



# eNews**letter**

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Welcome to our Jan & Feb 2026 eNewsletter!

It's been a very busy start to the year and we're delighted to provide details of our NEW **Smart Dispute Resolution Solutions** together with our NEW 1-day coaching and development workshop for Managers - **The Coaching Edge: Elevate Your Leadership Impact**.

We include details of the wide range of UK employment legislation changes due and expected for 2026 and 2027.

In addition, we include our usual interesting range of employment tribunal findings covering race discrimination, unfair dismissal, sexual harassment, and discriminatory constructive dismissal.

We provide details of our other tailored coaching and people management development solutions, and we're working on creating a NEW **"Workplace Essentials"** development programme - further details to follow!

*We hope you find our  
eNewsletter of interest.*

*Please feel free to  
forward this to other  
colleagues.*

*To sign up to our  
mailing list email  
[contact@SmartHR.co.im](mailto:contact@SmartHR.co.im)*

# **\*\*NEW – SMART DISPUTE RESOLUTION SOLUTIONS\*\***



**Although we have delivered dispute resolution related services to clients for over 15 years, we can also provide these as a stand alone service. We offer a wide range of impartial and confidential employment-related dispute resolution solutions including:**

- **Independent advice:** impartial advice and guidance on wide-ranging topics, including complex cases.
- **Early intervention and facilitated conversations:** we prevent smaller issues from escalating, help leaders and managers identify early signs of conflict and support conversations before they become formal disputes.
- **Workplace mediation and conflict resolution:** a neutral, structured process that helps employees move past conflict, rebuild communication, and restore working relationships.
- **Conflict coaching and support:** one-to-one support for leaders, managers and employees to build clarity, confidence and constructive communication skills.
- **Support for collective and group issues:** guidance and facilitation for teams, departments, and union-related concerns, helping organisations navigate sensitive issues calmly and collaboratively.
- **Independent workplace investigations:** we can conduct independent workplace investigations or provide guidance and support to your leaders and managers.
- **Disciplinary and grievance process support:** we provide practical advice, guidance and support in managing disciplinary and grievances situations, including creating supporting documentation. We can act as an independent note-taker, chair or appeals chair.
- **Training and capability building:** we deliver skills workshops to enhance leadership/management capability including handling difficult conversations, conflict awareness for managers, psychological safety and respectful workplaces, effective grievance and dignity at work approaches.
- **Policies and procedures support:** we can create or review and update your organisation's policies and procedures including equal opportunities, diversity and inclusion, anti-bullying and harassment, sexual harassment, discipline, grievance, and dignity at work.

# **\*\*NEW – SMART DISPUTE RESOLUTION SOLUTIONS\*\***

**Our aim is to partner with organisations and deliver trusted solutions to prevent conflict from escalating, support resolving disputes, restoring working relationships, protecting wellbeing, and enhancing organisational culture.**

Workplace conflicts can arise for a wide range of reasons including poor communication, personality clashes, misunderstandings, conflict with colleagues, conflict with management, behavioural concerns, unclear roles and responsibilities, poor management, unfair or discriminatory treatment, intense pressure, rapid changes, and previous unaddressed conflicts. If left unaddressed these could escalate into costly external legal disputes and potential employment claims.

## **Why use SmartHR?**

**Our distinct advantage lies in the breadth and depth of our team's extensive expertise and our solutions focused approach. We work across diverse industries and jurisdictions to support clients effectively resolve workplace disputes in a sensitive and confidential manner.**

### **The benefits of our expertise means:**

- Faster intervention by highly experienced professionals
- Knowledgeable and trusted advice and guidance
- Highly confidential and impartial service
- Effective early dispute resolution
- Helps prevent escalation, formal disputes or tribunals
- Protects relationships and reduces internal tension
- Reduced organisational disruption
- Cost effective and pragmatic solutions

**To find out more, please contact **Gail** or **Andrea** for a free, confidential, no obligation initial call to talk through any challenges and we can explain how external dispute resolution solutions can help your organisation move forward.**



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# **\*\*NEW – THE COACHING EDGE: ELEVATE YOUR LEADERSHIP IMPACT\*\***

We're delighted to announce our new 1-day coaching and development workshop –  
**The Coaching Edge: Elevate Your Leadership Impact**

**This new workshop is designed for Managers, Supervisors and Team Leaders with people management responsibilities, including managing performance, engagement, and development.**

**The practical workshop is ideally suited to being delivered internally to a group of Managers to enhance their skills and knowledge so they can coach their team with confidence.**



**Investing in Your People Starts with Your Managers:** Organisations often talk about investing in their people — but real impact begins with those who lead them every day. People Managers shape culture, performance, engagement and resilience. When they are confident, skilled coaches, teams thrive. When they are unsure, overly directive or inconsistent, performance suffers.

