant that some students had complained about her, as part of the probation view process, there was never any investigation carried out by either Stephen Maddison or Helena Blakemore into alleged harassment and bullying by the Claimant. We reject this factual allegation.
65. On 29 November 2016, the Claimant emailed Andy Rees, Training and Learning Director, thanking him for a mentoring session, which she said was "once again very useful" [397].
66. Simon Miles peer reviewed the Claimant on two occasions – in November 2016 and in February 2017. He recorded his comments in writing [392-394]; [424-426]. His comments following the February observation were added to the same document recording his earlier observation in November. These comments were balanced in that they were largely positive but contained some constructive advice to guard against favouritism. We do not accept that Mr Miles added criticism at Stephen Maddison's request, as the Claimant alleges. There is no evidence to support the Claimant's contention that the original report containing excellent feedback was changed to add criticism [issue 2(n)]. Mr Miles was not cross-examined. His unchallenged evidence is that the entire feedback in his observation report was his own. Although the Claimant alleges she was treated differently in this respect from Terry Bailey, a white colleague, Mr Miles did not peer review Terry Bailey (see Miles witness statement para 19) when he joined the staff at a later point, in January 2019.
67. On 6 December 2016, one of her lectures was observed by Dr Maddison. He did provide her with written feedback about how she had performed [410]. It is not true that no written feedback from provided about this lecture, as the Claimant alleges [issue 2(l)]. The feedback noted positive aspects of the lecture together with areas for improvement. The Claimant sent a lengthy email response on 3 January 2017 [412]. At least in part, she agreed with Dr Maddison's observations. There was a further exchange about one aspect of the class, in which the Claimant reflected "I need to probably slow down a bit ... ie give myself time to think and allow time for students to answer" [411].

68. There was no decision made in December 2016 following this observation by Dr Maddison to extend the Claimant's probationary period further **[issue 2(m)]**. It was not due to be reviewed until January 2017. In the event the probation was reviewed in February 2017, one month later. As a result, and in any event, we reject the allegation that students were told in December 2016 by Tessa McWatt about the Claimant's probationary period being extended **[issue 3(i)]**. If students found this out, it is far more likely to have occurred because the Claimant shared this confidential information with her students, given that she had chosen not to respect professional boundaries in other respects.
69. In February 2017, Stephen Maddison reviewed the Claimant's performance and confirmed she had passed her extended probation period **[368]**. He noted on the probation review form that he, Andy Rees and Helena Blakemore (as Programme Leader for Creative & Professional Writing) had supported the Claimant's development during the first term of the 2016/17 academic year. All three had formally peer reviewed her teaching. He commended her for the improvements she had made in the organisation of her teaching practice. Given this improvement and in the absence of any student complaints of the kind noted in previous probation reviews, he noted he was happy to sign off her probation. He added that this sign off was conditional on her successfully completing her PGCert qualification.
70. Stephen Maddison met with the Claimant on 28 March 2017 to review his February 2017 comments and conclude the probation process. The Claimant complains about the time it took to sign off her probation period **[issue 2(o)]**. Given the legitimate concerns about the Claimant's control of her students during lectures, there were certainly sufficient reasons to have extended her initial twelve-month probation period. The Tribunal accepts that this was standard practice in these circumstances.
71. We do not find that the Claimant was told by Jacqui Mitchell (Lecturer and Head of Foundation Programme) on 20 April 2017 that she did not fit within the creative writing team and was encouraged to leave **[issue 2(p)]**. There is no evidence that Ms Mitchell ever taught alongside the Claimant. Although we have not heard evidence from Ms Mitchell, the Claimant names Ms Blakemore as present when this comment was made. It is likely she would have remembered Ms Mitchell making such a comment if it had been said. She has no such recollection. We reject this factual allegation.
72. We reject the Claimant's assertion that in April 2017 Ms Blakemore tore up the coursework of one of the BAME students in front of her peers. This was not witnessed by the Claimant and is denied by Ms Blakemore.
73. On 2 May 2017, the Claimant was one of the recipients of a group email from Tessa McWatt about the forthcoming annual Write Now event, showcasing the talent of student work **[430]**. Ms McWatt was organising the 2017 event. The Claimant alleges she was excluded from working with the organisers and was not asked to participate in the event **[issue 2q]**. There is no evidence that the Claimant

had ever asked to become more involved in the organisation of this event. As this was a showcase for student talent, it was not necessary for her to have a central presentational or organisational role.

74. In June 2017, the External Examiner approved all the marks allocated to students on the courses that the Claimant was teaching. Tim Atkins sent the Claimant an email response to her question about this, to reassure her all was well [444]. Although the Claimant alleges she was initially excluded from the External Examiner's feedback [issue 2(q)], she accepts she did get a copy on 6 June 2017. We do not accept that Ms Blakemore told her to be quiet when she queried the detail in the feedback. She did not complain about being excluded from discussions with the External Examiner until her written grievance on 16 October 2018 [804], over 16 months later.
75. We do not accept that the Claimant was excluded from any lunch meeting with the External Examiner in June 2017. The Claimant has not referred to any contemporaneous documents to support her contention. Further there was no evening dinner with the External Examiner in 2017.
76. The Claimant was signed off work on 14 June 2017 with stress and anxiety. It is unclear when she returned to work.
77. On 27 June 2017 [446], the Claimant was referred to occupational health. On 11 July 2017, her fitness to work was reviewed by Del Basi, Head of Health and Safety. He is a Sikh of Asian ethnic origin. The Claimant received the draft occupational health report on 12 July 2017. It noted the Claimant's concerns and recommended that the Claimant's concerns about inappropriate behaviour from staff and students should be investigated. The Claimant was encouraged to use the support available from her GP and the Employee Assistance Programme, to continue to exercise, and to raise any concerns about colleagues or students with Senior Management.
78. The Claimant alleges that during this occupational health assessment, Mr Basi stated that the Claimant "did not fit in" and told her she should get an administrator's job [issue 2(r)].
79. On 18 July 2017, the Claimant emailed Mr Basi complaining about the content of the occupational health report, given her recollection of what had been discussed during the meeting. It is striking that the allegations now being made in these proceedings about what Mr Basi is claimed to have said were not contained in the Claimant's email to him [462]. Given this notable omission, we reject the Claimant's assertion as to what was said by Mr Basi. We accept Mr Basi's evidence on this point, namely that he did not make the alleged comments.
80. The following day, on 19 July 2017, Mr Basi emailed to clarify what had happened at the occupational health assessment. He stated he would not be editing the report he had prepared in relation to the Claimant's health. There was no need for him to

refer the Claimant to an external specialist as all her issues “appear to relate to staff, student and management relationships”.

81. The Claimant did not consent to the report being released to UEL, but only its recommendations.
82. Mr Basi is a Sikh of Indian origin. As a result, he shares the Claimant’s ethnicity in relation to her national origin. **Issue 2(r)** was originally an allegation of race discrimination against Mr Basi. As a result of the Claimant’s successful amendment application, that allegation is now re-characterised as an allegation of sex discrimination. There is no evidence as to how Dr Basi would have treated a man in equivalent circumstances.

Academic year 2017/18

83. In about September 2017, Dr Sheila Preston took over from Dr Maddison as Head of Department and the Claimant’s line manager. The Claimant alleges that during September 2017, Dr Preston told her she did not fit in, which the Claimant interpreted was said because of her race [**issue 2(s)**]. She says she was so upset about what Dr Preston said to her that she raised it with Alison Bell in HR. Ms Bell has no recollection of such a conversation and did not keep a record of any such allegations. We consider it inherently implausible that Dr Preston would make such a comment during her first meeting with the Claimant. Although we have no evidence to contradict the Claimant’s assertion, it is not supported by any of the contemporaneous documents. It is not an allegation that the Claimant chose to include in her formal grievance lodged in October 2018.
84. In September 2017, Ms McWatt handed over responsibility for organising that academic year’s Write Now event to the Claimant. This change was made because this event was the culmination of the Writers World module for which the Claimant was now the Module Leader. Second year students were expected to take the lead in planning producing and the management of the event, including commissioning contributions [**1029**].
85. Around November 2017, there was a problem with the temperature in one of the teaching rooms, namely room EB144. It was particularly cold. We accept that the Claimant would on occasions have taught in this room as would other members of staff. Ms Blakemore contacted Estate Services several times asking for the problem to be fixed [**483**]. This was originally said to be an act of harassment on grounds of the Claimant’s race [**issue 3(k)**]. In the course of cross-examination, this allegation was withdrawn.
86. The Claimant alleges there was a meeting on 21 November 2017 between Dr Maddison and the Claimant at which Dr Maddison where he spoke to her in a condescending way and the meeting lasted only two minutes. We accept that the Claimant emailed Dr Maddison on 16 November 2017 seeking a meeting. We are

unable to make any specific findings about what took place during any meeting as there were no follow up emails after such a meeting took place.

87. In December 2017, there was a meeting to discuss the creation of a Liberal Arts programme. The meeting was attended by all who were interested, including English literature staff. The Claimant was present. This was the culmination of email discussions which had started in October 2017, also involving the Claimant. The Claimant alleges that during the December 2017 meeting she was laughed at, humiliated and stonewalled. This is **issue 3(j)** which has been incorrectly dated December 2016 in the list of issues (ie a year earlier). In an email to Sheila Preston on 5 December 2017 [482] she referred to this meeting, describing it as “so negative” and saying: “I felt quite unwelcome”. It is likely that there was an exchange of views during the meeting as to the wisdom of such a new programme, with some speaking in favour and some against. It may well be that some disagreed with the views expressed by the Claimant. This may have made her felt uncomfortable and unwelcome. However, the Tribunal does not accept that those present at the meeting chose to stonewall her, humiliate her or laugh at her.
88. On 25 January 2018, Simon Miles received an email from the Claimant saying she had asked another lecturer to peer review her instead of Mr Miles [569]. She did not explain why she had done this. Mr Miles affected to be shocked and upset in the way he worded his email response.
89. Around the start of February 2018, the Claimant was unable to teach one of her Writers World sessions. She asked Mr Miles to cover for her, which he agreed to do. As he was going to take the lecture, Ms Blakemore asked him to get an updated on the progress of The Galleon, the yearly anthology of student work. The student feedback was that preparations were going fine, which Mr Miles relayed to Ms Blakemore.
90. On 19 February 2018, the Claimant submitted a grievance against Simon Miles. She summarised her grievance as a complaint about “harassment and undermining my authority with students”. She had discovered that Mr Miles had asked students for their comments about their progress on The Galleon. She interpreted this as undermining her authority. This grievance did not allege discrimination.
91. Professor Suzanne Dixon, Head of Department (Media, Fashion and Communication) was appointed to investigate the Claimant’s complaint. The meeting was originally scheduled to take place on 27 February 2018 but this was rearranged for 22 March 2018 when the Claimant was able to attend [513-515]. On 12 April 2018, the Claimant emailed Professor Dixon to say she had decided to go down the informal grievance route, on certain conditions [531]. There was a follow up meeting between Professor Dixon and the Claimant on 25 April 2018 [530]. We do not find that Ms Dixon was unwilling to meet with the Claimant [issue 6(c)]. Nor do we find that Ms Dixon commented “I worry about what is going to happen to you now that you have stated this grievance”. There is no contemporaneous evidence

supporting such a contention and it is an inherently unlikely comment from the person conducting the grievance investigation.

92. The Claimant alleges that in Term 2, 2018, the Claimant raised bullying and racism against herself and BAME students with Alison Bell in HR but these concerns were not dealt with and she was given no support **[issue 6(b)]**. There are no contemporaneous documents supporting such an allegation. Having heard evidence on this point from Alison Bell who denies that such concerns were raised with her, we find that no such concerns were raised. Accordingly, this complaint is factually misconceived.
93. Whilst the grievance against Simon Miles was still in progress, on 26 April 2018 the Claimant emailed Ms Blakemore complaining about Facebook posts made by students which were apparently commenting on her teaching **[565]**. She raised this with Ms Blakemore who responded that she had not seen the Facebook posts herself. She said they must have been made in a Facebook group to which she did not have access, adding “otherwise I would have done something”. She said the Claimant would need to take this up with Sheila Preston as her line manager and suggested she forward her email of complaint to Dr Preston that day. In her reply, the Claimant said “I will go to HR – I guess ... I would go to Sheila – but I’m not comfortable doing this”. She did not explain why she was not comfortable asking her line manager to deal with this. The Claimant alleges she received no support from UEL “following a campaign of consistent hostility from students”. The List of Issues names the students she considered responsible but does not name any UEL employees **[issue 2(d)]**.
94. On 8 May 2018, the Claimant emailed Alison Bell asking why the outcome of her grievance was taking so long. She confirmed she would like the matter to remain informal **[582]**. She asked specific questions, namely the identity of the manager who had asked Simon Miles to discuss The Galleon with students and asked to see the notes Mr Miles was making during the class. Professor Dixon responded with her comments the following day **[583]**. She said she did not consider that it was appropriate for the Claimant to see Mr Miles’ notebook for the session if the grievance was to be resolved informally. That was the outcome – the Claimant’s grievance was resolved informally.
95. On 9 May 2018, Alison Bell met with the Claimant to discuss her current concerns. Following the meeting, Ms Bell met with Dr Sheila Preston, the Claimant’s line manager to provide a brief outline of the main concerns **[599]**. Ms Bell also sent the Claimant an email itemising the seven concerns that the Claimant had raised. As she was concerned about the Claimant’s health, she gave her information about making a self-referral to occupational health. The Claimant had told Ms Bell she was reluctant for a management referral at that point. She also mentioned the employee assistance helpline. She concluded her email by saying that Sheila would urgently like to meet with the Claimant to discuss her concerns, and see how she could provide support, and would be in contact.

96. The Claimant alleges that Alison Bell, HR Business Partner, did not deal with her concerns when she raised them with HR and did not provide her with support **[issue 6(b)]**. The basis of this allegation is unclear. It is not supported by the evidence, which indicates that Ms Bell provided substantial support and assistance. She also complains about the conduct of Suzanne Dixon in responding to the Claimant's grievance against Simon Miles **[issue 6(c)]**. Her allegation alleges that Professor Dixon was unwilling to meet with the Claimant and yet commented "I worry about what is going to happen to you now that you have stated this grievance in an attempt to frighten her". This is unsupported by any evidence in the Claimant's witness statement. There is no evidence of any delay on Professor Dixon's part in dealing with the Claimant's grievance, or that she was unwilling to meet with the Claimant. Nor is there any evidence that Professor Dixon made comments attempting to dissuade her from pursuing her grievance. Accordingly, this factual allegation is rejected.
97. Sheila Preston met with the Claimant on 23 May 2018 to see how she could address the Claimant's concerns. Following this meeting, specific Action Points were agreed with the Claimant **[601-603]**. One of these action points was that Dr Preston would refer the Claimant to occupational health. The Claimant's response, sent the same day, was "Thank you for your time and for listening to me" **[601]**.
98. On 25 May 2018, the annual Write Now event took place. The Claimant had previously submitted her budget for the Galleon and the Write Now event back in March 2018. There is no indication that the budget the Claimant had requested was denied or scaled back in any way **[507]**. As the Module Leader for Writers World, it was appropriate for the Claimant to be involved practically in enabling the event to happen even if this required her, with help from others, to move furniture to set up the event. She was involved in this event, contrary to the Claimant's assertion in **[issue 3(q)]**.
99. The event did not go as smoothly as had been hoped. The reason given by David Ring, Head of Technical Resources, in an email on 7 June 2018 **[664]**, was that the Claimant came to him the day before the event without a clear idea of what she wanted to achieve.
100. On 31 May 2018, Dr Preston attached a letter referring the Claimant for an occupational health assessment. She asked the Claimant to check the referral letter confirm she was happy for the Claimant to send it. Although the Claimant responded that day, she did not specifically comment on the draft letter to occupational health. She said she appreciated she needed counselling asap and thanked Dr Preston "for arranging it" **[624]**. We presume that this was thanking Dr Preston for making the occupational health referral that could recommend counselling. This again indicates that Dr Preston was trying to support the Claimant and the Claimant was thanking her for doing this.

