



EMPLOYMENT TRIBUNALS

Claimant: Mrs K Higgs

Respondent: Farmor's School

Heard at: Bristol **On:** 21 – 24 September 2020
(In chambers 25 September 2020)

Before: Employment Judge Reed
Members Mrs D England
Ms S Maidment

Representation

Claimant: Mr P Stroilov

Respondent: Ms D Grennan, Counsel

JUDGMENT

The unanimous judgment of the tribunal is that

1. The respondent did not directly discriminate against the claimant on the ground of religion
2. The respondent did not harass the claimant.

REASONS

1. In this case the claimant Mrs Higgs claimed she had been unlawfully discriminated against on the ground of religion. Specifically, she asserted that she had been mistreated by her employer, Farmor's School ("the School") in that she had been taken through a disciplinary process and dismissed (and her appeal against dismissal rejected), those actions amounting either to direct discrimination on the ground of religion or

harassment. The claims were resisted by the School. The School also asserted that at least in relation to some of the claims, the claim form had been presented to the tribunal "out of time".

2. Before the hearing began Mr Stroilov made a number of applications.
3. Firstly, he suggested that the School should be prevented from contending that any of Mrs Higgs' beliefs did not qualify for protection under the Equality Act 2010, on the basis of the issues identified at an earlier case management discussion. However, it was clear that that was a matter the School always put in issue and accordingly we were not inclined to prevent them doing so before us.
4. Secondly, Mr Stroilov asked that when any of the School's witnesses gave evidence, its other witnesses should be excluded from the tribunal. He told us he was concerned that the evidence of witnesses that had observed others might be modified in the light of what they had heard.
5. The tribunal is certainly empowered to make such a direction and it will no doubt be appropriate to do so in certain circumstances. However, the "default" position in England and Wales is that witnesses are present throughout. There was not, in fact, a great deal of "overlap" in the evidence to be given by each witness or frankly any significant conflict of evidence, so it was difficult to see why there should be a particular concern on this subject. In any event we saw nothing special about this case or any reason to depart from the usual arrangement in relation to witnesses.
6. Finally, the action taken against Mrs Higgs that resulted in these proceedings had its origin in a complaint made about her in an email. The complainant had been anonymised and Mr Stroilov invited us to remove that anonymity.
7. We declined to do so. If Mrs Higgs had been disadvantaged in the course of the disciplinary proceedings that led to her dismissal by her ignorance of the complainant's identity, there was nothing to prevent Mr Stroilov cross examining on that basis. It seemed to us that knowing her name at this stage would add nothing.
8. Turning then to the determination of the claims before us, we heard evidence from Mrs Higgs herself and, on behalf of the School, from Mr Evans, its Head Teacher, Mrs Dorey, School Business Lead, Mr Conlan, a Governor of the School and from Ms Paton, another Governor. On the basis of their evidence and the documents to which we were referred, we reached the following findings of fact.
9. Mrs Higgs was employed by the School from 2012. At the time of the events giving rise to these claims, she was a pastoral administrator and work experience manager. In the first of those roles she was responsible for overseeing students who had been removed from a class for being disruptive.
10. On 26 October 2018, Mr Evans was sent an email from someone outside the School making a complaint about Mrs Higgs. Mrs Higgs had made a

posting on Facebook and the complainant asserted that she had demonstrated homophobic and prejudiced views against the LGBT community. The relevant post is essentially a reposting of a piece written by someone other than Mrs Higgs to which she had added "Please read this! They are brainwashing our children!" and an exhortation to sign a petition. The post relates to the teaching in schools of same sex relationships, same sex marriage and gender being "a matter of choice".

