



EMPLOYMENT TRIBUNALS

Claimant: Ms D Fulcher

Respondent: Barclays Bank UK plc

Heard at: Newcastle Employment Tribunal (in public, by video)

On: 8 November 2024

Before: Employment Judge Moor

Representation

Claimant: in person and assisted by her partner

Respondent: Mr Keith, counsel

JUDGMENT

1. The complaint of unfair dismissal under Part X the Employment Rights Act 1996 is struck out as having no reasonable prospect of success. (The issue at paragraph 19 of EJ Sweeney's summary sent to the parties on 5 September 2024).
2. The claim that dismissal was direct disability discrimination under section 13 and section 39(2)(c) of the Equality Act 2010 is struck out as having no reasonable prospect of success. (The issue at paragraph 23 of EJ Sweeney's summary).
3. The claim that dismissal was disability discrimination under section 15 and section 39(2)(c) of the Equality Act 2010 is struck out as having no reasonable prospect of success. (The issue at paragraph 25 of EJ Sweeney's summary).
4. The claim of harassment relating to disability under section 26 and section 40 of the Equality Act 2010 is not struck out (the issue at paragraph 30.1-3 of EJ Sweeney's summary that the Respondent engaged in unwanted conduct by accepting the outcome of AXA's investigation into her complaints without further inquiry and thus condoned the behaviour) but the application that a deposit should be

paid as a condition of continuing with this claim succeeds (see Deposit Order separately).

5. The claim of direct disability discrimination under section 13 and section 39(2)(d) that the Respondent treated her less favourably than a person without her disabilities by accepting the outcome of AXA's investigation into her complaints without further inquiry and thus condoned the behaviour is struck out as direct disability discrimination (issue at paragraph 30.4 of EJ Sweeney's summary).

Employment Judge **Moor**

Date **11 November 2024**

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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Recording and Transcription

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<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>