101. Also on 31 May 2018, Ms Blakemore wrote Dr Preston a lengthy email raising her concerns about the Claimant's conduct, which she said had been keeping her awake. She ended the email:
- “I am really very unhappy about all this, as I'm quite sure you know. I am uncomfortable at work, I am concerned about the students on the programme, I am concerned about how I'm going to organise teaching for next year. And on it goes ... I thought it appropriate to let you know” **[622]**
102. On 5 June 2018, the Claimant emailed Ms Blakemore complaining about the amount of work involved in producing The Galleon anthology and organising the Write Now event. She suggested that Tessa McWatt should organise the Write Now event in future years **[642]**. In the event, work on both The Galleon anthology and the Write Now event was allocated to Wes Brown for 2018/19 **[786]**.
103. At 09:23 on 30 May 2018, the Claimant emailed Dr Preston asking to take her working days in July as holiday **[663]**. She added that she needed to know asap as she was flying out to Vietnam and the “flight has to be booked very quickly”. Dr Preston responded at 10:41: “These days look fine but you will need to add them to itrent.” At 10:42 the same morning, Dr Preston asked those in her department to send her their clearing cover plans for mid-July and August. She stated she could not approve leave until she knew that there was a cover plan in place **[654]**. This is because lecturers on the same programme were expected to liaise with each other about annual leave dates during the summer vacation to ensure that there was sufficient cover.
104. The Claimant's response on 1 June 2018 was that she was away for four weeks during July **[650/1]**. She stated that she would be flying out to Vietnam on 2 July 2018. This was during a period when she was due to be marking student papers. This marking needed to be completed before the annual assessment boards, which staff members were expected to work around. The Claimant had assumed her marking would automatically be covered. She had not scheduled enough time to mark the coursework herself nor had she organised cover arrangements. Ms Blakemore mentioned these difficulties to the Claimant at the start of June 2018. An extended exchange of emails included the Claimant saying “I am happy work around it and I have found the solution. I don't have to be at my desk to mark” **[635]**.
105. The Claimant emailed Dr Preston and Helena Blakemore, on the same day, 5 June 2018, copying in Tessa McWatt. She stated that she had originally been told that her holiday dates were agreed. As a result, in May 2018 she had bought a £1000 ticket to spend three weeks in Vietnam. She had now been told that she could not take leave because of the dates of resits. She said that this was “totally unacceptable”. She said that she would find an internet café and mark the work on her holiday. She then included the following wording:

“I find your approach unhelpful, unprofessional and with your constant belligerent attitude towards [me] you have left me no choice but to take this further. You have behaved towards me in this manner from the day I started at UEL and it is having a negative effect on my health”

106. Dr Preston responded that whilst she had agreed her holiday dates, it was not her responsibility for organising the Claimant’s work programme, which was her responsibility. She noted that the assessment dates had been in the calendar for a “long time”. She said that Dr Blakemore had not changed her mind about holiday dates and was reminding the Claimant of the dates of the resit boards. She ended her email as follows:

“You are making public allegations over the email. Please can you stop doing this. I understand that you are feeling distressed and frustrated but it’s not okay to do this. Please do address your concerns to me. I am becoming very concerned about the ongoing relationship between Helena and yourself and am considering the next steps – it is likely that I will be recommending either mediation or a three-way meeting between yourselves and me” **[649]**

107. Ms Preston forwarded the email chain to Alison Bell and to Simon Robertshaw for information.
108. The Claimant alleges that the messages sent to her about whether she could take her holiday in Vietnam were aggressive **[issue 3(I)]**. We do not find this to be the case. The Claimant was upset that she was expected to complete the work during a period when she was on prebooked holiday. However, the tone of UEL’s emails was appropriate in circumstances where the necessary marking needed to be covered by set deadlines.
109. On 5 June 2018, Dr Preston emailed Ms Blakemore to suggest either mediation with an external ACAS approved mediator or a four-way meeting between Ms Blakemore, the Claimant, Dr Preston and Professor Robertshaw **[647]**. Given the Claimant’s refusal to engage in mediation the previous year, Ms Blakemore expressed a preference for the second option. In the event, the Claimant did not agree to engage in either process in an attempt to restore relationships. Rather, the same day, she indicated she would be bringing a formal grievance against Ms Blakemore **[656]**.
110. On 11 June 2018, Ms Blakemore emailed Sheila Preston, commenting on the unsatisfactory organisation of the Write Now event. She noted the Claimant did not appear to have the experience and expertise of organising events that she had suggested at interview. She also recorded that the Claimant wanted to pass Write Now to either Tessa McWatt or to herself **[664]**.
111. Also on 11 June 2018, the Claimant asked Ms Blakemore to send her the External Examiner’s reports for the last three years. Ms Blakemore responded that day, saying that although she did not have individual module reports from the External

Examiner, she was attaching the reports that she had. We do find that there was any culpable failure to provide External Examiner feedback in 2018 **[issue 2(q)]**

112. The Claimant and other members of the creative writing team were invited to attend a meeting with the External Examiner on 14 June 2018 **[713]**. The Claimant was told of the date and venue of the meeting. Email correspondence from Ms Blakemore suggested a time of 1.30pm but added that the Claimant was more than welcome to meet with the examiner at any time. Simon Miles had arranged to speak with the examiner about his modules and the Claimant could have done the same about her modules. The Claimant is wrong to allege that she was excluded from this meeting **[issue 2(t)]**.
113. The Claimant had been asked to attend an Exam Board meeting on 15 June 2018. It was expected that all module leaders would attend such a meeting, even if it was scheduled to take place on a non-working day for them. She would be given an alternative non-working day. The Tribunal does not accept that the Claimant was pressurised into attending this meeting as the Claimant alleges **[issue 3(m)]**.
114. The Claimant alleges she was given an excessive workload in June 2018 for the following academic year **[issue 2(u)]**. The duties assigned to each lecturer were recorded in an ADI Workload Allocation for each academic year. As the Claimant was engaged on a 0.6 FTE basis, she was assigned 960 hours of work annually. This was recorded on an AWAM, which broke down the allocated hours between different responsibilities. She complained about her workload to Alison Bell in an email on 5 June 2018, which she said was “far beyond that of a 0.6”. Ms Bell responded on 7 August that she was unable to comment on workload issues, which she should raise with her line manager (Sheila Preston) or with Simon Robertshaw. There is no detailed evidence from the Claimant explaining why the Workload Allocations she was given for 2018/19 were excessive, by reference to the relevant AWAM **[1384]**. In her subsequent written grievance, lodged in October 2018, she did not specifically complain of an excessive workload. In fact, she complained that Ms Blakemore “had put forward the argument I have too much to do” and was refusing to allow her the opportunity to teach dissertations. We do not find that the Claimant has established she had an excessive workload during the academic year 2018/19.
115. As part of the same workload issue, the Claimant alleges that she was not allowed to hire an Iranian poet, Golnoush Naroup, an hourly paid lecturer, in June 2018, to assist with her workload. For the following academic year, the Claimant was due to be teaching the Adaptation, Form and Practice Module. This was split into two halves – the first half focused on film, which was within the Claimant’s expertise. The other half focused on poetry and was allocated by Ms Blakemore to Anna Robinson, given her expertise in poetry. There was no obvious vacancy for Ms Naroup to fill during 2018/2019. In 2019/20, Ms Robinson was unavailable to teach some of her poetry classes during March 2020. Ms Naroup was asked to teach those classes at that point.

116. The Claimant left for her holiday in Vietnam on 2 July 2018 as originally booked. She worked remotely from Vietnam, completing the required marking and submitting it to the relevant member of UEL's staff.

Academic year 2018/19

117. On 1 August 2018, the Claimant was appointed to the role of Senior Lecturer. This was a change of title, but it did not substantially alter her role. She was notified of this in a letter dated 20 September 2018 from Alicia Andrew, HR Assistant. The letter also told her she would be working in the Department of Media, Fashion and Communications. This was the name of the new Department to which the Claimant had been assigned as a result of a wider rebranding which changed UEL's structure from "Schools" to "Colleges". The names of several departments changed. The changes affected everyone working in those departments, not just the Claimant. The Claimant had not had prior notice of this change of name, nor had she been consulted before the change took effect. There is no evidence that there was formal consultation with other lecturers in equivalent positions, but not with the Claimant. We accept the evidence of Alison Bell that there was no consultation with any staff as it was considered that there did not need to be.
118. The Claimant continued to be part of the Creative Writing programme and subject to the same line management structure. She replied to Alicia Andrew on 2 October 2018 saying that she had just noticed that the letter said she was part of the Media and Communications Department. She said that she was actually in Performance, Writing and Music and asked for this to be corrected. The Claimant says there was no response to her email. There is no email response in the bundle. We accept that the Claimant did not receive a response.
119. The change in the name of the Claimant's Department was not because Professor Robertshaw did not want to manage or deal with Ms Blakemore's "aggressive behaviour" as the Claimant alleges (Claimant's witness statement para 99) **[issue 2(v)]**.
120. Shortly thereafter, Sheila Preston left UEL's employment, and Professor Simon Robertshaw became Acting Head of Department in addition to his substantive role as Dean of School of Arts and Creative Industries. At around this time a Programme Review was instigated across the university. This review was mandated by UEL's Vice-Chancellor. It involved the creation of new 20-credit modules to replace old 30-credit ones. This meant that each module needed to be rethought and restructured. It also provided the opportunity to introduce new modules.
121. The Tribunal does not find that the Claimant was asked to take on an excessive workload during the 2018/19 academic year **[issue 2(u)]**. Although she remained Module Leader for Writers World, Ms Blakemore asked Wes Brown in September 2018 to work on The Galleon and Write Now, which were part of the Writers World

module [786]. She was also supported by Anna Robinson on the poetry half of the Adaptation module.

122. The Claimant alleges that she had a meeting with Simon Robertshaw on 11 September 2018 to discuss her relationship with Helena Blakemore. She says that she asked to go full time and this request was denied (witness statement paragraph 97). We do not find that this request was made. It is inconsistent with the contents of the Claimant's email to Professor Robertshaw dated 19 September 2018, where she asked to increase a day a week (ie to work four days a week, not five days a week); and made no reference to any meeting that had taken place just a week earlier.
123. The Claimant alleges that Ms Blakemore subjected her to abusive language during a meeting on 19 September 2018 held to discuss the module handbook. The Claimant claims that Ms Blakemore was saying "it is clear you do not understand", grinding her teeth and becoming abusive [issue 3(o)]. It is probable that there was a discussion between the Claimant and Ms Blakemore at around this time to discuss the module handbook. This was part of her role as Programme Leader. It is also likely that there would have been some disagreement about the content of the Claimant's module, given the difficult working relationship between the two of them at this point. On the balance of probabilities, we find that she probably did say "it is clear you do not understand". We do not accept that Ms Blakemore ground her teeth as the Claimant alleges. This allegation is not referenced in the contemporaneous documents. Nor do we accept that she was in any way abusive.
124. The Claimant alleges that on both 20 September 2018 and 16 October 2018 her emails were ignored by Professor Simon Robertshaw; and this was an act of direct sex discrimination (issues 4(a), 4(b) and 4(c)). Professor Robertshaw accepts that he may have failed to respond to some of the Claimant's emails, given the high volume of emails he received in his role as Dean, as well as Acting Head of Department. It is unclear to what extent Professor Robertshaw failed to respond to emails sent by others at around this time.
125. The first of the emails to which the Claimant refers appears to be an email dated 19 September 2018 headed "The Galleon and Write Now" [786]. This was a lengthy email which covered a range of topics. The format made it difficult to identify exactly what help was being sought. It did ask him to give her an "extra day" (by implication to increase her hours from three to four days each week) "as this would help me to become more embedded in the wider UEL world". Given Professor Robertshaw's concession that he did fail to respond to some emails, we think it likely that this was one such email. He ought to have replied – at the very least to acknowledge receipt and to redirect her if others were better placed to deal with the issues she was raising.
126. The email dated 16 October 2018 [797] appears to be an email sent by the Claimant to Professor Robertshaw headed Final Draft, timed at 1:31pm. It suggested that students should be provided with a software package called "Final Draft". The Claimant says this email was also ignored [issue 4(c)]. It does not

request any response or action from Professor Robertshaw. Rather it ends “let me speak to lonel and see why we have to keep renewing every year”. From the documents shown to the Tribunal, this appears to be the end of the email exchange. Whilst Professor Robertshaw does not respond to the Claimant’s email, it not an email that required a response. We do not consider that this failure to respond amounts to any detriment to the Claimant.