11. Mr Evans replied to the complainant on 29 October to thank her for her report and telling her it would be helpful "if you have access to any similarly offensive posts" also made by Mrs Higgs if she forwarded screenshots. As a result, Mr Evans was sent another example of Mrs Higgs reposting articles again written by a third party. The article relates to gender fluidity, describing it as a "perverted vision" and the complainant expresses the view that Mrs Higgs "seems to find...obnoxious" a category of person that would include several children at the School. This would appear to be a reference to LGBT pupils.
12. Mr Evans asked Mrs Dorey to speak to Mrs Higgs to see if the posts were on her account. Mrs Dorey did so and Mrs Higgs confirmed they were indeed hers. Mrs Dorey kept notes of that meeting, which appear at page 188 in the bundle. Mrs Higgs took issue with the accuracy of those notes but we were satisfied that they correctly represented the discussion that took place on that date.
13. Mr Evans took the view that Mrs Higgs should be suspended. Mrs Dorey called her to Mr Evan's office on 31 October and he informed her of her suspension, which he confirmed in a letter at page 105 of the bundle.
14. Mrs Dorey was appointed to investigate the allegations against Mrs Higgs and met her on 8 November. A full note of that meeting was produced by her to which, at Mrs Dorey's invitation, Mrs Higgs made amendments.
15. A further meeting took place between Mrs Dorey and Mrs Higgs on 20 November. Mrs Dorey informed Mrs Higgs that she (Mrs Dorey) had accessed Mrs Higgs' email account. Mrs Higgs appeared to consider there was something suspicious about this but we accepted the evidence of Mrs Dorey to the effect that this was a perfectly normal procedure, in circumstances where Mrs Higgs was suspended and parents might be writing to Mrs Higgs expecting a reply.
16. Again, Mrs Dorey produced a note of that meeting which was amended by Mrs Higgs at the invitation of Mrs Dorey.
17. Mr Evans decided that matters should proceed to the disciplinary stage and on 4 December 2018 Mrs Higgs was sent a letter by him inviting her to a disciplinary hearing on 19 December and setting out the allegations against her. Mrs Higgs was provided with a bundle of documents, which included Mrs Dorey's investigation report.
18. Mrs Higgs was told that she could attend the disciplinary hearing with a trade union representative or work colleague. She informed Mr Evans that she was not a member of a trade union and had no work colleague who

could accompany her and asked to be accompanied by her pastor but Mr Evans refused that request (although the pastor attended as a witness). The School was entitled to take that position.

19. Mr Conlan chaired the disciplinary hearing. The allegations were to be determined by him and two of his fellow governors. Also present was a notetaker and a representative of HR, together with Mrs Dorey to present the case against Mrs Higgs. Mrs Higgs told us that too many people were present for the School but for our part we could not see whose services should have been dispensed with.
20. In advance of the meeting Mrs Higgs had asked for any equality/discrimination policy. She had not received one but at the commencement of the hearing the School produced an Equality Information and Objectives Statement (EIOS). This seemed to add little to what Mrs Higgs already had but there was a break in proceedings for some thirty minutes in order that she could read it, after which she confirmed she was happy to proceed.
21. The hearing commenced at 2.00pm and at roughly 7.00pm Mr Conlan suggested there should be a short break, after which Mrs Higgs stated "the children are hungry at home". However, she did not indicate that she was unhappy to continue and the hearing went on.
22. By letter dated 7 January 2019, the School informed Mrs Higgs that she was being summarily dismissed and set out in detail the grounds upon which it had been concluded that she had committed gross misconduct.
23. She appealed against dismissal by email dated 14 January 2019 and the appeal hearing went ahead on 13 February. Once again, and unremarkably, three governors were present together with an HR Advisor and a notetaker. Mrs Dorey and Mr Conlan also attended.
24. By letter dated 26 February Mrs Higgs' appeal was dismissed.
25. Mrs Higgs commenced early conciliation on 15 April 2019. That same day early conciliation ended and she presented her claim to the tribunal.
26. Under Section 13 of the Equality Act 2010 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.
27. Under Section 26 of the Act, 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.