**Why This Matters:** Across industries, professional bodies continue to highlight a clear issue: **Many People Managers are not fully equipped to lead a multi-generational, culturally diverse and increasingly neurodiverse workforce.** Some managers coach instinctively. Others default to delegation, avoidance or rigid instruction. The result? Underperformance, frustration, escalation to HR, employee disengagement, and lost productivity.

**The Coaching Edge** equips People Managers at any level with a structured, practical coaching approach that drives accountability, performance and growth — without adding significant time pressure. Whether new to role or highly experienced, this programme sharpens capability and builds confidence.

**Who Is This For?** People Managers at all levels who want to:

- Develop their leadership impact
- Improve team performance
- Increase accountability
- Navigate generational and cultural differences confidently

**What This Programme Delivers:** This is not theory heavy. It is **experiential, practical and highly interactive.** Managers work on real scenarios and practice coaching in real time alongside like-minded professionals. Participants leave with tools they can apply immediately.

**Pre-Course Preparation:** Participants will complete a short coaching style self-assessment, reflect on their top three current people management challenges, and identify one real employee scenario (on an anonymous basis). These 'live' cases are worked through during the session, ensuring practical application.

# **\*\*NEW – THE COACHING EDGE: ELEVATE YOUR LEADERSHIP IMPACT\*\***

## **Core Areas Covered:**

- 1. The Coaching Mindset:** Managing vs coaching, When to direct and when to coach, Creating psychological safety, and Awareness of neurodiversity and individual differences
- 2. Non-Verbal Communication:** What your body language signals, Micro behaviours that build or damage trust, and Identifying disengagement cues
- 3. Emotional Intelligence:** Self-awareness under pressure, Managing emotional triggers, and Responding rather than reacting
- 4. Active Listening & Powerful Questioning:** Listening to understand - not to respond, Challenging constructively, and Avoiding premature advice-giving
- 5. Accountability & Ownership:** Setting clear expectations, Holding people accountable without micromanaging, and Following up with confidence
- 6. Positive Reinforcement & Motivation:** Recognition beyond “good job”, Intrinsic vs extrinsic motivators, and Reinforcing performance-enhancing behaviours
- 7. Using DOTS as a Coaching Tool:** Strength-led development, Identifying blockers and Turning development gaps into action
- 8. Coaching & Performance Improvement Plans (PIPs):** When coaching is appropriate, When formal performance management is required, and Structuring supportive but firm conversations

## **Outcomes for Participants: By the end of the day, the Managers will:**

- Gain confidence in structured coaching conversations
- Understand their own management style, strengths and blind spots
- Apply coaching techniques immediately in the workplace
- Improve emotional intelligence and relationship management
- Strengthen team accountability
- Support improved morale and engagement
- Reduce avoidable performance issues
- Contribute to improved team efficiency and outcomes

## **Outcomes for the Organisation: Investing in your Managers delivers measurable cultural and performance impact. Organisations can expect:**

- **Stronger accountability culture:** clearer expectations, consistent follow-through and ownership at all levels
- **Reduced escalation to HR:** Managers equipped to address issues early and confidently
- **Increased Manager confidence:** structured conversations replace avoidance or over-direction
- **Earlier intervention in performance issues:** proactive coaching before formal processes are required
- **Improved engagement and retention:** employees who feel heard, supported and challenged appropriately

**When managers coach effectively, performance improves, relationships strengthen, and cultural standards become consistent across teams. Contact Nat to find out more at [natalie@SmarthR.co.im](mailto:natalie@SmarthR.co.im)**

# UK EMPLOYMENT RIGHTS ACT CHANGES 2026 & 2027



**There are due to be a wide range of changes due to the UK's Employment Rights Act 2025 which will mean that employment documentation, HR/people policies and procedures, and knowledge awareness sessions will need to be completed. Below is an overview of the key changes for 2026 and 2027:**