127. On 11 October 2018, Professor Robertshaw conducted a PDR with the Claimant. The Claimant alleges that Professor Robertshaw asked her personal questions such as where she lived and if she had any children **[issue 5(a)]**. One of these alleged questions was what her father did for a living. Given that the Claimant was aged 50 at the time, this is an unlikely question for her to be asked about her father. We accept that there may well have been small talk at the start of the PDR meeting, particularly given that this was the first such meeting where Professor Robertshaw was her line manager. We do not accept that the questions asked, viewed objectively, were in any sense inappropriate for the context.
128. There is a factual dispute as to whether the Claimant asked Professor Robertshaw in October 2018 if she could work on a full-time basis or increase her hours. The Claimant says she made this request both in her PDR and in a subsequent email to which she did not receive a response. This email is the email dated 19 September 2018 **[786]** which includes the following sentence: “I wonder if you would give me an extra day – even if this is temporary as this would help to me to become more embedded in the wider UEL world. I was going to ask during my PDR”. Given this wording, the Tribunal rejects her contention that she raised this issue during her PDR but accepts she did raise the issue in her email to Professor Robertshaw of 19 September 2018. This was the email to which Professor Robertshaw failed to respond. We accept his explanation that this was because of the pressure of work that he was under at the time, combining his substantive post of Dean with that of Acting Head of Department **[issue 4(b)]**.
129. The Claimant did not apply for the full-time role of Programme Leader when it was advertised in Autumn 2018. This was a role which combined the role of Programme Leader with teaching responsibilities. That was why it was designated a full-time role.
130. On 16 October 2018, the Claimant submitted a formal grievance primarily against Helena Blakemore **[799]**. The grievance extended over 13 pages and summarised the nature of her complaint at the outset as follows:
 - for harassment and discrimination against me;
 - her aggressive and bullying behaviour towards me;
 - her continuous undermining of my authority with students;
 - for preventing me from managing my modules;
 - for not allowing me to contribute to the progression and development of the course and the students;
 - for preventing me from having a say in what I teach

131. The timespan of the Claimant's allegations was from early in the Claimant's employment in mid-2016 until the date of the grievance, around two and a half years later. She had first threatened to bring such a grievance on 5 June 2018 [634]. The grievance made various allegations of unprofessional behaviour against Ms Blakemore, accusing her of bullying and harassment based on the Claimant's racial origin. Allegations of race discrimination were also made against Stephen Maddison and other members of staff. It also blamed Tessa McWatt.
132. The outcome sought was that she would have a new line manager who had no history or knowledge of her past with Helena. She wanted Helena to be removed from a Creative Writing Programme. She wanted Helena to be formally disciplined and did not want to communicate with her. Finally, she said she wanted UEL to support her to do a PhD.
133. Although ordinarily an investigation into such a grievance would be conducted by Professor Robertshaw as Acting Head of Department, the Claimant had requested for this to be done by someone outside the department. Accordingly, Professor Fawad Inam was appointed to investigate the Claimant's grievance. His employment with UEL had started on 1 September 2018 as Professor in Mechanical Engineering and Head of its Engineering and Construction Department. He had been a British citizen since 2015, though was of Pakistani national origin and a first-generation immigrant. He did not know either the Claimant or Ms Blakemore, although he and the Claimant had attended the same suicide prevention workshop on 15 October 2018 the day before the grievance was submitted. His attendance at the workshop was nothing to do with the fact that the Claimant had intimated three months earlier that a formal grievance would be lodged. The process was that Professor Fawad Inam would submit his findings to Professor Robertshaw, who would decide on the outcome of the Claimant's grievance.
134. Professor Inam held an investigatory meeting with the Claimant on 9 November 2018 and with Ms Blakemore on 27 November 2018. The meeting with the Claimant was attended by Kulbir Basra, the Claimant's sister. A representative from HR, Lorraine Kirkwood, attended both meetings. Professor Inam also spoke to Sheila Preston, Stephen Maddison and Andy Rees, as well as the Claimant's brother-in-law Robert Johnson. On 14 November 2018 Kulbir Basra wrote to Ms Kirkwood complaining about the conduct of the grievance meeting [861]. The gist of her complaint was that Professor Inam had asked the Claimant to provide evidence to support each of her complaints and had, in her view, remarked that there did not appear to be evidence for some of the grievances. She felt that this was prejudging the grievance process. She also asked "what is the next stage of the process and the timescale?" [861]. Ms Kirkwood responded with her comments on each of Ms Kulbir Basra's points [862]. In relation to the timescale, she wrote:

"The intention is to conduct the investigation as quickly as possible. As this is a complex case involving a number of incidents, it is important that Fawad conducts a thorough investigation. Unfortunately, due to availability resulting

from annual leave and workloads, this can take a little bit of time to complete. Please be assured that the investigation is being treated very seriously and we are working to ensure that the investigation meetings are being held at the earliest convenience of all involved so that Fawad can complete his report as soon as possible”.

135. She also explained why it had taken over three weeks to arrange the Stage One grievance meeting. She attempted to reassure her that UEL treated the investigation of any grievance seriously.
136. In late 2018, UEL advertised for a full-time position as Senior Lecturer and Programme Leader. The intention was that the successful candidate would take over from Ms Blakemore from September 2019 onwards. The Claimant did not apply. Dr Terry Bailey was appointed to the role with effect from January 2019 **[issue 4(d)]**.
137. The Claimant alleges that around November 2018 an hourly paid lecturer was brought on to teach modules that the Claimant had said she had wanted to teach. In particular, she argues that Anna Robinson was allowed to supervise dissertations before the Claimant and that Roberta Garrett was allowed to teach Life-Writing, which she had wanted to teach **[Issue 2(w)]**. Roberta Garrett had appropriate experience to teach Life-Writing, given that she had previously devised and taught a module entitled “Literature and the self” in 2018, which had a similar focus to Life-Writing. She had published multiple book chapters and articles on similar topics and had written two books containing chapters on Life-Writing and memoirs. UEL’s position is that teaching is allocated according to availability, interest and expertise. It is rarely possible to accommodate everyone’s preferred modules every year. We accept that this was the basis on which the Claimant was allocated particular teaching responsibilities.
138. Anna Robinson’s area of expertise was poetry, which was different to that of the Claimant, who was particularly interested in scriptwriting and Life-Writing. As a result, we do not accept that they would necessarily be in competition with each other to supervise the chosen dissertations of particular students.
139. On 14 November 2018, Ms Blakemore offered the Claimant the opportunity to supervise the dissertation proposed by a particular student. That student was proposing to draft a script for a documentary **[984]**. The Claimant responded on 9 January 2019. She started her email by apologising for the slow response. She wrote that whilst she was keen to start supervising dissertations, she would only do so from the beginning. She was not willing to assist this particular student at this point on their course. Ms Blakemore replied expressing her surprise at the Claimant’s position, explaining that supervisors were only allocated towards the end of term 1 based on a draft research proposal. Becoming a dissertation supervisor at that point would not involve her taking over the role of another supervisor. She said that other staff would supervise this particular student.

140. The Claimant has not referred to any other documents in November 2018 to support her contention that Anna Robinson was allowed to supervise dissertations before the Claimant **[issue 2(w)]**. Given the Claimant's unwillingness to supervise the particular student she had been asked to help in November 2018, we do not consider that preference was given to Ms Robinson.
141. The Claimant alleges that Professor Robertshaw committed an act of sexual harassment in not paying her expenses claim in December 2018 **[issue 5(b)]**. She specifically refers to reimbursement of the cost of theatre tickets. At the time, expenses needed to be claimed using a system called "Fraedom". There is a printout from this system at page **[1380]**. This records that the manager had approved reimbursement of a cash expense of £90 for theatre tickets for Level 6 students. The approving manager would have been Professor Robertshaw. It appears that this relates to tickets to see The Tell Tale Heart by Edgar Allen Poe at the National Theatre on 25 September 2018. For whatever reason, despite Professor Robertshaw approving payment of the expense in December 2018, there had been a delay in actioning this approval in that the Claimant was still chasing up payment in February 2019 **[1022 – 1024]**. We do not consider that this was the fault of Professor Robertshaw. Rather for whatever reason there was a delay in the system processing this approval to enable the Claimant to be reimbursed.
142. In January 2019, Dr Terry Bailey started in the creative writing team as a Senior Lecturer. His PhD thesis was a history of screenwriting manuals. In previous jobs he had been module leader or programme leader for various scriptwriting courses. It was anticipated he would take over the role of Programme Leader in September 2019. Because of this plan, there were regular meetings between Ms Blakemore and Dr Bailey to discuss the handover of responsibilities. The plan was that from September 2019, Ms Blakemore would be dividing her time between 0.5 FTE in the Creative Writing team and 0.5 FTE in the Quality Team. It was not appropriate for the Claimant to be invited to these handover meetings. Therefore, we do not find she was deliberately excluded from these meetings **[issue 4(e) – now withdrawn]**. Nor has the Claimant identified any information discussed during these meetings that she should have been given, which UEL failed to pass onto her. Insofar as the meetings discussed individual members of staff within the Creative Writing team, there would have been some reference to the fact of the grievance that the Claimant had brought against Ms Blakemore. We accept Dr Bailey's evidence that he was not told the details of the Claimant's grievance **[part of issue 6(d)]**.
143. The Claimant and Dr Bailey did meet on several occasions after Dr Bailey started, sometimes over coffee. We reject the Claimant's contention that Dr Bailey refused to meet with the Claimant over coffee, justifying this refusal by saying he had to be careful who his allies are. This contention was not put to Dr Bailey in the course of his oral evidence. It is rejected by Dr Bailey in his witness statement, which we accept.
144. The Claimant alleges she was excluded from a Fuel Event on 24 January 2019 **[issue 4(f)]**. There is various email correspondence on that date about

arrangements for a Fuel Event due to take place in early May 2019. There would no doubt have needed to have been planning meetings to organise such an event. Given that this was being actively discussed on 24 January 2019, we find it unlikely that there would have been a meeting on this date. We accept that around this time the Respondent may have failed to invite the Claimant to a meeting to discuss this forthcoming Fuel Event. He considers, and we accept, that this mistake was rectified and the Claimant did attend the event. Whilst the meeting dates are unclear, the Claimant's ongoing participation in the planning is confirmed by an email on 18 February 2019. In that email, the Claimant emailed Professor Robertshaw noting that although she had been invited to Fuel meetings last year and at the beginning of the current year, there had been an instance of her not being invited. Whilst commenting on the error, she apparently accepted Professor Robertshaw's apology and did not take any further issue with this. We find on balance that although her invitation was delayed to a particular meeting, she did in fact attend.

145. Professor Inam finalised his investigation report and submitted it to Professor Robertshaw on 8 February 2019. Given the extent of the allegations and the resulting investigations, as well as his other responsibilities, it had taken three months to complete his investigation from the date of the grievance hearing **[issue 6(d)]**. UEL's grievance policy stated that "grievances should be investigated expeditiously and without undue delay". It recommends that investigation officers seek to confirm their decision within 10 working days of the grievance hearing, though notes that this may not always be possible. It states "if it is not possible to respond by then the staff member should be given an explanation for the delay and told when a response can be expected" **[270]**. The Claimant was not given an explanation for the ongoing delay nor was she told when a response could be expected. In her oral evidence Alison Bell accepted that the Claimant should have been given updates on the likely timescale in accordance with the grievance procedure.
146. Professor Inam's report rejected all of the Claimant's complaints. He did not find evidence to support any of her allegations. He recommended that the Claimant and Ms Blakemore engage in mediation. Ms Blakemore was willing to participate, but the Claimant decided against this. Professor Inam also recommended that disciplinary action be taken against the Claimant and Ms Blakemore, for failing to communicate effectively and professionally.
147. On 14 February 2019, the Claimant emailed Professor Inam asking him why he was at the suicide awareness training. In response, he said he was not sure what exactly she was asking and offered to meet her for an informal coffee. He ended his email with a smiley face **[1171]**. The Claimant replied saying she thought it was good that they chatted. She too put a smiley face on her email response. It appears that Professor Inam overlooked this response. He only emailed back on 7 June 2019 offering to meet at 4.15pm on Wednesday, adding "apologies for the severe delay. I am embarrassed to be honest". The suggested meeting never took place. It is unclear why not.

148. Professor Robertshaw emailed the Claimant on 21 February 2019 to say that he had considered the grievance report and wanted to arrange a meeting to discuss the next steps. At that point, the grievance had not yet concluded. Professor Robertshaw, as the Claimant's line manager, needed to consider the contents of the report and arrange a meeting to discuss his decisions based on the findings. In his email, Professor Robertshaw said he had decided it would not be appropriate for the Claimant to face disciplinary proceedings **[1039]**.
149. The Claimant chose to appeal against her perception that her grievance had been unsuccessful, lodging her appeal on 21 February 2019 **[1033ff]**. This was set out in a closely typed two page long document. On 12 March 2019, Loraine Kirkwood said "as you have not yet met with Simon to conclude Stage 1, you do not yet have an outcome from the process on which to appeal. It is important that you meet with Simon under Stage 1 of the procedure in order for him to discuss the investigation report with you" **[1100]**. UEL's standard grievance process had been modified in order to accommodate the Claimant's request that the investigation be carried out by someone external to her Department.
150. On 7 March 2019, the Claimant was told her application for CAPA research funding of £1000 was unsuccessful. This decision was taken by a panel comprising Dr Dominic Hingorani and Dr Martin Heaney. They were co-Directors of the Centre for Applied and Participatory Arts (CAPA). The Claimant had previously been actively encouraged to apply by Martin Heaney **[1531]**. Dr Heaney subsequently gave a talk, in April 2021, on diversity, focusing on eradicating the gap in the awards given to those on UEL's Performing Arts, Creative and Media Programmes.
151. One of the successful candidates was Carla Trim-Vamben, a woman of colour who applied for funding to run workshops in hip-hop and urban dance. The Claimant asked to be told how she had failed to meet the CAPA aims. Dr Hingorani provided a brief summary in his email response and offered to discuss in person. In his email he said "in terms of my own practice, I am of Anglo-Asian heritage and have published widely on Asian Theatre in Britain" **[1048]**. Whilst her application was unsuccessful, she was permitted to put in an application. She was not excluded from applying **[issue 2(ff)]**.
152. The Claimant's emailed reply, sent to both academics said: "I disagree with a lot of things you have said". She further explained her dissatisfaction, adding "Anglo-Indian not exactly BAME...". Dr Hingorani's comment in a private email to Professor Heaney was "charming". Dr Heaney responded "Quite! Frankly I am shocked by her language and her questioning of your identity. Totally inappropriate. Well handled you!" **[1046]**.
153. On 3 April 2019, about four weeks after these email exchanges, Dr Hingorani forwarded the email chain to Kate Hodgkin. In her response she said that the Claimant's response was shocking in a number of ways. She wrote she had never known anyone respond like this – not even the quarrelling about the outcome, never mind the personal jibes. I'm sorry you got exposed to this" **[1045]**.

154. Dr Hingorani forwarded this extended email chain to Simon Robertshaw on 10 April 2019, commenting that the “language and response” from the Claimant “was not appropriate”. He added that “while I may be able to manage this type of communication – which was rather personally upsetting – others may not”. He asked if someone could speak to the Claimant to indicate that this was not a constructive way for her to speak to her colleagues **[1044]**.
155. Over the weekend of 13/14 April 2019, the Claimant chose to leave her car at UEL’s Stratford campus overflow car park on Cedar Road. She had parked it there on 12 April 2019. The car parked is locked at night and over the weekend.
156. At around 3.30pm on Saturday 13 April 2019, it was reported that the car had been vandalised, in that the front and back windscreens had been smashed with a brick. On Sunday 14 April 2019, at about 2am, it was set alight. The emergency services were called. The London Fire Brigade who attended the fire took all property and documents out of the Claimant’s car, leaving them on the floor as they tackled the blaze.
157. Although there was CCTV footage over the car park, which was subsequently analysed, the footage did not enable UEL’s security team to identify the culprit. It did not show anyone entering the car park or the Claimant’s car. The conclusion of UEL’s investigation was someone had thrown a lit object over the fence onto the car, thus setting it alight.
158. When the Claimant was told what had happened, she told Sivakumar Jayaraman, Head of Security that she thought one of her colleagues was responsible for the damage to her car but did not provide any names. She did suggest to Wes Brown on several occasions and again to Roberta Garrett that she considered Helena Blakemore was responsible. In these proceedings, the Claimant maintains that the damage to her car was the act of one or more UEL employees and was an act of harassment related to her race **[issue 3(n)]**. She did not name Ms Blakemore as the culprit. There is absolutely no evidence to support the contention that either Ms Blakemore or any of the Respondent’s employees carried out this arson attack.
159. On 15 April 2019, Professor Robertshaw emailed the Claimant reporting that a colleague had received an email from her which they had found very upsetting. He suggested an informal meeting to discuss this correspondence and “have your view on the matter”. She had not agreed to attend such a meeting by 9 May 2019 when Professor Robertshaw chased for a response **[1109-1111]**. The Claimant queried the purpose of the meeting in an email on 10 May 2019. When this was clarified, she refused to meet to discuss this issue, or to discuss the status of her grievance appeal **[1123-1124]**.
160. On 25 May 2019, UEL held its annual Write Now event. The Claimant makes no complaint about the way this year’s event was organised.