28. Religion or belief are protected characteristics and Mrs Higgs contended that she had been directly discriminated against and harassed by reason of her religion or belief.
29. Mrs Higgs is a Christian but it was not her case that she had been directly discriminated against or harassed for her Christianity per se (and clearly she had not been).
30. Rather, she contended that the following beliefs that she held had resulted in her mistreatment.
 - (a) Lack of belief in "gender fluidity".
 - (b) Lack of belief that someone could change their biological sex/gender.
 - (c) Belief in marriage as a divinely instituted life-long union between one man and one woman.
 - (d) Lack of belief in "same sex marriage". Whilst she recognises the legalisation of same sex "marriage", she believes that this is contrary to Biblical teaching.
 - (e) Opposition to sex and/or relationship education for primary school children.
 - (f) A belief that she should "witness" to the world, that is when unbiblical ideas/ideologies are promoted, she should publicly witness to Biblical truth.
 - (g) A belief in the literal truth of the Bible, and in particular Genesis 1v 27: "God created man in His own image, in the image of God He created him; male and female He created them".
31. Under s10 of the Act, religion means any religion. Belief means any religious or philosophical belief
32. Mrs Higgs essentially asserted that the entire process leading to her dismissal (and the rejection of her appeal) amounted to direct discrimination or harassment.
33. Our first task was to determine which of the beliefs referred to above amounted to a philosophical belief protected by the Act.
34. We were bound to interpret domestic legislation in the light of the provisions of the European Convention on Human Rights and in particular articles 8, 9 and 10, which provide as follows:

Article 8

- (1) Everyone has the right to respect for his private and family life, his home and his correspondence.

- (2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 9

- (1) Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

- (2) Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or the protection of the rights and freedoms of others.

Article 10

- (1) Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

 - (2) The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or the rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.
35. It was conceded by the School that items (c) – (e) in paragraph 30 above did amount to religious or philosophical beliefs falling within s10 of the Act. Items (f) and (g) did not really concern us but it was contended that items (a) and (b) did not so qualify.

36. We were referred to the leading case on this subject, *Nicholson v Grainger Plc*, which provides that in order to qualify for protection under s10 a relevant belief must satisfy five tests, namely:
- (a) The belief must be genuinely held;
 - (b) It must be a belief and not an opinion or viewpoint based on the present state of information available;
 - (c) It must be a belief as to a weighty and substantial aspect of human life and behaviour;
 - (d) It must attain a certain level of cogency, seriousness, cohesion and importance;
 - (e) It must be worthy of respect in a democratic society, be not incompatible with human dignity and not conflict with the fundamental rights of others.
37. For the School it was accepted that beliefs (a) and (b) satisfied the first 4 tests but contended that they fell foul of the final requirement.
38. We were referred by Ms Grennan to the first instance cases of *Forstater v CGD Europe* and *Mackereth v DWP* and another. In both cases the Employment Tribunal concluded that the final test in *Grainger* was not met in relation to a belief that sex was biologically immutable and could not be changed – essentially the belief we were addressing.
39. Of course, those decision were not binding upon us. Furthermore, it is clear that in both cases a major consideration for the Tribunal was the belief of the claimant in each case that, as a result of his or her belief, he or she would address and categorise a person who had transitioned by the appellation and pronoun applicable to his/her sex before transitioning – that there would be “misgendering”. It is pointed out that such behaviour might amount to unlawful discrimination against a trans person.
40. If the only way in which a person could manifest a particular belief would be by acting unlawfully or if unlawful action was a necessary corollary to a belief, one might easily conclude that that belief was not worthy of respect in a democratic society and would unacceptably conflict with the fundamental rights of others. On the other hand, the fact that an individual might chose to manifest his or her belief by acting unlawfully is not determinative of such inevitability.
41. We could see no reason why the belief professed by Mrs Higgs should necessarily result in unlawful action by her. On the contrary, she told us she “loved everyone” and there was no reason to believe she would behave towards any person in a way such as to deliberately and gratuitously upset or offend them.
42. The belief that sex and gender are “set at birth” may be upsetting to certain people but if freedom of speech and the rights within articles 9 and 10 of the Convention only extended to expressions of belief that could upset no-one they would be worthless. Essentially, to find as the tribunals did in the cases

to which we were referred would amount to a declaration that it is “open season” on people that hold and express the beliefs in question – that they do not deserve protection. That seemed to us to be a strange and somewhat disturbing conclusion.