## **April 2026:**

- Day one right to paternity and parental leave
- Increased collective redundancy protective award
- A Fair Work Agency to be established which will have powers to enforce workers' rights
- Statutory sick pay reform
- Increased whistleblowing protections
- Rate adjustments and increase to minimum wage
- Extended rights for Trade Unions
- Gender pay gap and menopause action plans on a voluntary basis (mandatory from 2027)

## **October 2026:**

- Ban on fire and rehire
- Increased duty for employers to prevent sexual harassment of their employees
- Additional Trade Union changes
- Tightening of tipping law
- Tribunal time limits to be extended to six months

## **2027:**

- Reduction in qualifying period of unfair dismissal rights from 2 years to 6 months
- Removal of compensation cap for unfair dismissal
- Further powers in relation to sexual harassment and steps that are regarded as reasonable
- Zero hours and low hours contract changes and extending these to agency workers
- Flexible working changes
- Gender pay gap and menopause action plans and reporting
- Enhanced dismissal protections for pregnant women and new mothers
- Bereavement leave
- Bereavement leave for pregnancy loss
- Also, potentially a change to provide paid carer's leave

**If you require support in navigating these changes please contact us and we'll be happy to support.**

# NHS TRUST ORDERED TO PAY £450K TO CLINICAL RESEARCHER FOR RACE DISCRIMINATION



**Asian professor accused by colleague of 'playing the race card' was unfairly dismissed following 'biased' investigation into bullying complaints.**

**A clinical research director working for United Lincolnshire Hospitals NHS Trust has won £450,000 for race discrimination and unfair dismissal.**

The claimant, professor Tanweer Ahmed, was dismissed by the Trust after he was found to have bullied and harassed colleagues, an accusation that the tribunal found was based on "hearsay".

During a disciplinary investigation, Martin Rayson, one of the Trust's senior managers, said he suspected Ahmed would "play the race card" after he had argued the accusations against him were malicious.

**The Trust's dismissal of Ahmed was found to be unfair and constituted direct race discrimination.**

**Employment Judge Victoria Butler said that the disciplinary panel's decision to dismiss for gross misconduct was a "forgone conclusion" and based on "glaring flaws".**

**Ahmed's claim of victimisation also succeeded; however, he was not found to have been harassed.**

**In a previous hearing earlier this year, Ahmed was awarded more than £250,000 in compensation. This has subsequently been increased to £449,548.**

## **Background**

Ahmed began working for United Lincolnshire Hospitals NHS Trust in 2003 as director of the Lincolnshire Clinical Research Facility, director of research and innovation and intellectual property lead. He was paid a basic annual salary of more than £100,000.

Until April 2019, Ahmed, who is of Pakistani descent, was also chair of the Trust's BAME staff network.

Ahmed was responsible for a team of 55 employees, including Helen Ayre, acting research governance manager, who raised a complaint about him on 11 June to his line manager.

Ayre alleged that Ahmed had bullied her and other employees, made inappropriate comments and failed to follow the Trust's policies and procedures. She provided examples and names of former colleagues who she believed could support her allegations.

The tribunal said Ayre's complaint "relied heavily on hearsay" with the examples being "historical in nature". **Despite the nature of the allegations, Ahmed was not suspended and he was not informed of the full allegations until six months after the complaint had been made.**

Jennie Negus, deputy chief nurse, was appointed to lead the investigation. She interviewed Ahmed on 15 February 2019. During the interview, Ahmed told Negus there had been performance issues with Ayre and two other employees she had named in her complaint.

Negus told Ahmed that members of his team were afraid to raise concerns with him. He responded that he felt "sad that they feel like that". Ahmed said he did not understand why he was being investigated and said it could be because he was BAME and because of "the white person being harsh". Negus said she thought this was an inappropriate comment for him to make.

In the investigation report, Negus found evidence of a pattern of bullying and harassment by Ahmed and "unwarranted use of authority or power". Negus concluded that Ahmed's behaviour was not "malicious" but that he had "a total lack of insight or self awareness into how he is perceived and his behaviours received". She also found that he had a strong sense of paranoia and distrust but that there was no evidence the allegations were made in a discriminatory manner. The issue was determined to be developmental and disciplinary action was not taken.