161. The Claimant alleges she received no support from Alison Bell on 30 May 2019 when she raised concerns that she did not feel safe around Professor Robertshaw **[issue 6(e)]**. The Claimant did meet with Ms Bell on 30 May 2019. The meeting was arranged at the Claimant's request to discuss her refusal to attend a meeting with Professor Robertshaw to discuss the Claimant's email comment about Dr Hingorani and to discuss the outcome of the grievance. During the meeting, Ms Bell advised the Claimant that she needed to follow reasonable management instructions. She did not threaten the Claimant with disciplinary action. We do not accept that the Claimant's note of this meeting is contemporaneous or accurate. The purported record of what was discussed was added to a record of an electronic diary invite. It could have been added at any point subsequently. There is no evidence this note was ever sent to Alison Bell or any other person at the Respondent for their confirmation.
162. In particular we do not accept that the Claimant said it was common knowledge that Professor Robertshaw was sexist and racist. Had this been said, then we accept that Alison Bell would have remembered such allegations and would have taken them seriously. It would have been good practice for Alison Bell to have taken a contemporaneous note of this meeting, particularly given the subject matter of the meeting. We accept that the Claimant ended the meeting by indicating that she would be submitting a formal grievance against Simon Robertshaw. This was the Claimant's stated next course of action. Given this, there was no reason for Alison Bell to take further action herself at this point. We do not find that there was a failure by Ms Bell to support the Claimant during this meeting.
163. On 3 June 2019, Simon Robertshaw wrote to the Claimant expressing his disappointment that she would not agree to meet with him to discuss the outcome to her grievance against Ms Blakemore. He published the outcome of the grievance, which he rejected for the reasons given in the investigation report **[1158] [issue 6(f)]**. He confirmed again that there would be no disciplinary action against the Claimant. The Claimant's allegation that the grievance led to her suffering disciplinary action is factually incorrect [issue 6(d)].
164. The Claimant also alleges that although she tried to exercise her right to appeal, no appeal meeting has been held to date **[issue 6(f)]**. She had attempted to lodge an appeal on 21 February 2019 as stated above. This was premature, given that Professor Robertshaw had yet to conclude the grievance process, which required him to meet with her to discuss Professor Inam's report and decide on the grievance outcome. Lorraine Kirkwood in HR informed the Claimant by return that the next step was for her to meet with Professor Robertshaw to discuss the outcome and any actions he proposes. Once Professor Robertshaw had published his grievance outcome, the Claimant chose not to lodge any appeal against his conclusions. Therefore, there was no need for the Respondent to convene an appeal meeting.
165. The following day, 4 June 2019, the Claimant submitted a formal grievance against Professor Robertshaw, accusing him of discriminating against her in 21 different

respects [1159; 1160-1165]. The Pro-Vice Chancellor, Professor Hassan Abdalla, was appointed to hear this grievance.

166. On 12 June 2019, the Claimant had a meeting with Alison Bell and Terry Bailey to discuss her working pattern and timetable for the next teaching year. At that point, the Claimant appeared to have a good working relationship with Dr Bailey. Back on 20 March 2019, the Claimant had emailed him saying “I feel so positive. Let’s make multi-million pound movie together” [1399]. On 13 May 2019, the Claimant’s response to a message from Dr Bailey about training was “Thank you Terry THIS IS REALLY KIND AND DECENT OF YOU!” [1114]. In the 12 June meeting, the Claimant indicated her preferred teaching days and preferred course. There was a discussion about the practicalities of teaching her preferred subjects and on her preferred days, given the devise a timetable that worked best for students and staff. The Claimant was keen to teach on three consecutive days and wanted to stick with her current day, namely Tuesdays, Wednesdays and Thursdays.
167. The exam board meeting took place the following day, 13 June 2019. The Claimant was concerned that coursework from her students had been lost and so could not be marked. On 13 June 2019, Dr Bailey emailed the Claimant to tell her that all marks given for coursework had been approved at the Exam Board. He added “Please don’t worry – it doesn’t seem that any coursework has been lost”. He thought there may have been some confusion over how the coursework had been stored. He ended his email “it would seem that all is well”. The Claimant responded the following day to raise various issues. Later in the email she turned to the issue of the missing assessments. She acknowledged that there had been confusion and she had panicked. She added that “Of course I’m not accusing anyone of anything”.
168. Dr Bailey emailed the Claimant the same day saying that “all marks were approved today at the Board. Please don’t worry – it doesn’t seem that any coursework has been lost” [1188]. Professor Robertshaw also emailed to “check in” and make sure she was okay. He asked her to tell him she had got home safely given how distressed she had been. He offered a meeting to discuss the marking issue and suggested she use the Employee Assistance Provider, as well as agree to be referred to occupational health [1187]. A leaflet explaining the benefits of the Employment Assistance Programme was also sent to her by HR on the same day.
169. Following the 12 June 2019 meeting to discuss timetabling, Dr Bailey proposed an amended timetable in an email to the Claimant on 14 June 2019 [1198]. In an attempt to give her the three consecutive teaching days she wanted, and some of the modules she wanted, she was asked to work on Wednesdays, Thursdays and Fridays [1198]. This included teaching Life Writing in Term 1 on Friday mornings, which was one of the topics she was particularly keen to teach. She complains in these proceedings that on 19 October 2019 Natalie Garrett Brown denied her the opportunity to teach Life Writing [issue 2(z)]. This allegation is inconsistent with Dr Bailey’s email of 14 June 2019. Although her PDR in November 2019 suggests she was not allowed to teach Life Writing, we find that this is a reference to Term 2,

given that Term 1 was well underway by that point. She was able to teach Life Writing in Term 1 of the 2019/20 academic year.

170. This was the first occasion on which Dr Bailey was allocating courses between lecturers in devising the teaching timetable. We find he was seeking to best match the skills, interests, experience and availability of lecturers against the timetabled modules that needed to be taught. Creative Practice 3 was taught again by Wes Brown, who had taught the same course the previous year. As a published author, he was a suitable person to teach this particular material.
171. On 14 June 2019, the Claimant sent a detailed email to Dr Bailey. She complained about a change in the instructions as to the format in which coursework was to be sent to the External Examiner. She said she had panicked when it appeared to her that coursework had gone missing, although added "I'm not accusing anyone of anything". She said "I released all my fear when I saw Simon and then Suzanne. I'd like to thank both for being so kind on this occasion and putting my worry to rest" [1194]. This was a response to an email from Dr Bailey in which he had copied Simon Robertshaw and Suzanne Dixon. The Claimant's email was therefore being complimentary about treatment she had received from Professor Robertshaw, despite the ongoing allegations she is now making about him.
172. On 15 July 2019 the Claimant was signed off work. She remained off sick until 3 September 2019. The cause of the sickness absence was work related stress.
173. In August 2019, Terry Bailey took over the role of Programme Leader of the Creative Writing course from Helena Blakemore.
174. A referral was made to occupational health which resulted in an appointment on 22 August 2019 and a subsequent report dated 30 August 2019. The report listed all the current matters of concern. She told the OH advisor that she may consider mediation with her Head of School following communication of the outcome of the grievances. OH recommended that she be provided with specialist support. It noted that she was currently unfit for work; and a further OH assessment may be required to determine her fitness to work at the start of the Autumn Term in September [2958] – [2960].

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175. On 3 September 2019, the Claimant returned to work from her period of sick leave and emailed Alison Bell to confirm this. In response, Ms Bell asked the Claimant if she had seen her GP recently and if they had agreed that she was fit to return to work, and if they had suggested any adjustments. Given the contents of the previous OH report, she indicated that a further OH assessment might now be needed to confirm fitness to return to work. The Claimant attended a third occupational health assessment on 6 September 2019. The OH report was dated 11 September 2019 [1207].

176. She told the OH advisor she was anxious as a result of various workplace issues. The advice was she should discuss these issues with her line manager and/or HR. An early resolution of these issues was thought to be fundamental to the Claimant's mental wellbeing and her continued attendance at work. Although the OH advisor suggested referring the Claimant to an occupational health psychiatrist for specialist support, this course of action was declined by the Claimant **[1207]**. The OH advisor considered that the Claimant was currently fit for work and did not need any adjustments or modifications.
177. In mid-September 2019, the Claimant sent three texts. They were worded as follows:
- “Helena is teaching art and design – the most uncreative person ever!”
“Sorry sent in error”
“It meant to say the most creative person”
178. One of the recipients was Ms Blakemore herself. She referred them to her then line manager Simon Robertshaw and to Alison Bell in HR. She commented that “She is clearly covering her back” **[1245]**. This was a reference to the second and third text messages, which she regarded as an attempt to avoid criticism for what Ms Blakemore regarded a direct criticism of her. It appears to us that the first text message was sent to Ms Blakemore in error.
179. The Claimant alleges that on 24 September 2019 she was excluded from a first-year induction event **[issue 2(x)]**. The event was a meeting between the Creative Writing team and all the new students on the course. It was an opportunity for the students to meet their teachers and for the teachers to explain their particular responsibilities. It was the same type of meeting which was scheduled each year at the start of Term 1. There is no contemporaneous evidence that the Claimant was excluded from this meeting. We do not consider this likely. We accept Dr Bailey's evidence that the Claimant was present during this event. She became upset at one point and left.
180. In October 2019, Dr Natalie Garrett Brown joined UEL as Head of the Music, Writing and Performance Department and became the Claimant's line manager. She invited all those in the department, including the Creative Writing team, to meet with her on 2 October 2019 **[1393]**. This included the Claimant. Therefore, we reject the Claimant's contention **[issue 2(y)]** that the Claimant was excluded from the first meeting with the Creative Writing Team.
181. Dr Garrett Brown also arranged to hold a one-to-one meeting with the Claimant to discuss the text the Claimant had sent to Ms Blakemore. This was held on 17 October 2019. The result of the meeting was that the Claimant agreed to apologise to Ms Blakemore and did so in an email on the same day. Ms Blakemore's response was “Thank you for your apology”.

182. The Claimant alleges that on 19 October 2019, she was told by Natalie Garrett Brown that she could not teach Creative Writing 3 or Life Writing. **[issue 2(z)]**. There are no contemporaneous documents supporting such a meeting on this date. We do not find that there was any meeting on this date. It is likely that the Claimant is referring to her annual performance development review which took place on 12 November 2019 and is dealt with below.
183. In late October 2019, there were email discussions about organising a potential mediation between Ms Blakemore, Dr Bailey, Dr Garrett Brown and the Claimant. The Claimant was willing to participate in a team meeting headed up by Dr Garrett Brown to determine “boundaries of engagement”. She was unwilling to participate in a mediation if HR were involved, although suggested that it could proceed in her absence. In an email on 25 November 2019 sent to Dr Garrett Brown, she confirmed her unwillingness to mediate with Ms Blakemore adding “I’m afraid I cannot give you my reasons why” **[994]**.
184. On 12 November 2019, Dr Garrett Brown met with the Claimant to conduct her annual performance development review. The Claimant’s performance was assessed against her objectives set for the previous academic year. New objectives were set for the 2019/20 academic year. During the PDR there was a discussion about the modules that the Claimant had been asked to teach. The Claimant noted that she had asked if she could be Module Leader for Life Writing and Creative Practice 3 but both modules had been given to non-core members of staff. Dr Garrett Brown noted that decisions about allocation of modules were a balance between staff skills and interests, normal working days for fractional staff, contact hours allocation and timetabling across different year groups.
185. The Claimant was asked to work on developing a BA(Hons) in Creative Writing (Screen) with Dr Bailey **[1292]**. The Claimant was frustrated she had been informed of this decision in a team meeting, having previously told Simon Robertshaw she would like to work on Creative Writing and Illustration. She emailed Dr Garrett Brown to say she was going to raise this with Hassan Abdalla **[1292]**. In her witness statement, the Claimant alleges that non-Asian members of staff were given preference over the subjects they have been allocated to teach (at paragraph 151). There is no evidence to support such a contention apart from the disparity in ethnicity between members of the teaching staff. This is not one of the issues included in the List of Issues which we need to decide.
186. In November 2019, complaints had been made that one of the male students on the degree course had been watching pornography during lectures and masturbating. The Claimant was told about this by Roberta Garrett when the two of them had met over a coffee. The student was summoned to a meeting with Simon Robertshaw, the Head of School. This meeting took place on 19 November 2019. The student was challenged about his conduct. He admitted what he had done. He was told that he was not to have his laptop open during class and was not to touch himself inappropriately. Professor Robertshaw warned him that if this conduct occurred again, disciplinary action would be taken. He was offered health and wellbeing

support but refused [1289]. Ms Blakemore had a catchup meeting with the student on 28 November 2019. We find that action was taken against the student in question, contrary to the Claimant's allegation. The Claimant was told about the incident the day before Professor Robertshaw met with the student. This indicates she was told of what had happened very soon after complaints had first been raised. Although the Claimant continued to teach the student, as did all other lecturers who taught his classes, we do not consider that this was inappropriate given the steps that had been taken to address his behaviour [issue 3(p)]. There is no evidence that the behaviour was repeated. In March 2021, the Claimant later expressed her concern for the way other students were treating him during online lectures, by refusing to engage with him.

187. On 12 November 2019, Professor Abdalla wrote to the Claimant to arrange a grievance meeting to discuss her grievance against Professor Robertshaw. The Claimant had originally been told that her representative would need to be a colleague or trade union official. When the Claimant objected on 17 November 2019, UEL agreed to allow her to be represented by her sister [1331] [issue 6(f)].
188. On 20 November 2019, there was a meeting of the Creative Writing team. Dr Bailey accepts that there was a disagreement between Roberta Garrett and Helena Blakemore which created tension in the room. Whilst the Claimant, in her witness statement, alleges that Ms Blakemore slammed her pen so hard and violently by the Claimant's ear she was left shocked and refers the Tribunal to a document at page [1396] of the bundle, this document undermines the Claimant's evidence. It stated that "the slamming of the pencil cannot be corroborated ...".
189. On 27 November 2019 the termly Programme Committee meeting took place for the Creative and Professional Writing Grouping. As usual, it was attended by the academic staff and representatives from each year on the course. This was the first such meeting since Terry Bailey had started as Programme Leader. It was chaired by Peter Board. Although the Claimant's evidence complains about Ms Blakemore's behaviour during this meeting, conduct during the meeting is not included within the List of Issues. The Claimant chose not to dispute Mr Board's evidence by asking any questions of him in cross-examination. We do not accept that Ms Blakemore rolled her eyes in disgust every time the Claimant chose to speak during the meeting.
190. Minutes were subsequently produced from this meeting, based on notes taken by Peter Board during the meeting. [1311-1323]. They were not intended to be a verbatim note of what had been discussed, but instead to record feedback and action points. Mr Board circulated the minutes on 6 December 2019 but accidentally missed the Claimant off his distribution list. This was rectified on 10 December 2019.
191. The Claimant alleges that these minutes excluded positive feedback she had received from students during this meeting, recording only negative feedback (issue 2(aa)). The Claimant considered that an email sent by a particular student

which had been read out by Dr Bailey during the meeting should have been referred to in the meeting minutes.