43. We also bore in mind that while it is undoubtedly the case that some people would find the views expressed by Mrs Higgs as to gender fluidity offensive, the same could no doubt be said about her views on same sex marriage, which clearly did attract protection.
44. It was necessary for us to carry out a balancing act between those who hold the beliefs in question and those who oppose them. We also had to consider the mores of society at the present day. What is acceptable today might well be regarded as morally repugnant at some point in the future but it was not our job to anticipate such a change.
45. In short, we concluded that the beliefs in question did satisfy the final test in Grainger and therefore that Mrs Higgs’ beliefs in relation to gender fluidity attracted the protection of the Equality Act.
46. Section 212(1) of the Equality Act provides, in effect, that harassment and direct discrimination are mutually exclusive. We therefore address them separately and begin by considering direct discrimination.
47. The specific items of less favourable treatment allegedly suffered by Mrs Higgs are set out in paragraph 24 of the amended particulars of claim. Precisely the same items were claimed to amount to harassment and we set them out separately and deal with them individually below, when we address the harassment claim. However, for the purposes of direct discrimination the essence of the claim was that Mrs Higgs’ entire treatment throughout the disciplinary process, including her dismissal, was unlawful, since it was on the ground of her protected beliefs.
48. We begin by addressing the question of whether the School had any right to take action in relation to matters that Mrs Higgs might have regarded as private.
49. Mrs Higgs contended that her Facebook postings were private and that to punish her for what she posted would breach her rights under article 8 of the Convention.
50. It is correct that what she put on her Facebook page would only be visible to her “Facebook friends”. However, she told us there were over 100 such people, and they included parents of children at the school where she worked.
51. It is also the case that she posted under her maiden name. However, it would be very easy for anyone to find out her true identity (as the complainant had done).
52. There was nothing to prevent anyone taking screenshots of Mrs Higgs’ postings and circulating them more widely, as Mrs Higgs accepted. The fact is that anyone posting on such a platform as Facebook effectively loses

control of their posts, at least when a large number of people can access them. In all the circumstances, we did not consider she had any real expectation of “privacy” in relation to matters that she had chosen to publish in this way. The School was fully entitled to take action in relation to the posts.

53. Addressing then the claim of direct discrimination, in order for her claim to succeed we would have to be satisfied that her treatment (ie the steps within the process itself) was because of her beliefs. We had to determine the rationale for that treatment.
54. The origin of the entire proceedings was the email of complaint dated 26 October 2018 which describes the views posted on Facebook as homophobic and prejudiced against the LGBT community. The complainant had – reasonably - inferred that the views expressed in the posts reflected the views of Mrs Higgs herself and concluded that those posts exhibited animus against the LGBT community, and trans people in particular.
55. The thrust of the subsequent investigation is reflected in the allegations made against Mrs Higgs that resulted in her dismissal. They were

“1 That you have contravened section 6.2 of the Conduct Policy (copy attached), in particular

- a. Bullet point 6: any illegal discrimination
- b. Bullet point 13: serious inappropriate use of social media eg Facebook or other online comments that could bring the school into disrepute

2 That you have contravened section 5.1 of the Conduct Policy, in particular:

- a. Bullet point 6: breaches code of conduct applicable to or adopted by the school

3 That you have contravened section 2.1 of the schools (sic) Code of Conduct (copy attached) relating to communications on your Facebook account that could be interpreted as illegal discrimination.

4 That you have contravened section 8.4 of the school’s Code of Conduct relating to communications on social media sites, having made comments on your Facebook account that could damage the reputation of the school.”

56. By way of explanation of those matters, section 6.2 of the Conduct Policy set out examples of gross misconduct, and allegation 1 against Mrs Higgs identified two that the School contended might apply to what she had done. As to allegation 2, section 5.1 gives examples of misconduct and in the dismissal letter the School identified two items with the Code of Conduct that Mrs Higgs had fallen foul of, essentially amounting to acting in a way that might bring the School into disrepute and potentially demeaning or humiliating pupils. Allegation 3 was not found proven against Mrs Higgs. In relation to allegation 4, section 8.4 of the Code of Conduct provided that communications on social media should not be inappropriate and should not bring the School into disrepute. The School eventually took the view that allegation 4 was subsumed within number 2.