Negus emailed the report to Martin Rayson, director of HR and OD, who concluded that the matter should be progressed to a disciplinary hearing. Previously, Ahmed had highlighted the outcome of staff survey results, which showed that 80 per cent of BAME staff at the Trust said they were discriminated against. Rayson replied to Negus's email saying that he suspected Ahmed would "play the race card" in response to the allegations.

Ahmed was signed off work as a result of stress on 14 May 2019. Ten days later, he raised a whistleblowing complaint to NHS England, alleging discrimination against him and BAME staff more generally.

Ahead of the disciplinary hearing, Ahmed put together a paper setting out why he was not guilty of bullying or harassment. In his view, malicious allegations had been made against him by individuals who no longer worked in his department.

**The disciplinary hearing, held on 15 November, was "entirely biased in favour of the respondent's witnesses", the tribunal found.** At one stage, Negus was seen to assist Ayre by whispering, pointing to extracts in the paperwork and coaching her in response to questions. Simone Seychell, Ahmed's assistant, told the hearing she found the allegations of bullying and harassment "laughable", as someone who had worked closely with him. The panel concluded that Ahmed's actions amounted to gross misconduct and he was dismissed.

### **Judge's comments**

**Employment Judge Butler found that Ahmed's dismissal was unfair and constituted direct race discrimination.** She noted that Negus's investigation was "biased", as she only interviewed witnesses who supported allegations made by Ayre. Butler said: "The format of the disciplinary hearing was set up in such a way that indicates the respondent had already formed the view that the management witnesses were telling the truth." The disciplinary panel's decision to dismiss for gross misconduct was a "forgone conclusion" and based on "glaring flaws", she added. Rayson's comment that Ahmed would "play the race card" also contributed to Butler's finding of race discrimination.

Thanks to Isabel Jackson and People Management for the tribunal summary.

# CHARITY WORKERS ACCUSED OF FRAUD AND UNAUTHORISED ABSENCE AWARDED £96K FOR UNFAIR DISMISSAL



**Panel concludes charity had been 'looking for a reason' to remove the pair, viewing them as too costly.**

**The Fife Employment Access Trust (FEAT) has been ordered to pay £96,129.41 to two employees who were suspended and later dismissed following an anonymous fraud allegation and claims of "unauthorised absence".**

A Dundee tribunal heard that Ms C Goble was reported to Crimestoppers alleging she was defrauding the NHS by working for the charity while also being paid by the health service. Her colleague, Dr N Clark, was recorded as being on unauthorised absence for a month despite the chief executive, Duncan Mitchell, having been in contact with her during that period.

**The tribunal found no emails or phone records to support claims that managers had tried to reach her, describing the handling of the matter as "Orwellian".**

Employment judge Jones concluded that the charity had been "looking for a reason" to remove the pair, who were viewed as an "expensive resource". The charity maintained that Goble's fixed-term contract had come to an end and that Clark was dismissed by reason of redundancy.

**However, the judge concluded that there was no genuine redundancy situation and that they were both unfairly dismissed.**

The tribunal awarded Goble £37,727.68 and Clark £58,401.73 in compensation.

## Background

Clark and Goble were employed by FEAT, a charity supporting people with long-term mental health issues, from 2020 until 31 March 2024. Both worked on the National Institute of Disability Management and Research (NIDMAR) programme, a five-year initiative funded by the Scottish government.

Clark, who co-founded FEAT in 1994 and resigned from its board in 2018 to avoid conflicts of interest, served as the programme manager for NIDMAR. Goble provided administrative assistance and disability support to Clark.

The tribunal accepted that Clark had phonological dyslexia, which causes visual distortion of text, fatigue and sensory overload. It also found that Goble qualified as disabled under the law, as her ADHD, autism, stress and depression significantly affected his daily life.

On 11 November 2020, Mitchell met with Clark and Goble. During the meeting, they formally agreed that Goble could work flexible hours – including evenings and weekends – so she could also work a second job with the NHS. Goble was issued a fixed-term contract running until 31 March 2022.

In early 2023, FEAT commissioned an external review of the NIDMAR project. The claimants were not informed of discussions about the future of the project.