192. In her email response dated 10 December 2019 the Claimant complained about being missed off the original email. She said this seemed to be “quite a regular occurrence”. She queried the accuracy of the minutes as follows:

“There were no level 5 students at the meeting – Terry relayed what was said by the absent via email – the feedback was positive but vague”

193. The relevant email apparently read out by Dr Bailey from a particular student was not specific to the Claimant’s classes although it had been copied to her. The positive comment was “Other than that, everything is going well, enjoying classes and are all feeling good about our work load”.
194. In his response to the Claimant’s email, Mr Board said he would like to “state very clearly that [he] will not accept this type of attitude towards [himself] or anyone else in the team”. He said that she seemed to be taking an unusual level of exception to whether or not a specific item of feedback was from a level 4 or level 5 student.
195. Notwithstanding Mr Board’s response, the Claimant continued to challenge the way she had been treated. Given her attitude, Mr Board arranged to speak to the Claimant’s line manager, Dr Natalie Garrett Brown, raising his concerns about her behaviour.
196. Mr Board checked the minutes and considered that the feedback given at the meeting had been accurately reported in the minutes, save that concerns may have been raised by Level 4 rather than Level 5 students. As his evidence has not been challenged, we have no reason to reject Mr Board’s stance as to the accuracy of the minutes. In any event, it is perhaps not surprising that the minutes did not include feedback from someone not actually present in the meeting, where the feedback itself was vague, as the Claimant herself accepted. They were minutes rather than a verbatim transcript of what was said during the meeting. Therefore, the Claimant’s factual allegation at **issue 2(aa)** is rejected.
197. The Claimant alleges that throughout 2019, Kate Hodgkin consistently cold shouldered her, ignoring her emails, not giving her any support for research and preventing her from conducting research work (**issue 2(ee)**). The allegation is refuted by Professor Hodgkin in her witness statement. Until the summer of 2019 she was the Director of Research. At that point her title became Director of Impact and Innovation. The Claimant chose not to question Professor Hodgkin, although she was willing to attend and be cross examined as required. As a result, the Claimant has not challenged her evidence; nor has she put to Professor Hodgkin any particular emails she argues went unanswered. In her evidence, Professor Hodgkin has pointed to certain email exchanges she had with the Claimant. She accepts that there may have been a couple of emails from the Claimant that went unanswered looking for suitable times to meet. We accept Professor Hodgkin’s

explanation that she overlooked these emails given that they arrived at the start of term which was a busy time.

198. In any event, the Claimant's contract with UEL was a teaching contract. She was not engaged to carry out research and had not been allocated additional time to do this. Along with other members of the teaching staff, the Claimant would have been notified about opportunities to apply for internal funding streams. In these circumstances, we reject the Claimant's criticisms of Kate Hodgkin.
199. The Claimant alleges that she made three requests for research funding in January 2020. There is nothing in her witness statement to support this allegation. There is no documentation supporting any research funding applications in January 2020. Therefore, we find that this allegation is factually misconceived **[issue 2(gg)]**
200. Hassan Abdalla met with the Claimant and her sister on 13 January 2020 **[1338]** and with Professor Robertshaw on 11 February 2020 to discuss the details of the Claimant's grievance **[1363]**. The Claimant subsequently provided further evidence as part of the grievance process in April, May and June 2020.
201. On 15 June 2020 a meeting had been scheduled with Level 4 students to discuss the course pathway into Level 5 and the Mental Wealth module. The Claimant was not there because the meeting took place on one of her non-working days. In fact, the Claimant was on emergency annual leave throughout week commencing 15 June 2020 **[1200] (issue 2(bb))**. On Friday 12 June 2020, Ms Blakemore had noted that it might be helpful if the Claimant joined the meeting as she was due to teach "Agency 2", which was the Level 5 Mental Wealth Module. Dr Garrett Brown responded they had had a challenge finding suitable dates and so this was held on a day that was not her working day. In her reply, Ms Blakemore thanked her for her explanation, adding "I'm just concerned that they may ask about the module at level 5 and not having Rav there is odd especially if their concern is to have the whole team involved". Dr Garrett Brown said that she understood Ms Blakemore's point but needed to keep moving with this. There would be opportunities for further sessions specific to the mental wealth course to which the Claimant and others could attend **[1548-1549]**.
202. On 2 July 2020, Dr Garrett Brown held an interim PDR meeting with the Claimant.
203. On 9 July 2020, Dr Garrett Brown emailed the Claimant with her decision as to the Claimant's module allocation for the coming academic year. Before deciding what should be allocated, she had discussed the position with Dr Bailey as Programme Leader. She said she was not able to accommodate all the changes requested but did attempt to allow the Claimant to have more involvement with script writing. This would allocate her four sessions of Scriptwriting in Term 1 (16 hours) and two sessions of Script Development in Term 2 (8 hours). She added she would need the Claimant to remain module leader for the Creative Practice 3 programme but said that Wes Brown would be delivering the content. As an Hourly Paid Lecturer

(and so not a permanent member of staff), it was not appropriate to ask him to be the module leader.

204. In her response, the Claimant queried who would be teaching Documentary making, and said she would prefer Wes Brown to be the module lead for the course he was delivering. She added “if you say I have to I will” [1594-5]. The Claimant complains about this decision to make her the module leader for the Creative Practice 3 Course, which she describes as doing “administration” [issue 2(cc)]. It was appropriate to ask the Claimant to take on administrative tasks as part of the role of being a module leader. This ‘administration’ included designing the module content, preparing the associated handbook, liaising with timetabling and uploading coursework marks. As with other lecturers allocated this responsibility, she had been allocated 30 hours per module per year to complete this. Helena Blakemore and Terry Bailey also were expected to carry out equivalent administrative tasks where they were module leaders.
205. On 3 July 2020, Dr Garrett Brown informed the Claimant that it had been agreed that the Claimant could roll over 10 days of annual leave from the 2019/20 academic year [1552].
206. There was a considerable delay between the date of the grievance investigatory meeting and the date on which Professor Abdalla published the outcome to the Claimant’s grievance against Simon Robertshaw. This was published on 11 August 2020 [1596 -1609]. As is evident from the conclusion section [1607], Professor Abdalla “could find no evidence that the actions taken by Professor Robertshaw were due to the colour of Ms Basra’s skin, her race, gender, or due to her speaking up on behalf of BAME staff and students” [issue 6(f)]. None of her complaints were upheld. Professor Abdalla recommended that mediation be offered between the Claimant and Professor Robertshaw and be re-offered between the Claimant and Ms Blakemore. Alternatively, he thought that there should be group mediation offered for the Creative Writing programme team.
207. Nine days later, on 20 August 2020, the Claimant submitted an appeal against Professor Abdalla’s grievance outcome. John Parnham, Head of HR Business Partnering, was appointed to review this appeal. He concluded that the appeal did not meet the criteria for an appeal as identified at paragraph 1.4 of UEL’s appeal policy. This was because it was very generalised and did not identify clear grounds of appeal or a clear desired outcome. The reason why the appeal was not accepted was confirmed to the Claimant in a meeting on 22 October 2020 [2976].

Academic year 2020/2021

208. On 2 November 2020, the Claimant initiated the Early Conciliation process with ACAS. She received an ACAS Early Conciliation Certificate on the same day, 2 November 2020 and issued her first set of ET proceedings on 27 November 2020.

209. In November 2020, Natalie Garrett Brown organised the annual peer review process. This involved grouping lecturers to observe and comment on each other's teaching. On 11 November 2020, she sent an email in which she grouped lecturers into peer review trios. She originally arranged for Dominic Hingorani and the Claimant to be in the same peer review trio. Dr Hingorani objected, given the Claimant's previous complaint about his refusal to grant her funding for her research proposal. Dr Garrett Brown responded "apologies we shifted that last year, I should have remembered that, who did you work with last time? We can work with that". She then reallocated the trios so that the Claimant and Dr Hingorani were not in the same trio **[1278-80] [1632]. [issue 3(q)]**
210. The Claimant alleges that information of student tutees not progressing to their third year was not passed onto her by Natalie Garrett Brown on 25 November 2020. The Claimant has not directed the Tribunal to any documents apart from an email at **[3094]** on this subject. That email was a question asked by the Claimant of Dr Bailey about a particular student who had been on level 5. She asked if this student had not passed level 5. This email was sent on 30 September 2021 and is therefore almost a year after the date of this allegation. We do not find that it assists the Claimant with her allegation against Dr Garrett Brown. Dr Garrett Brown says in her witness statement that the issue of whether particular students are eligible to progress to the next year of the course is a matter for the relevant Exam Board. She says it was not the role of the Head of Department to pass this information individual tutors. We accept her evidence and reject the criticism made of the Respondent by the Claimant in this respect **[issue 2(dd)]**.
211. On 18 February 2021, Anne Robinson, a fellow Senior Lecturer with the Claimant, emailed one of her students, Monette Titre. She wrote as follows:
- "Hi Monette
- Hope you are well. As you know my Level 3 CW students are working with your class on the Galleon. They are feeling a little confused as it was a rocky start, but I am a bit worried about N in particular – and wondered if you could take her under your wing a bit.
- She is very quiet and is a single mum – so e.g. often has children's TV on in the background to keep her child occupied while on a session. She wants to get involved in the short story proofing, and don't worry if that's not what you want to do – if you could just get in touch with her – and reassure her about the group and Rav and the process, I think that would go a long way in helping her."
212. It appears that Monette passed this email to the Claimant. The Claimant alleges that this language undermined her teaching, given the reference to reassuring a Level 3 student "about the group and Rav and the process" **[issue 3(r)] [1658]**. In cross-examination, Ms Robinson accept that her choice of wording was "very clumsy syntax". She accepted she should have been clearer in setting out for

Monette what she was asking her to do. That was to get Monette to support student N, as Ms Robinson explained in her witness statement at paragraph 31:

“As part of my course, Level 3 students attend Level 5 classes to shadow Level 5 students, after which they produce an essay and portfolio on what they learnt. Because of the range of Level 5 courses involved, my Level 3 students sometimes need guidance on what their portfolio needs to cover, as this varies depending on which module they shadow. N seems unclear on this. I therefore put her in touch with Monette who was in Ravinder’s class, which N was shadowing, to support her”.

213. Ms Robinson was asked if she could understand why the Claimant felt that this email was undermining and replied: “I can understand it, but only at a stretch, I think there are things that are way more offensive”. The Claimant called Monette Titre to give evidence. She said that she found the reference to the Claimant in this email to be odd. She said that she spoke to the student concerned, encouraging her to speak to the Claimant and reassured her that the Claimant was approachable. She was not cross examined by the Respondent’s counsel on her evidence in relation to this issue. The Claimant was asked about this email in cross examination. She made it clear that she objected to the way she had been spoken about in this email. She was asked how Ms Robinson’s request of Monette Titre that she mentor this Level 3 student, using the language that she did, was racial. She could not provide any explanation in response.
214. There was a Programme Committee meeting on 19 February 2021 attended by student representatives. The Claimant alleges that Dr Bailey blamed her in this meeting when he was questioned by students about whether he had failed to teach his working hours. **[issue 2(hh)]**. There are no notes of this meeting in the bundle. Dr Bailey’s response was that he may have used the word “we” instead of “I” when responding to student feedback during the Programme Committee meeting. He explained that if he did so, it would have been referring to the Creative Writing department as a whole and the standard way that things were done, rather than a comment which was deflecting blame from himself onto the Claimant. He said that she was not the only other lecturer on the call. We prefer Dr Bailey’s evidence on this point to that of the Claimant. We do not accept that any blame was attached by Dr Bailey to the Claimant when discussing a course of which he was teaching in front of other students.
215. In addition, it also is alleged that at the same meeting Dr Bailey insinuated in an attempt to undermine her that the Claimant had provided students with the wrong extenuation dates **[issue 2(hh)]**. This is rejected by in Dr Bailey’s witness evidence. His position was that if a student had asked a question about extenuation dates on one of the Claimant’s modules, he would have referred the student to the Claimant. Again, there are no contemporaneous documents on this issue in February 2021. When Dr Bailey was cross examined on this issue, he was asked about emails between himself Monette Titre and the Claimant from June 2021, over three months later **[2052/3]**. The subject matter of these emails concerned different

extenuation dates given to this student by different lecturers. There is nothing in the email from Dr Bailey, properly understood, to indicate that the Claimant had provided students with the wrong extenuation dates. Therefore, we reject this allegation as factually incorrect.

216. On 23 March 2021, the Claimant emailed Dr Garrett Brown to complain about the way female students were treating the student who had been spotted watching pornography in November 2020. They had “muted him” every time he spoke in her lectures. She also said that two female students did not want to go on camera during video lectures. This was because they did not want the student concerned to see their rooms as this made them feel vulnerable. Dr Garrett Brown suggested inviting the student to a short meeting with herself and Dr Bailey (as Programme Leader) to understand how they could support him **[1662]**. The Claimant responded by saying she thought that the girls also needed support. She added “they are feeling that they have not been listened to – plus some have said to me that a white middle class student would not have to put up with this”. In neither email did the Claimant allege that there had been an inadequate response by UEL to the student’s conduct or that she found working in this environment to be offensive. Therefore, we reject **issue 3(p)** as factually incorrect. Action was taken in relation to the male student. If the Claimant found the student’s conduct to be offensive, there is no evidence that such offense was magnified by UEL’s response. **issue 3(p)**.
217. The Claimant alleges that on 23 April 2021, Ms Blakemore asked for feedback from students as to how their courses were going. She took such a request as Ms Blakemore targeting her, seeking negative feedback to use against her **[issue 3(s)]**. We find that Ms Blakemore probably asked a general question such as “How was yesterday?”. This was a general enquiry about how the course was going. It was not an attempt to identify criticisms of the Claimant.
218. The Claimant complains on 6 May 2021, she was not offered the role of Programme Leader for a new degree due to start in September 2021. She says she should have been offered the role as she was employed to teach scriptwriting **[issue 2(ii)]**. This allegation is directed against Simon Robertshaw, her line manager. She alleges that the new degree was called Scriptwriting BA (Hons). The name of the degree was Creative Writing (Screen) BA (hons) degree. This was not limited to scriptwriting. It was a degree about writing for and about screen, covering scriptwriting, popular criticism and academic criticism. As we have already found, in November 2019, the responsibility for developing this course had been given by Dr Garrett Brown to Dr Bailey as lead, working with the Claimant **[1292]**
219. Around May 2021, Dr Bailey was appointed to be the Programme Leader for the course when it started in the Autumn. Dr Bailey’s explanation as to why this was appropriate was that this was his area of expertise and he had created and developed the course. As a result, he said he was fully qualified to act as the degree’s first Programme Leader. Whilst Professor Robertshaw stated in cross-examination that the role had been advertised externally and internally, this is not

something he had referred to in his witness statement. There were no documents in the bundle evidencing that this role had ever been advertised. Dr Bailey did not say that he had to apply for this role. We find that there was no advertisement and the Claimant was not asked if she was interested in being considered for the role. Dr Bailey was appointed. It was not offered to the Claimant.