57. It is fair to say that the allegations were not set out as clearly as they might have been. However, on closer analysis there was really only one allegation of misconduct against Mrs Higgs.
58. The letter of dismissal makes a number of references to the email of complaint, pointing out that the complainant took offence and described the posts as homophobic and prejudiced against the LGBT community. The letter also talks of the language in the posts being inflammatory and quite extreme.
59. In particular, the second post states, amongst other things “The LGBT crowd with the assistance of the progressive School systems are destroying the minds of normal children by promoting mental illness” and “the far-left have hijacked the learning environment and they insist on cramming their perverted vision of gender fluidity down the throats of unsuspecting school children who are a government mandated captive audience”. The post in question is specifically about the use of books in schools in America which, according to the post, promote the concept of gender fluidity.
60. The language is florid and provocative, and is no doubt intended to be. However, the School considered that the consequence was that a reader (such as the complainant) might conclude that someone who associated herself with such a post (as Mrs Higgs had done) not only felt strongly that gender fluidity should not be taught in schools but was also was hostile towards the LGBT community, and trans people in particular.
61. Although not stated as clearly or simply as this, the act of which we concluded Mrs Higgs was accused and eventually found guilty was posting items on Facebook that might reasonably lead people who read her posts to conclude that she was homophobic and transphobic. That behaviour, the School felt, had the potential for a negative impact in relation to various groups of people, namely pupils, parents, staff and the wider community. It was a suspicion that she had done so that brought about the entire process.
62. We were also conscious that Mrs Higgs made it clear that she had no intention of desisting from making any further such posts in the future. The suggestion that she might was not, as Mr Stroilov suggested, an invitation to her to renounce her beliefs. Mr Conlan told us that had those beliefs been simply stated on her Facebook page in the form which they appear in paragraph 30 above, no further action could or would have been taken against her. We accepted his evidence to that effect.
63. We concluded that not only the dismissal but the entire proceedings taken against Mrs Higgs were motivated by a concern on the part of the School that, by reason of her posts, she would be perceived as holding unacceptable views in relation to gay and trans people – views which in fact she vehemently denied that she did hold.
64. In short, that action was not on the ground of the beliefs but rather for a completely different reason, namely that as a result of her actions she might reasonably be perceived as holding beliefs that would not qualify for protection within the Equality Act (and, as we say, beliefs that she denied having).

65. It is important to bear in mind that this was not a claim of unfair dismissal. We were not concerned to decide whether the School's actions were reasonable or not. It might be contended that there was a different course of action the School could have taken, in the light of the position made clear by Mrs Higgs in the disciplinary process. Since she denied being homophobic or transphobic, a reasonable employer might have taken the view that justice would be served by her (or the School) making it clear that if anyone thought she held those views they had got "the wrong end of the stick" – that pupils and parents should not be concerned that she would demonstrate any sort of hostility to gay or trans pupils (or indeed gay or trans parents).
66. That was not a subject canvassed before us, for the simple reason that it was irrelevant to our considerations. Our only task was to decide if there was a causal connection between the beliefs in paragraph 30 and the treatment meted out to Mrs Higgs.
67. We concluded that there was not. Our view was that her treatment was not because of the relevant beliefs and accordingly her claim of direct discrimination failed.
68. We then turn to her claim of harassment.
69. The treatment of Mrs Higgs was undoubtedly unwanted conduct, so we were obliged to consider whether it was related to the relevant protected characteristic.
70. It was possible to see some sort of connection between her beliefs and that treatment. The posts in question clearly expressed those beliefs, both in relation to same sex marriage and gender fluidity. However, as we have said, her treatment was not a consequence of her expressing those beliefs in a temperate and rational way. Rather, it was because the School felt that the language used in those posts might reasonably lead someone who read them to conclude that she held views (homophobic and transphobic) that she expressly rejected.
71. The essence of the protection from harassment is that a claimant should be entitled to hold and express protected views without being mistreated as a consequence. It was not the protected views of Mrs Higgs that resulted in the disciplinary action but rather the School's conclusion that her action in posting the items in question might reasonably (and in fact did) lead others to conclude she held wholly unacceptable views.
72. It follows that we also conclude that the causal nexus between the protected characteristic and the actions of the School was not made out. The School's behaviour was not related to the relevant beliefs and it followed that the claim of harassment was not made out.
73. At paragraph 24 of the amended particulars of claim are set out the allegations and matters said to amount to either direct discrimination or harassment. A number are simply statements of fact (for example, Mrs Higgs was dismissed). Others imply that the School acted otherwise

improperly. (There were various other criticisms made of the actions of the School that did not fall within the list of allegedly unlawful acts. Insofar as those matters might be thought relevant, we have declared our findings in relation to them in the narrative above).

