



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs L Rooke

**Respondent:** NHS Blood & Transplant

**Heard at:** London South Employment Tribunal, Croydon (by video)  
**On:** 15 September 2023

**Before:** Employment Judge Abbott

## Representation

Claimant: in person

Respondent: Mr C Baker, solicitor

# JUDGMENT FOLLOWING PRELIMINARY HEARING

1. It is the judgment of the Tribunal that the claimant did, at the time of the events her disability discrimination claim is about, have a disability as defined in section 6 of the Equality Act 2010: specifically, anxiety and low mood.
2. The respondent's application to strike out the complaint of constructive unfair dismissal, alternatively to impose a deposit order in respect of that complaint, is refused.
3. The respondent's application to strike out the claimant's reliance upon following protected disclosures as part of her whistleblowing complaint succeeds:
  - a. A disclosure in writing by e-mail to the NCQT on 25 March 2020 expressing concerns that the Respondent intended to recruit 'volunteers' during the Covid pandemic without carrying out adequate screening processes, for example criminal checks (Identified under point 3.1.1.2 of the List of Issues settled by EJ Rice-Birchall on 23 June 2023).
  - b. A disclosure verbally to her GP on 17 August 2020 expressing concerns that there had been an increase in new staff pricking their own finger with the donation needle and going on to insert the same

needle into the donor, which was causing her work related stress and acerbating her menopausal symptoms (Identified under point 3.1.1.4 of the List of Issues settled by EJ Rice-Birchall on 23 June 2023).

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**Employment Judge Abbott**

**Date: 18 September 2023**

JUDGMENT SENT TO THE PARTIES ON  
**19 September 2023**

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FOR THE TRIBUNAL OFFICE

**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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