220. We do not accept the Claimant's contention that she had been specifically employed to teach scriptwriting. She had initially been employed as a lecturer on the Creative Writing programme. She had no specific responsibility for teaching scriptwriting, as is confirmed by the general way she describes her role in her witness statement.

221. The Claimant alleges she was not given an option for dissertation proposals in the academic cycle between September 2021 and August 2022. She contrasts this with white colleagues who were apparently given first options. She dates this to 16 June 2021. **[issue 2(jj)]** In fact, on 9 June 2021, Ms Blakemore emailed Terry Bailey, Anna Robinson, Roberta Garrett and the Claimant with the subject PA6036 Major Project/Dissertation. She attached a provisional list of potential supervisors for particular students given their proposed dissertation topics. She said "it's a VERY provision list", before adding:

"I've put suggested names by some of them, but nothing is carved in stone, of course: I'm really looking for expressions of interest – so please let me know which of these you would be willing to supervise" **[1688]**

222. The attached document listed twelve students and their proposed topics. Against five students the name of a suggested supervisor was written followed by a question mark. The Claimant's name was not included. She did not respond to express any interest in supervising the particular topics. Ms Blakemore followed up on 2 August with an updated list of students and supervisors. This time the list included the name of a supervisor against each student and their chosen topic. The Claimant was allocated two students, as was Anna Robinson and Roberta Garrett. Terry Bailey was allocated two and Helena Blakemore allocated three, although a final student was noted as supervised by both Terry and Helena. The covering email referred to this updated list as a provisional list. The word provisional was in bold and underlined. It stated "please can you have a look and let me know by the end of the week if you're ok with this" **[1720/1]**. There was no response from the Claimant to this second email. In answer to a question from the Tribunal she said that there was no point in responding as Helena Blakemore would not have listened to her view. She did subsequently ask to be allowed to supervise student L, and this request was granted. The student was switched from Anna Robinson.

223. We find that the Claimant was given the same option as her colleagues to indicate a preference as to who she would supervise with their proposed dissertations during the following academic year. Therefore, we find that this allegation is factually incorrect.

224. The Claimant alleges that in June 2021 Natalie Garrett Brown caused the Claimant “deliberate confusion regarding holiday authorisation in order to give Terry Bailey, a white colleague, first choice over holidays that the Claimant had already booked off” **[issue 2(kk)]**. On 9 June 2021, Dr Bailey asked the Claimant to give her some indication of when she would be taking her leave. He explained why this was necessary:
- “I talked to Natalie about arrangements for clearing this year. One of us needs to be on hand during all the weeks of Clearing. Natalie suggested we all just note when we plan to take leave and then I can work out whether that’ll work. Anyway, Esme sent me a link to a clearing rota that I must fill in (late already) so I’ll just ask both you and Helena when you plan to apply for leave and see if it works out” **[2080]**
225. In her response, the Claimant asked why he had only just got in touch with her about open days and clearing. She asked further questions on other topics before ending her email with the sentence “I think this is simply not professional behaviour. Perhaps you could ring me to discuss. I have copied in HR” **[2080]**.
226. By 21 June 2021, the Claimant had not yet informed Terry Bailey about her proposed annual dates that summer. He raised this with her by email, saying “I know when Helena is off and need to sort out my own leave – but someone needs to be on hand and I’m trying not to leave gaps” **[1706]**. In a long response, the Claimant said she was on leave from 19 July to 10 September, adding “there is absolutely no way I will work during my holidays”. She apologised if as a result he was forced or having to work over the summer. She finished her email by saying that she would allow him to slot her in “during whatever days after Sept 10th – but please remember I only work 21 hours a week on my 0.6 contract”.
227. Dr Garrett Brown responded with her understanding of the annual leave position, stating that “I haven’t yet signed off your leave as I can see you still have an email chain running with HR regarding your allocation”. This was disputed by the Claimant who told her she had authorised 19th July to 10 September 2021.
228. We do not accept that Natalie Garrett Brown caused the Claimant deliberate confusion regarding holiday authorisation in order to give Terry Bailey first choice over holidays that the Claimant had already booked off. Dr Bailey was asking the Claimant to confirm her holiday dates so that he could book off his own period of annual leave. He was giving her the opportunity to request her preferred dates before choosing his own holiday.
229. The Claimant contacted ACAS again and instigated a second early conciliation process. Having obtained an Early Conciliation Certificate on 4 August 2021, she instigated a second set of ET proceedings on the same day, 4 August 2021.

Issues to be decided

230. As already stated, the issues to be decided were set out in a document headed Claimant's Further Details of Claims, at pages 181-189, as modified by amendment (in the case of one allegation of race discrimination which became a sex discrimination allegation); and by withdrawal of certain issues. The Claimant's allegations span a total of six years and are set out over 10 pages. By the conclusion of the case there were live 35 issues raising direct race discrimination; 19 issues of harassment related to race; 5 issues of direct sex discrimination; 2 of harassment relating to race; and 7 alleged protected acts which the Claimant contends has led to victimisation. This is a total of 68 issues, although some of the issues make more than one allegation. At points this list of issues names certain students who were not called by the Claimant to be witnesses in the case.
231. It is not appropriate or necessary to reproduce those issues in these Reasons or by way of Appendix. The allegations ought to be sufficiently apparent from the labelling given to the individual allegations in these Reasons – they start with a number referring to the section of the list of issues in which they are located. Issues in section 1 are allegations of breach of contract which have been withdrawn; those in section 2 are allegations of direct race discrimination; those in section 3 are allegations of harassment related to race; those in section 4 are allegations of direct sex discrimination; those in section 5 allegations of harassment related to sex; and those in section 6 are allegations of victimisation.

Legal principles

Direct disability discrimination

232. Section 13 of the Equality Act 2010 is worded as follows :

“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.”

233. The Claimant seeks to compare herself against how Dr Bailey (in the case of the race discrimination claim) and Dr Brown (in the case of the sex discrimination) claim were treated. The circumstances of an actual comparator must be materially the same as that of the Claimant, save for race or sex.
234. In the alternative, she compares her treatment to that of a hypothetical employee who is not of Indian ethnic origin or is man, but who was in all other respects in a comparable position to the Claimant.
235. The focus is on the mental processes of the person that took the decisions said to amount to discrimination. The Tribunal should consider whether they were consciously or unconsciously influenced to a significant (ie a non-trivial) extent by the Claimant's disability. Their motive is irrelevant.

236. In *Shamoon v Chief Constable of the RUC* [2003] ICR 337 Lord Nicholls said:

“11.employment tribunals may sometimes be able to avoid arid and confusing disputes about the identification of the appropriate comparator by concentrating primarily on why the claimant was treated as she was. Was it on the proscribed ground which is the foundation of the application? That will call for an examination of all the facts of the case. Or was it for some other reason? If the latter, the application fails. If the former, there will be usually be no difficulty in deciding whether the treatment, afforded to the claimant on the proscribed ground, was less favourable than was or would have been afforded to others.

12. The most convenient and appropriate way to tackle the issues arising on any discrimination application must always depend upon the nature of the issues and all the circumstances of the case. There will be cases where it is convenient to decide the less favourable treatment issue first. But, for the reason set out above, when formulating their decisions employment tribunals may 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. Adopting this course would have simplified the issues, and assisted in their resolution, in the present case.”

Harassment

237. Section 26 of the Equality Act 2010 (EqA 2010) is worded as follows :

(1) A person (A) harasses another (B) if-

- a. A engages in unwanted conduct related to a relevant protected characteristic, and
- b. The conduct has the purpose or effect of –
 - i. Violating B’s dignity, or
 - ii. Creating an intimidating, hostile, degrading, humiliating or offensive environment for B

(4) In deciding whether conduct has the effect referred to in (1)(b), each of the following must be taken into account-

- a. The perception of B;
- b. The other circumstances of the case
- c. Whether it is reasonable for the conduct to have that effect

238. In relation to a claim for harassment under Section 26 EqA 2010, it is open to a Tribunal to find that conduct was unwanted even if a claimant chooses to stay in employment and even if a claimant chooses not to object whether formally or informally (*Munchkins Restaurant Ltd v Karmazyn and others* EAT 0359/09). The

Equality and Human Rights Commission: Code of Practice on Employment (2011) states as follows:

7.7. Unwanted conduct covers a range of behaviour, including spoken or written words or imagery, graffiti, physical gestures, facial expressions, mimicry, jokes, pranks, acts affecting a person's surroundings or other physical behaviour.

7.8 The word 'unwanted' means essentially the same as 'unwelcome' or 'uninvited'. 'Unwanted' does not mean that express objection has to be made to the conduct before it is deemed to be unwanted. A serious one-off incident can also amount to harassment.

239. When considering whether a comment was related to a protected characteristic under Section 26 Equality Act 2010, this covers a wider category of conduct than conduct "because of a protected characteristic" under Section 13 Equality Act 2010. A broader enquiry is required involving a more intense focus on the context of the offending words or behaviour (*Bakkali v Greater Manchester Buses (South) Limited t/a Stage Coach Manchester* [2018] UKEAT/0176/17).

240. In assessing whether the conduct met the proscribed threshold, Tribunals should not place too much weight on the timing of any objection (*Weeks v Newham College of Further Education* UKEAT/0630/11). Whether it was reasonable for the Claimant to regard treatment as amounting to treatment that violates her dignity or has an intimidating, hostile, degrading, humiliating or offensive environment is a matter for factual assessment of the Tribunal having regard to all the relevant circumstances, including the context (*Richmond Pharmacology v Dhaliwal* [2009] IRLR 336). In that case the EAT said :

"Dignity is not necessarily violated by things said or done which are trivial or transitory, particularly if it should have been clear that any offence was unintended."

Victimisation

241. Section 27 of the Equality Act 2010 is worded as follows:

- (1) A person victimises another person (B) if A subjects B to a detriment because:
- (a) B does a protected act; or
 - (b) A believes that B has done, or may do, a protected act

242. Under Section 27(2)(d) making an allegation (whether or not express) that A or another person has contravened the Equality Act is a protected act.

243. In order to succeed with a claim of victimisation, there must be a sufficient causal connection between a protected act and the alleged detriment. In the present case, the Claimant alleges that there were seven different protected acts, spanning the period from her first term in 2015 to her bringing her employment tribunal claim on 27 November 2020. The Respondent concedes that only three of these occurred and amount in law to a protected act:

- a. Lodging a grievance alleging discrimination against Helena Blakemore;
- b. Lodging a grievance alleging discrimination against Simon Robertshaw on 4 June 2019;
- c. Bringing an employment tribunal claim on 27 November 2020.

Burden of proof

244. Section 136(2) of the Equality Act 2010 is worded as follows :

“(2) If there are facts from which the Court could decide in the absence of any other explanation, that a person (A) contravened 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 provision.”

245. Guidance on the burden of proof was given by the Court of Appeal in *Igen v Wong* [2005] ICR 931. This guidance has subsequently been approved by the Court of Appeal in *Madarassay v Nomura International plc* [2007] ICR 867 and by the Supreme Court in *Hewage v Grampian Health Board* [2012] ICR 1054 (at paras 22-32).

246. The burden of proof starts with the Claimant. It is for the Claimant to prove facts from which the Tribunal could infer, in the absence of a satisfactory non-discriminatory explanation, that her treatment was in part the result of her ethnicity or sex.

247. In order for the burden of proof to transfer from the Claimant to the Respondent, it is well established that it is insufficient for the Claimant merely to show a difference in status and detriment treatment (see *Madarassay* at paragraph 54). To shift the burden of proof a Claimant must also prove something more. That is, in the present case the Claimant must prove facts from which the Tribunal could infer that there is a connection between her ethnicity (or her sex) and her treatment, in the absence of a non-discriminatory explanation.

248. If such facts are established, then the burden of proof transfers to the Respondent to establish on the balance of probabilities that the protected characteristic formed no part of the reasoning for the Claimant’s treatment.

249. In *Hewage v Grampian Health Board* Lord Hope said this (at paragraph 32):

“Furthermore, as Underhill J (President) pointed out in *Martin v Devonshires Solicitors* [2011] ICR 352, para 39, it is important not to make too much of the role of the burden of proof provisions. They will require careful attention

where there is room for doubt as to the facts necessary to establish discrimination. But they have nothing to offer where the tribunal is in a position to make positive findings on the evidence one way or the other. That was the position that the tribunal found itself in in this case. It is regrettable that a final resolution of this case has been so long delayed by arguments about onus of proof which, on a fair reading of the judgment of the employment tribunal, were in the end of no real importance.”

250. Guidance on the correct approach to take to the burden of proof has recently been considered by HHJ Taylor in the EAT in the case of *Field v Steve Pye & Co* [2022] IRLR 948, having reviewed all the relevant authorities. He said that “in some cases there may be no evidence to suggest the possibility of discrimination in which case the burden of proof may have nothing to add” (paragraph 37). At paragraphs 41 and 42 he said:

“41. It is important that employment tribunals do not only focus on the proposition that the burden of proof provisions have nothing to offer if the employment tribunal is in a position to make positive findings on the evidence one way or the other. If there is evidence that could realistically suggest that there was discrimination it is not appropriate to just add that evidence into the balance and then conduct an overall assessment, on the balance of probabilities, and make a positive finding that there was a non-discriminatory reason for the treatment. To do so ignores the prior sentence in **Hewage** that the burden of proof requires careful consideration if there is room for doubt.

42. Where there is significant evidence that could establish that there has been discrimination it cannot be ignored. In such a case, if the employment tribunal moves directly to the reason why question, it should generally explain why it has done so and why the evidence that was suggestive of discrimination was not considered at the first stage in an **Igen** analysis. Where there is evidence that suggests there could have been discrimination, should an employment tribunal move straight to the reason why question it could only do so on the basis that it assumed that the claimant had passed the stage one **Igen** threshold so that in answering the reason why question the respondent would have to prove that the treatment was in no sense whatsoever discriminatory, which would generally require cogent evidence. In such a case the employment tribunal would, in effect, be moving directly to paragraphs 10-13 of the **Igen** guidelines.”

Time limits under the Equality Act

251. Section 123 Equality Act 2010 is worded as follows:

Time limits

- (1) Subject to section 140B proceedings on a complaint within section 120 may not be brought after the end of—
- (a) the period of 3 months starting with the date of the act to which the complaint relates, or

- (b) such other period as the employment tribunal thinks just and equitable.
- (2) Proceedings may not be brought in reliance on section 121(1) after the end of—
 - (a) the period of 6 months starting with the date of the act to which the proceedings relate, or
 - (b) such other period as the employment tribunal thinks just and equitable.
- (3) For the purposes of this section—
 - (a) conduct extending over a period is to be treated as done at the end of the period;
 - (b) failure to do something is to be treated as occurring when the person in question decided on it.
- (4) In the absence of evidence to the contrary, a person (P) is to be taken to decide on failure to do something—
 - (a) when P does an act inconsistent with doing it, or
 - (b) if P does no inconsistent act, on the expiry of the period in which P might reasonably have been expected to do it.