**Following the review, Goble and Clark's salaries were reportedly described as "too high" during a board meeting. Some board members believed the charity could take greater control of project funding and potentially assume control of the NIDMAR licence, the tribunal heard.**

On 12 January 2023, Mitchell informed Goble that the charity intended to be more "hands on" with the NIDMAR project.

**The following day, an anonymous call was made to Crimestoppers, alleging Goble was defrauding the NHS. Despite Goble's agreement that she could work flexibly, the charity's compliance officer, Robyn Probart, told fraud investigators that she worked fixed daytime hours.**

In July, FEAT transitioned to a managed IT service that restricted software on employee laptops, effectively blocking the specialised dyslexia support tools Clark required. Although FEAT insisted she use provided equipment, they failed to set it up with the necessary accessibility features, leaving her unable to work effectively.

**The tribunal heard that when she attempted to use her own accessible devices, she was threatened with disciplinary action.**

On 18 August, Goble submitted a formal grievance regarding these practices and the "maladministration" of her data, which the tribunal found constituted a protected disclosure.

On 15 September, Grant Bowie, the chief operating officer, accused Clark of "unauthorised absence" for a month, despite the fact that Mitchell had been in email contact with her during that period. Bowie did not provide the tribunal with any evidence that he had tried to contact Clark over this period.

On 19 October, FEAT and its HR consultants decided to suspend both women. Clark's suspension was related to alleged "unauthorised absence" and data breaches, while Goble's was related to the fraud allegations.

**By suspending both simultaneously, the charity effectively removed Clark's primary reasonable adjustment, the in-person disability support provided by Goble, at the exact moment she needed it to navigate the disciplinary process. The tribunal found that FEAT made no effort to provide an alternative support worker during this time.**

While suspended, Clark attempted to submit a data subject access request. FEAT refused to process the request, claiming that her attempt to contact the office to submit the legal request was a breach of her suspension and caused "distress" and "disruption" to staff.

The tribunal said these unsubstantiated claims showed the charity's approach to Clark had been "Orwellian and unreasonable".

Both Clark and Goble were dismissed by letter in March 2024, with the charity citing "end of fixed-term contract" and redundancy as the reasons.

### **Judge's comments**

**The tribunal concluded that FEAT had been "looking for a reason" to dismiss Clark and Goble since October 2023 and that the dismissals were because the respondent did not wish to employ them "any longer". It found no genuine redundancy situation.**

**Jones determined that procedure had not been followed and that the dismissal was unfair. He added that FEAT clearly wanted Clark and Goble "out of its organisation" because they were seen as an "expensive resource".**

The process of dealing with Goble's grievance and the disciplinary allegations was described as "deliberately opaque". Jones described the testimony of FEAT's leadership as "unsatisfactory", specifically noting that Bowie's evidence was "in large parts incredible" and "evasive".

A spokesperson for FEAT said: "This tribunal related to events dating back to 2023-24 and, while we have had to accept the judgment from the tribunal, measures have been in place for over two years now to ensure we are fully compliant with all HR-related matters.

"The charity has learned lessons from this experience and goes from strength to strength now in pursuit of successful outcomes for our service users – those with severe mental health conditions seeking to secure employment."

Thanks to Mahalia Mayne and People Management for the tribunal summary.

**This case highlights the importance of redundancy being as a result of a genuine diminishing need for a job role and that a due and proper consultation process is completed and documented.**

**It also highlights the importance of ensuring that employment documentation sets out clear terms and conditions of employment and that changes to these are also documented.**

**If you are unsure if your employment contracts and policies are up-to-date and meeting employment legislation requirements then please contact us and we will be happy to review these.**

**Also, if you are considering a business restructure in future, we can provide advice and guidance on the process to be followed, and provide support with the consultation process and documentation.**



# ESSENTIAL HR FOR LINE MANAGERS DEVELOPMENT PROGRAMME - RECENT TESTIMONIALS

**“Highly informative, an absolute must for new or existing managers to support them in becoming high quality people managers.”**

**“Great trainer. In-depth modules with clear learning objectives. I feel confident going back into the workplace with the knowledge and documents provided by the course.”**

**“As a new manager, I found the course very helpful. It gave me a great understanding of how to deal with difficult situations which I can now use at work and pass on to other employees.”**

We were delighted to deliver a number of our highly popular and informative **Essential HR for Line Managers Development Programmes** last year, and receive the lovely testimonials above. We are passionate about sharing our knowledge and expertise to enhance people management skills.