74. For the sake of completeness, insofar as the conduct in question was said to amount to harassment and leaving to one side the absence of a relationship between the protected characteristic and the School's actions, that conduct and the position we took in relation to it were as follows:

(a) The disciplinary investigation.

It was inevitable that a disciplinary investigation would be undertaken against Mrs Higgs, given the nature of the complaint that had been made against her.

(b) The suspension of Mrs Higgs.

On the face of it, if the allegations were proven and given the approach of the School, this was likely to amount to a serious act of misconduct and therefore her suspension was warranted.

(c) The investigation meeting of 20 November and the questioning of Mrs Higgs there.

We saw no reason to criticise the holding of the meeting or the questions put to Mrs Higgs.

(d) Inaccurate notes of meetings, requiring work by Mrs Higgs to correct.

There may well have been minor inaccuracies in the notes of meetings produced by the School. It was not put to the relevant witnesses that this was deliberate, and clearly it was not. The notes were forwarded to Mrs Higgs and her corrections were incorporated into them so there was no question of anyone being misled.

(e) The investigation report incorporated the inaccurate note of the meeting of 30 October, which Mrs Higgs was not given the opportunity to correct. It was reasonable for the School to rely on the note of the meeting on 30 October, which we did not accept was inaccurate.

(f) The investigation report, which went before the disciplinary and appeal panels, incorporated Facebook posts which formed no part of the case against Mrs Higgs.

It was true that other posts were in the report but we did not accept that the School relied upon posts made by Mrs Higgs other than the two to which we have referred.

(g) The disciplinary hearing on 19 December, including its length, the number of people involved for the School and the comments made by them.

It is correct that the hearing was a lengthy one. That certainly gave Mrs Higgs an opportunity to put her case in full but there were no material factual disputes and the length of the hearing appeared to reflect an abundance (perhaps an over-abundance) of caution on the part of the School. On balance we did not feel that criticism was justified. The number of people involved on the side of the School was unremarkable

and we did not believe any inappropriate comments were made by them.

(h) Summary dismissal

The summary dismissal of Mrs Higgs was the result of a genuine belief on the part of the School that she had committed gross misconduct.

(i) The contents of the dismissal letter.

We concluded that the reference in the dismissal letter to the demeanour of Mrs Higgs at the disciplinary hearing was a genuine reflection of the School's opinion. Indeed, before us, she also appeared unable or unwilling to give straightforward answers to simple questions.

(j) The appeal hearing including its length, the number of people involved for the School and the involvement of Mr Conlan.

The hearing itself was unremarkable. It was unsurprising that Mr Conlan should be there in order to justify his decision at first instance. It may be the case that he participated in the appeal to a rather greater extent than one might have anticipated but there was no reason to believe that in any way disadvantaged Mrs Higgs.

(k) The rejection of Mrs Higgs' appeal.

Mrs Higgs' appeal was indeed dismissed which, in the light of what we already said, was not surprising.

75. In short, this was an unexceptional disciplinary process. Whilst it clearly would have been unpleasant for Mrs Higgs to experience it, we were not satisfied that the conduct had either the purpose or effect of violating her dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for her.

76. Our conclusion therefore was that Mrs Higgs was not directly discriminated against on the ground of religion and nor was she harassed.

77. In the circumstances it was not necessary for us to address the question of whether the claims or any of them were presented "out of time".

78. The remedy hearing set for 16 October 2020 will be vacated.



Employment Judge Reed
Date 6th October 2020

JUDGMENT & REASONS SENT TO THE PARTIES ON
6th October 2020 By Mr J McCormick



FOR THE TRIBUNAL OFFICE