252. The three-month time limit runs from the date of the discriminatory act or discriminatory omission. In analysing whether a particular situation gives rise to an act extending over a period the focus of the enquiry must not be on whether there is something which can be characterised as a policy, rule, scheme, regime or practice, but rather on whether there was an ongoing situation or continuing state of affairs in which the claimant was treated less favourably (*Hendricks v Metropolitan Police Commissioner* [2003] IRLR 96).
253. In employment tribunal cases, the three-month statutory time limit for issuing claims is prescribed for good reason. Extending that time limit should be the exception, not the rule. The onus is on the Claimant in each case where an extension is sought to show why it would be just and equitable to extend the time limit (*Robertson v Bexley Community Centre* [2003] IRLR 434 at paragraph 25). The Tribunal will consider all the circumstances, paying particular attention to the prejudice that will be caused to each party if the discretion to extend time is exercised or refused.

CONCLUSIONS

Unfounded factual allegations

254. Given our factual findings, the following allegations must fail because the incident did not occur as the Claimant alleges or did not amount to a detriment. We list them in broadly chronological order:
- a. **Issue 2(a)** – We have accepted that the Claimant experienced technical problems when giving a lecture in her first week of employment in October 2015. The problems probably occurred because there was a difficulty in

connection her existing laptop to the university system. The issue was seemingly resolved by the time of the next lecture. We do not accept that the problem occurred because the Claimant was not given access to IT equipment from Helena Blakemore to conduct the lecture.

- b. **Issue 2(b)** – the Claimant did attend the staff wide induction in October 2015.
- c. **Issue 3(a)** – we do not accept that Ms Blakemore told the Claimant that she did not know how to use PCs on or around 2 October 2015.
- d. **Issue 2(c)** – we have rejected the allegation that the Claimant was blamed for an incident where a white student verbally abused the Claimant on or around 21 November 2015.
- e. **Issue 3(c)** – far from being humiliated by having members of staff sitting in on her lectures in November 2015, the Claimant welcomed such assistance from colleagues, particularly given the difficulties she was having in controlling her classes.
- f. **Issue 3(d)** – Tim Atkins did not tell the Claimant during Term 1 2015 that Helena Blakemore does not like brown women.
- g. **Issue 3(e)** – we have rejected the Claimant’s allegation that she was subjected to inappropriate personal comments by a white student at a Programme Committee meeting on 25 November 2015, and that Helena Blakemore was at fault in relation to this.
- h. **Issue 2(d)** – we have found that the Claimant was supported by her colleagues in dealing with the behaviour of students in her classes throughout the period from September 2015 to July 2018. No individual at the Respondent is named as culpable in relation to this allegation, only the students themselves.
- i. **Issue 2(e)** – we have rejected the allegation that the Claimant was verbally abused by a white student during a meeting on 11 December 2015. Therefore, we also reject the contention that there was a lack of support from the Respondent in relation to this incident.
- j. **Issue 3(f)** – We have rejected the Claimant’s allegation that in December 2015 she was not provided with module PowerPoints when teaching on the CC4100 and CC5103 modules.
- k. **Issue 2(f)** – we have rejected the allegation that the Claimant was not supported from anyone in her team with regards to her probationary period during her first term. The probationary reports record the extent of the support provided and the Claimant’s gratitude for that support. We do not accept that Tim Atkins undermined her and made comments about her teaching; nor that other members of the team failed to share their PowerPoint presentations with

her. The only aspect of the various allegations forming part of **issue 2(f)** that we have upheld relates to the failure to set her objectives for the first five months of her probation [**come back to this**]

- l. **Issue 2(g)** – the probation policy provides for a probationary review after five months not after three months as the Claimant asserts.
- m. **Issue 2(i)** – we have found that the module specification meeting took place on 14 April 2016, rather than 24 April 2016 and the Claimant was invited to it.
- n. **Issue 2(h)** – the Claimant was never subject to an investigation in November 2016 for alleged harassment and bullying of students – either by Dr Maddison, Helena Blakemore or anyone.
- o. **Issue 2(j)** – we have found that the Claimant was invited to the exam board meeting in June 2016.
- p. **Issue 2(l)** – the Claimant was provided with written feedback as recorded in the probation documentation.
- q. **Issue 3(g)** – we have rejected the allegation that throughout the Claimant’s first academic year ie up until around June 2016, Helena Blakemore would intimidate and degrade the Claimant in relation to moderating coursework.
- r. **Issue 3(h)** – we are unable to make any positive finding in support of the Claimant’s allegation that Tim Atkins aggressively kicked his office wall on 26 September 2016. We do not find, on the balance of probabilities, that this occurred.
- s. **Issue 2(m)** – the Claimant’s probationary period was not extended following a teaching observation in December 2016. It was extended in July 2016 to January 2017.
- t. **Issue 3(i)** – we have rejected the allegation that students were told by Tessa McWatt in December 2016 about the Claimant’s probationary period being extended.
- u. **Issue 2(n)** – Simon Miles’ original feedback was not changed to add criticism. Having carried out one lesson observation in November 2016, he added his comments to the same document when providing further feedback in February 2017.
- v. **Issue 2(p)** – We do not accept that the Claimant was told in Term 2, 2017 that she did not fit in with the creative writing team and was encouraged to leave.
- w. **Issue 2(q)** – We reject the Claimant’s contention that she was not permitted to participate in the Write Now event between 2016 and 2018. We are unable to

make any findings in relation to the event in 2016; she was invited to participate in 2017; and she organised the event in 2018. The Claimant received feedback from the External Examiner on 6 June 2017. The Claimant was able to participate in meetings with the External Examiner, if she chose, such as meetings concerning the marking of dissertations.

- x. **Issue 2(r)** – We do not accept that the occupational health practitioner, Del Basi, told the Claimant in July 2017 that she did not fit in and told her she should get an administration job.
- y. **Issue 2(s)** – We have rejected the Claimant’s allegation that in September 2017 Sheila Preston told her she did not fit in, soon after she became the Claimant’s line manager. There is evidence that Sheila Preston was supportive of the Claimant.
- z. **Issue 3(j)** – we do not accept that those present at the meeting to discuss the creation of a Liberal Arts programme in December 2017 chose to stonewall the Claimant, humiliate her or laugh at her.
- aa. **Issue 2(t)** – There is an email specifically inviting the Claimant to a meeting with the External Examiner on 14 June 2018, which directly contradicts the Claimant’s assertion she was not invited to meet with the External Examiner.
- bb. **Issue 3(m)** – we do not find that the Claimant was pressurised into attending an Exam Board meeting on her day off on 15 June 2018. The assertion directly contradicts **issue 2(t)** namely that she was not invited to meet the External Examiner. If such meetings were scheduled on days when part time members of staff did not work, all staff who were module leaders were expected to attend the meeting and take an alternative day off instead.
- cc. **Issue 2(u)** – we do not find that in June 2018 the Claimant was made to take on an excessive workload for the following academic year. It was appropriate to refuse the Claimant’s request that a poet, Golnoush Naroup, share some of the teaching on the Adaptation module, given that Anna Robinson was already assigned to teach the poetry part of the course.
- dd. **Issue 3(l)** – we have rejected the allegation that the Claimant was sent aggressive messages telling her that she could not go on her holiday in July 2018. She was permitted to go on her holiday to Vietnam. The messages asking that she still completed her marking responsibilities before the appointed deadline were appropriate in their tone.
- ee. **Issue 4(a)** – The Claimant was told by Ms Blakemore in September 2018 that Wes Brown would be taking over responsibility for The Galleon anthology and the Write Now event to which it was linked. In an email to Ms Blakemore on 5 June 2018 she had complained about the amount of work involved in The Galleon and Write Now [642]. In reallocating these responsibilities to Wes

Brown, Ms Blakemore was giving the Claimant the reduction in her workload that she wanted. The Claimant still had creative control as the Module Leader for Writer's World.

- ff. **Issue 3(o)** – we have found it is probable that Ms Blakemore did say to the Claimant during a meeting on 19 September 2018 “it is clear you don't understand”. However, we have rejected the contention that Ms Blakemore used abusive language or that she ground her teeth or shouted at the Claimant about marking. In the course of a professional disagreement in circumstances where Ms Blakemore was the Course Leader, such language was not inappropriate.
- gg. **Issue 5(a)** – We do not consider that there was anything inappropriate about the small talk that Professor Robertshaw may have had with the Claimant at the start of her PDR on 11 October 2018.
- hh. **Issue 4(c)** – the Claimant's email to Simon Robertshaw on 16 October 2018 did not require a response. It was not a request for software for struggling students. Therefore, there was no detriment to the Claimant in her not receiving a reply.
- ii. **Issue 2(w)** – we have rejected the factual contention that Anna Robinson was allowed to supervise dissertations before the Claimant.
- jj. **Issue 4(b) and 4(d)** – we do not find that the Claimant was denied a full-time role. She did not choose to apply for the full-time role that was advertised in late 2018. The successful candidate was Dr Terry Bailey.
- kk. **Issue 4(f)** – we do not find that that Claimant was excluded from the Fuel Event which took place in January 2019.
- ll. **Issue 2(ff)** – the Claimant was not excluded from applying for research funding in March 2019 as she alleges.
- mm. **Issue 3(n)** – we do not accept that any member of the Respondent's staff set the Claimant's car on fire on 13 April 2019.
- nn. **Issue 2(x)** – we reject the factual allegation that the Claimant was excluded by Helena Blakemore and Terry Bailey from a first-year induction event held on 24 September 2019.
- oo. **Issue 2(y)** – we do not accept that the Claimant was excluded from a staff meeting in October 2019 to meet her new line manager, Natalie Garrett Brown. Along with all staff in the Department, the Claimant was invited to meet Dr Garrett Brown **[1393]**.

- pp. **Issue 2(z)** – we find that the Claimant was permitted to teach Life Writing during Term 1 of the academic year 2019/20. To that extent the allegation is factually misconceived, although we agree she was not asked to teach Creative Practice 3 which was allocated to Wes Brown.
- qq. **Issue 2(aa)** – we do not find that minutes of the Programme Committee meeting held on 27 November 2019 were inaccurate, in the respects alleged by the Claimant.
- rr. **Issue 2(ee)** – we have rejected the Claimant’s criticisms of the way she was treated by Kate Hodgkin in relation to research work during 2019. She was not ‘cold shouldered’ by her as alleged. If a couple of emails from the Claimant went unanswered this was because they were overlooked when received at a particularly busy time.
- ss. **Issue 2(gg)** – our finding of fact in relation to this allegation is that the Claimant did not make three applications for UEL research funds in January 2020 and was rejected every time. Therefore his allegation is factually misconceived.
- tt. **Issue 3(p)** – we have found that Professor Robertshaw did intervene in relation to a male student who was observed to be watching pornography during a lecture in January 2020. It is not correct to say that nothing was done about this student.
- uu. **Issue 2(dd)** – we have not found that there was any failure by Dr Garrett Brown to pass on information to the Claimant around 25 November 2020 about students not progressing to their third years. In any event, whether students could progress to their third years was the responsibility of the Exam Boards.
- vv. **Issue 2(hh)** – we have rejected both factual allegations included in this issue – both that the Claimant was blamed for the failings of Terry Bailey during a meeting on 19 February 2021 and that it was insinuated that the Claimant had provided students with the wrong extenuation dates.
- ww. **Issue 3(s)** – we have found that Ms Blakemore’s question “How was yesterday?” in April 2021 was not an attempt to solicit negative feedback on the Claimant. Rather it was a general enquiry to students about how the course was going.
- xx. **Issue 2(jj)** – this allegation concerns the allocation of supervisors to proposed dissertation topics in June 2021. As shown by our findings of fact, it is not correct to say that the Claimant was not given an option for dissertation proposals, or that her white colleagues were given first options.

- yy. **Issue 2(kk)** – as our findings of facts establish, we have rejected the allegation that the Claimant was caused deliberate confusion in June 2021 regarding holiday authorisation in order to give Terry Bailey first choice over holidays.
- zz. **Issue 3(t)** – we have not found that the Claimant was being asked to use methods which were contrary to standard marking policy or was excluded from Teams meetings regarding dissertation marking, throughout the period from her second term in 2016 to the present.

Direct race discrimination

- 255. For those remaining allegations where we have found that the treatment alleged by the Claimant took place and amounted to a detriment, we need to go on to decide whether it was unfavourable treatment because of race.

Is Dr Bailey an appropriate comparator?

- 256. The Claimant compares her treatment to Dr Terry Bailey. We do not find that Terry Bailey is an appropriate actual comparator, for several reasons. Firstly, his employment at UEL did not start until January 2019, long after the date of many of the allegations of direct race discrimination. Secondly, he was working in a full-time role. From September 2019, he was the Programme Leader for the BA (Hons) in Creative Writing. Whilst this involved some teaching duties, it involved significant additional duties as Programme Leader. Thirdly, his previous experience was different to the Claimant. He had a doctorate, and his doctoral thesis was on the history of screen writing manuals. Unlike the Claimant he started his employment with UEL as a Senior Lecturer, rather than as a Lecturer.

Was the Claimant less favourably treated than a non-Asian hypothetical comparator?

- 257. In relation to each of the remaining allegations, we need to analyse whether the Claimant has proved facts from which the Tribunal could infer, in the absence of explanation, that at least part of the reason for the treatment could be the Claimant's race. Aside from the proven treatment itself, she has not proved such facts in general terms. She has not established any other conduct on the part of the alleged discriminators that could be the basis for a legitimate inference that the impugned treatment was tainted by racial considerations. We have rejected her allegation made against Ms Blakemore that Ms Blakemore had said she did not like brown women. We have also rejected her contention that she received no support from the Respondent following a campaign of hostility from students, 99% of whom were white. We have not accepted that the Claimant raised concerns about the lack of diversity in the curriculum, or that Ms Blakemore responded with hostility when she did so.

258. Specifically in relation to the part of **issue 2(f)** concerning the failure to set targets for the Claimant during the first five months of her probationary period, there is no evidence as to how Dr Maddison would have treated other new starters in September 2015 in this particular respect who were not sharing the Claimant's ethnicity. Nor is there any other evidence that Dr Maddison had an antipathy towards the Claimant or to those of her ethnicity. The Claimant's own assessment of Dr Maddison as her mentor was extremely positive - she described him as "an extremely good mentor", noting she had "found his support invaluable when dealing with a couple of difficult students". There is no basis for inferring that he might have set targets for those who were white. Therefore, we do not find that the burden of proof has transferred to the Respondent to show, on the balance of probabilities, that no part of the reason for the treatment was influenced by considerations of race. This allegation therefore fails. Had the burden of proof shifted to the Respondent, the Respondent has not provided any explanation for this omission sufficient to rebut any inference of race discrimination.
259. We agree that Tim Atkins rather than the Claimant was appointed Module Leader for the Adaptation, Form and Practice Module **[issue 2(k)]** in September 2016. Even though the Claimant had done this during the previous academic year, there was no expectation that this responsibility would continue in 2016/17. The Claimant indicated she was happy not to have this responsibility in 2016/17. We find that there is no detriment to the Claimant in this decision, which is likely to have been made not by Tim Atkins (as the Claimant alleges) but by Ms Blakemore as Programme Leader. In addition, we do not find that the Claimant has proved facts from which we could conclude, in the absence of a non-discriminatory explanation, that this decision was influenced by the Claimant's race. Therefore, the burden of proof does not transfer to the Respondent to provide a non-discriminatory explanation.
260. We agree that the Claimant's probationary period lasted for a total of 16 months **[issue 2(o)]**. We do not consider that there are any facts from which an inference could be drawn that this was because of the Claimant's race, so as to shift the burden of proof to the Respondent. Even if it had, we accept the Respondent's non-discriminatory explanation, namely that there were sufficient concerns about the Claimant's performance in July 2016 to extend the initial 12-month probationary period by a few months. These were recorded in the contemporaneous report completed at the 11-month stage. The Probationary Policy recognises that it was an exceptional course of action to extend the probationary period and then it would be for a further period of 12 months. Normally, if the staff member had not reached a satisfactory standard of work by the end of the initial 12-month period, employment would be ended at that point **[352]**.
261. In August 2018, the Claimant became part of the Department of Media, Fashion and Communications without any consultation in August 2018 **[issue 2(v)]**. We have accepted the explanation provided by Alison Bell that there was no consultation with any of the Claimant's team. This was a change which affected all

staff equally and did not lead to any practical changes in the Claimant's responsibilities. It does not therefore constitute an act of direct race discrimination.