If your management team would benefit from people management training and development, please contact us to discuss and we will provide a free no-obligation cost quote. Our programme can be customised to reflect your organisation's people management policies and practices.

## **What does the Essential HR for Line Managers Development Programme cover?**

There are 5 x 4-hour workshops that can be delivered flexibly - these cover:

- **Line Management Skills and Behaviours** – the manager's role and traits of a great manager, emotional intelligence, motivating and developing your team, and key people management skills.
- **The Employee Lifecycle** – equal opportunities, recruitment and selection within an equality framework, managing induction and probation.
- **Performance Management** – setting standards and SMART objectives, conducting effective appraisals, managing performance problems, providing constructive feedback, and having difficult conversations.
- **Managing Absence, Discipline, Grievances and Leavers** – managing short-term and long-term absences, disability and reasonable adjustments, managing discipline and grievances, and leaver considerations.
- **Mental Health and Wellbeing** – wellbeing responsibilities, an overview of common conditions, identifying the signs of declining wellbeing, supporting your team members, managing your own stress and mental wellness, and promoting positive health and wellbeing in the workplace.

Full details of the programme can be found in our EssentialHR brochure: [here](#)

# BANKER JAILED OVER 'MADE UP' STRING VEST SEXUAL HARASSMENT CLAIMS GETS SENTENCE CUT



**A banker jailed after he "made up" claims about being sexually harassed by a female manager at work has had his sentence slashed by appeal judges.**

Damilare Ajao, who worked for German finance giant Commerzbank in its client life cycle management team in London in 2019, claimed he was pestered by a manager who "flirtatiously" told him she could see his nipples and tried to touch his Gucci belt buckle in the staff canteen.

Mr Ajao, who was sacked in November 2019, subsequently brought an Employment Tribunal claim against the bank, which included allegations of sexual harassment and sexual assault against the manager - who was identified in court only as "Ms Q."

The allegations centred on claims that she had made a sexualised comment about a string vest that he was wearing being visible through his shirt and that he had been forced to slap her hand away when she reached out towards his designer belt.

His claim was thrown out however, with the tribunal judge Anthony Snelson finding that the sexual harassment and assault allegations "were false and in large part made up".

The case subsequently went to the High Court in November, when Mr Ajao, of Medway, Kent, was jailed for 20 months by Mr Justice Martin Spencer for contempt of court in staging a "deliberate and wicked assault" on the manager's professional standing.

19 February 2026, Court of Appeal judges Lord Justice Lewis and Lord Justice Miles cut his sentence to eight months, less three days already served, after hearing he has lost his marriage as well as his job and now survives on universal credit. The judges refused to suspend his sentence to let him go free however, slamming Mr Ajao for showing "no remorse" or any sign of "understanding what he did was wrong."

"We do regard these as very serious contempts," said Lord Justice Lewis. "He made false allegations deliberately and over a period of time and he fabricated evidence in order to obtain damages. "These actions strike at the heart of the administration of justice. We are sure that appropriate punishment can only be achieved by immediate custody."

During the contempt trial last year, the High Court heard that Mr Ajao worked for the bank at its offices in Gresham Street, in the City of London, between May and November 2019 when he was sacked, and subsequently brought his unsuccessful tribunal claim.

Among his complaints were that Ms Q had a sexual motive in her dealings with him and he claimed she became "annoyed" at his rejection of sexual advances. He claimed the manager had told him "I fancy you" and had on several occasions over a period of months commented that she could see his skin and nipples through his shirt.

He then launched a compensation claim to an Employment Tribunal, which the bank branded a "wholly bogus claim of sexual assault and harassment," against Ms Q.

Employment Judge Snelson in April 2024 dismissed his claim and said that, although mention had been made of Mr Ajao's vest, the allegations in Mr Ajao's claim were "simply false."

The case reached the High Court last year, when Commerzbank launched a bid to have Mr Ajao jailed for contempt of court relating to his rejected allegations. However, he denied contempt, claiming that it was his "perception" that he had been the victim of sexual harassment and assault, and that he was not deliberately untruthful.