262. We have found that the Claimant was not given the opportunity to teach Life Writing in November 2018 [**issue 2(w)**] which was allocated instead to Roberta Garrett. There is no evidence from which we could infer, in the absence of a non-discriminatory reason, that any part of the reason for this decision was the Claimant's race. We have found that Roberta Garrett had the appropriate experience to teach Life Writing. The Respondent was seeking to best match the skills, interests, experience and availability of lecturers against the timetabled modules that needed to be taught.
263. **Issue 2(z)** – we have found that the Claimant was partially given her teaching preferences in October 2019, in that she was allocated Life Writing for Term 1. Although she was not allocated Creative Practice 3, this was allocated to Wes Brown who had taught this course the previous year and who, as a published author, was qualified to do so. No facts have been proved by the Claimant from which we could infer the allocation of courses to tutors was influenced by race. We accept that the reason for the courses that the Claimant was allocated was because other lecturers were thought to be better suited to these courses, given their availability and the Claimant's limited availability as a part-time lecturer.
264. **Issue 2(cc)** – we have found that the Claimant was asked to be Module Leader for Creative Practice 3 in July 2020 for the forthcoming academic year. This included a range of responsibilities, not just administration. The Claimant was allocated time within her annual allocation to do this. UEL's practice was that Module Leaders would be permanent members of staff. As a result, it was not appropriate to ask Wes Brown, an hourly paid lecturer, to be Module Leader for this course, even though he was teaching it. The Claimant had indicated a willingness to be involved in this course. It was therefore appropriate to ask her to be Module Leader even if she was not teaching the course.
265. **Issue 2(ii)** – we accept that the Claimant was not offered the role of Course Leader for the new BA (Hons) Degree. The Claimant has not proved any facts from which we could infer in the absence of a non-discriminatory explanation that this decision might be tainted by considerations of race. We accept the non-discriminatory explanation provided by the Respondent for why this role was given to Terry Bailey. He designed the course; and it was appropriate that he take the role of Course Leader.

Harassment related to race

266. **Issue 3(q)** – we have found that Dr Natalie Garrett Brown did initially arrange for Dominic Hingorani to peer review the Claimant in November 2020. The suggestion that Dr Hingorani should peer review the Claimant was unwanted. We do not consider that the suggestion violated her dignity or had the purpose or effect of creating a proscribed environment for the Claimant – particularly in circumstances

where the suggestion was quickly reversed. When the Claimant pointed out that Dr Hingorani had raised a complaint against her, Dr Garrett Brown made changes so the Claimant would be peer reviewed by someone else. There are no facts proved from which we could infer that at least part of reason for the initial suggestion was related to the Claimant's race. We accept Dr Garrett Brown's contemporaneous explanation as the correct and only explanation - she had forgotten about the complaint, as she said in an email at the time: "apologies, I should have remembered that". Therefore, this allegation is rejected.

267. The Claimant alleges that "emails were sent to a student which undermined the Claimant's ability to lecture and sought to deliberately embarrass the Claimant" **[issue 3(r)]**. This is a reference to the single email sent by Anna Robinson to Monette Titre on 18 February 2021 asking her to reassure a Level 3 student about Rav. We accept that the reference in this email to "reassure her about the group and Rav and the process" was unwanted treatment. However, we do not find that, even considering the Claimant's perception, it violated her dignity or had the purpose or effect of creating the environment proscribed by Section 26(1)(b). Read in context, Ms Robinson wanted Monette Titre to reassure this particular student about all aspects of the work on the Galleon, given that Ms Robinson said she was worried about her. That is why she asked Monette to reassure her not just about Rav (who was supervising the Galleon) but about the group (of students) and the process (to produce the anthology). We accept Ms Robinson's evidence that she had never had any issues with the Claimant's teaching and so would not have questioned this. In any event, even if she had, we accept she would not have questioned this in front of a student.
268. Finally, the Claimant herself in cross-examination was unable to explain how this comment was related to the Claimant's race. We do not find that the Claimant has proved evidence from which we could infer that any part of the reason for writing as she did was because of the Claimant's race. Even if the burden had shifted to the Respondent, we accept the Respondent's non-discriminatory explanation.

Direct sex discrimination

Is Wes Brown an appropriator actual comparator?

269. In relation to the direct sex discrimination claim, the Claimant compares her treatment with that of Dr Wes Brown. We do not find that Dr Brown was an actual comparator for the purposes of the sex discrimination claim. He was not in an equivalent role to the Claimant. He was an hourly paid lecturer on an annual contract, working an average of four hours a week. By contrast, the Claimant was employed on a permanent contract, working three days a week. He had a PhD, was a published author and had founded a publishing company, as well as been a mentor to young writers in a previous role.

Was the Claimant less favourably treated than a male hypothetical comparator?

270. The Claimant did not receive a response to her email to Professor Robertshaw of 19 September 2018, and therefore the Claimant did not receive a response to her request to increase her hours **[issues 4(a) and (b)]**. We do not consider there is any evidential basis for inferring that Professor Robertshaw's failure to respond could be influenced by the Claimant's sex. Given the length and lack of structure to the Claimant's email, it would not have been immediately clear to Professor Robertshaw exactly what he was being asked to do. There is no evidence he treated men more favourably than he treated women when it came to responding to emails. Therefore, the burden of proof does not shift to the Respondent to show that the failure to respond was not to any extent influenced by the Claimant's sex. In any event, we accept Professor Robertshaw's non-discriminatory explanation. At this time, being the start of term in which he was performing two roles (Dean and Acting Head of Department), he was particularly busy. On occasions he did not respond to some emails due to the extent of his other responsibilities. We find that this was one such email.
271. The same explanation applies to the failure to engage with the Claimant in one specific detail of her email of 19 September 2018, namely the request for an additional day's work a week. We find he did not appreciate that this was being requested, as is consistent with his answer given as part of the grievance investigation. There he said he had not been aware she had asked for her hours to be increased. **[1802]**.

Harassment related to sex

272. The only factual allegation that we have found amounts to unfavourable treatment which is advanced as harassment related to sex is the delay in reimbursing the Claimant for the cost of theatre tickets **[issue 5(b)]**. The Claimant submitted this expense claim in December 2018; and it was approved by Professor Robertshaw the same month. There was then an unexplained delay in paying those expenses.
273. This allegation is said to be harassment by Professor Robertshaw. We do not find that this can be the case, given we have found he approved the expenses claim within a month of it being submitted. In any event, in the absence of highly unusual financial factors (which are not present here), we do not find that a two-month delay in reimbursing expenses could violate dignity or have the purpose or effect of creating the proscribed environment set out in Section 26(1)(b).
274. The Claimant has not established a prima facie case that the delay was due to her sex. There is no evidence as to the speed with which Professor Robertshaw or the payroll process would have approved and processed expenses claims made by men. Therefore, the burden of proof does not switch to the Respondent to show a non-discriminatory explanation. The most obvious explanation for the delay in the Claimant's case is that this was due to an administrative error.

Victimisation

275. Based on our factual findings, the only protected acts that were done by the Claimant are:
- a. Lodging a grievance alleging discrimination against Helena Blakemore;
 - b. Lodging a grievance alleging discrimination against Simon Robertshaw on 4 June 2019;
 - c. Bringing an employment tribunal claim on 27 November 2020.
276. We do not accept that the Claimant suffered detriment because she had done these protected acts in the respects alleged in the list of issues. In so concluding, we have had regard to the burden of proof, and considered whether in relation to any alleged detriments the Claimant has established a prima facie case that the protected acts formed any part of the reason for the detrimental treatment. We do not accept that she has.

Grievance alleging discrimination against Ms Blakemore

277. So far as the grievance alleging discrimination against Ms Blakemore is concerned, the period between the grievance hearing and the grievance outcome is explicable entirely by the factual complexity of the issues raised in the grievance. We do not find that Professor Inam delayed producing the outcome because the Claimant had chosen to allege discrimination against Ms Blakemore. There is no evidential basis for making such an inference and we accept the explanation provided by Professor Inam for the duration of the process. Whilst Professor Inam did recommend that a disciplinary investigation be started against the Claimant as an alternative to mediation, he also recommended that an equivalent investigation should look into the conduct of Ms Blakemore. He made this recommendation because of his view that there was potentially fault on both sides for the breakdown in the working relationship between the Claimant and Ms Blakemore, rather than because of the allegation of discrimination made in the grievance. In any event, Professor Robertshaw chose not to follow this recommendation and no disciplinary investigation was instigated. This was confirmed to the Claimant.
278. The Claimant alleges that she submitted an appeal, but the appeal was not dealt with. At the point when the Claimant purported to appeal, it was premature to do so. The grievance process had not yet concluded. Although she had received the grievance investigation report, she had not yet met with Professor Robertshaw to conclude the grievance process. Professor Robertshaw had not himself carried out the grievance investigation because he had granted the Claimant's request that her concerns be investigated by someone independent who was in a different Department. It was still for him to come to his own conclusions as to the outcome to the grievance in the light of the findings in the investigation report. Because the Claimant refused to meet with Professor Robertshaw, Professor Robertshaw issued a grievance outcome on 3 June 2019 without having had a meeting with the Claimant. That email outcome did not offer the Claimant the option of appealing

against the outcome; nor did it refer to the Claimant's earlier appeal. The Claimant chose not to issue a formal appeal. Instead, she chose to lodge a further grievance against Professor Robertshaw. That second grievance became the focus of the Claimant's allegations and of the Respondent's responses. We do not consider that any part of the reason why the original appeal was not processed was because of the contents of the grievance against Ms Blakemore, and specifically its allegation of discrimination.

279. Ms Blakemore did tell Dr Bailey about the subject matter of the grievance. Dr Bailey was taking over from Ms Blakemore as Programme Leader and therefore needed to know of any particular problems that might affect the working relationships between the teaching staff on the Programme. To the extent that this breached the confidentiality inherent in the grievance process, we do not find that this was done because Ms Blakemore had been accused of discrimination. Rather it was done because Ms Blakemore wanted Dr Bailey to manage working relationships as effectively as possible from when he took over her role.

Grievance alleging discrimination against Professor Robertshaw

280. Although the Claimant alleges she was told she could not bring a representative to the hearing to consider her grievance against Professor Robertshaw, this was not the case. On 19 December 2019, Professor Abdalla informed her that she could be accompanied at the grievance meeting by her chosen representative ie her sister [1331]. Her sister did attend the grievance meeting as confirmed by the notes of the grievance meeting [1332].
281. The reason why the grievance was not upheld was because Professor Abdalla did not consider that there was sufficient merit in the Claimant's complaints. It was not because the Claimant had been complaining of discrimination in her complaint against Professor Robertshaw.
282. When the Claimant appealed against the grievance outcome, it was reviewed by John Parnham, Head of HR Business Partnering. He concluded that the appeal did not meet the criteria for an appeal as identified at paragraph 1.4 of UEL's appeal policy. This was because it was very generalised and did not identify clear grounds of appeal or a clear desired outcome. The reason why the appeal was not accepted was confirmed to the Claimant in a meeting on 22 October 2020. The Claimant has not advanced any explanation for why Mr Parnham may have been influenced in reaching this decision by the fact that the grievance included an allegation of discrimination. Therefore we do not find that there was any causal connection between the refusal to accept the appeal and the allegation of discrimination in the original grievance.

ET proceedings

283. The Claimant alleges she has been "subjected to continuous and ongoing mistreatment and acts of unlawful discrimination and harassment (as set out above)

following her issuing her claim.” We accept the evidence of Alison Bell in paragraphs 113 to 114 of her witness statement. This was to the effect that Simon Robertshaw and Natalie Garrett Brown were only told of the contents of the Claimant’s claim in high level terms, in their roles as Dean of School and Head of Department. Helena Blakemore and Terry Bailey were only made aware of the tribunal claim in around June to July 2021 in order to prepare witness statements. We also accept that Anna Robinson, also accused of victimisation, was not made aware of this claim until 2022.

284. It was not put in cross examination by Mrs Basra of any of the Respondent’s witnesses that they had sought to retaliate against the Claimant for issuing discrimination proceedings. We have not been shown any documentary evidence from which it might be possible to draw an inference to this effect. We do not accept that any of these individuals sought to retaliate against the Claimant for issuing proceedings.

Time limits

285. Given that the Claimant commenced ACAS Early Conciliation on 2 November 2020 for her first claim, any acts on or before 1 August 2020 would have been out of time, unless they amounted to conduct extending over a period with the last event within time. With the exception of the following issues – **2(dd), 2(hh),2(ii), 2(jj), 2(kk), 3(q), 3(r), 3(s)**, and the allegations following the protected act of bringing an ET claim in November 2020 [**issue 6(g)**] - the remainder of the Claimant’s allegations relate to events which occurred on or before 1 August 2020.
286. The Claimant has not shown why it would be just and equitable to disapply the standard time limits in her case. Her earliest complaints are almost five years out of time. Several of the Claimant’s witnesses who are accused of discrimination or victimisation left the Respondent’s employment in either 2017 or 2018 – Stephen Maddison, Tessa McWatt, Tim Atkins, Jaqui Mitchell and Sheila Preston. They have not been called to give evidence. The Tribunal accepts that the Respondent is therefore prejudiced in defending the allegations against those individuals. The passage of time, in many cases spanning a very significant period, is further prejudice suffered by the Respondent in defending out of time allegations against those individuals who did attend to give evidence.
287. Weighing the prejudice to the Claimant in not being entitled to proceed with out of time allegations in circumstances where no good reason has been provided for the delay in issuing proceedings, against the prejudice to the Respondent, the balance would have favoured maintaining the existing statutory time limits and deciding that the Tribunal did not have jurisdiction to consider these events on their merits in any event.
288. Therefore, if the Tribunal had not concluded that there was no merit in the Claimant’s allegations, we would have dismissed those allegations which relate to

events occurring on or before 1 August 2020 on the basis that the Tribunal did not have jurisdiction to consider them given the application of the statutory time limits.

Conclusion

289. As explained in these Reasons, none of the Claimant's various complaints are well founded. Her claim must be dismissed.

**Employment Judge Gardiner
Dated: 16 February 2022**