Finding 12 counts of contempt against Mr Ajao and jailing him for 20 months and ordering him to pay £150,000 towards the bank's legal bills, Mr Justice Spencer said Ms Q had been "entirely honest and credible" in her evidence to the court. She had never said she could see Mr Ajao's nipples, but only spoke to him in the context of a friendly relationship between people who sometimes talked about fashion.

Mr Ajao's evidence was however false, he said, adding: "There were such discrepancies, inconsistencies and impossibilities in his evidence that it was quite incapable of acceptance. "The more I heard of his evidence the more I became sure his evidence was untrue and deliberately so."

Mr Ajao had said the comments and the alleged attempted sexual assault were the culmination of a pattern of behaviour over the summer and autumn of 2019, but the judge said it was in fact a "deliberate and wicked assault" on her professional standing.

**"In my judgment, there wasn't a shred of truth in any of the allegations the defendant has made against Ms Q. I'm sure that the allegations made were untrue and deliberately so, and a deliberate attempt to deceive the tribunal, compounded by lies told to this court."**

The court heard Mr Ajao had lost a successful career in finance and now relies on Universal Credit, while his marriage had also failed and he now lives alone. Following his sentencing last year, Mr Ajao served three days in prison before being bailed pending his return to court for yesterday's appeal against the contempt findings and the sentence.

Giving judgment, Lord Justice Lewis said Mr Justice Spencer had applied the wrong sentencing guidelines when deciding on the length of Mr Ajao's sentence. Re-sentencing him, he said Mr Ajao could count on some mitigation, including the fact he has two young children, although they live with their mother.

"We are satisfied that a sentence before reduction for mitigation in the region of 12 months' imprisonment would be appropriate for the contempts committed," he said.

"We regard a sanction of eight months' imprisonment, having regard to the seriousness of the offences and the mitigating factors, is the shortest that can be imposed."

Thank you to Paul Keogh and the Independent for the tribunal summary.

# SECURITY OFFICER WINS £96K AFTER BEING CALLED 'MUMMY' BY COLLEAGUES



**Tribunal finds female team member was constructively dismissed after being mocked by male co-workers and exposed to misogynistic remarks.**

**A female security officer has been awarded almost £69,000 after a tribunal found she was ostracised and subjected to a “hostile and degrading” environment.**

The security officer, who worked at Southampton General Hospital and was referred to as CL in the tribunal document, was regularly called ‘mummy’ by younger male colleagues, mocked for her height and exposed to misogynistic remarks. She also witnessed what the tribunal described as a “serious and unacceptable” racist slur directed at a doctor.

**The tribunal ruled that management failed to challenge this behaviour, with one supervisor suggesting that inappropriate sexual comments were to be expected because “men are men”.**

CL eventually resigned, a decision the tribunal ruled amounted to a discriminatory constructive dismissal. In a remedy hearing, she was awarded £68,885 including £28,200 for financial losses and £40,685 for injury to feelings. Her other claims were dismissed.

## Background

CL was employed as a security officer by Mitie at Southampton General Hospital from 24 July 2023 until her resignation on 21 November 2023.

During her employment, CL was described by management as being “excellent at her job” and was particularly praised for her skill in de-escalating volatile situations.

Between 10 August and 4 October 2023, CL worked under security manager and supervisor Jamie Baynes. She was one of the oldest members of the team and the only woman. Most other members of the security teams were men in their 20s and 30s.

CL told the tribunal that she was routinely ignored by male colleagues during shift handovers and over the radio. She was regularly referred to as ‘mummy’ by colleagues and subjected to jokes about her height, including remarks that she should pick items up from the floor because she was “closer than them”.

She added that male colleagues greeted one another using phrases such as 'bro' and 'gents', which she felt deliberately excluded her. On 13 September, CL met with Danny Ings, a security manager at the hospital, to raise concerns about feeling excluded and about what she described as a sexist workplace culture.

On 4 October, CL witnessed a conversation between three colleagues, where one person said all women were to blame for cheating and another was overheard saying: "All women and money are evil." Following this incident, CL was transferred to another team. However, the tribunal noted that the members of both teams interacted regularly.

On 3 November, CL witnessed a colleague, Ben Weyman, refer to a doctor as a "Chinese c\*nt" in front of her and another Asian colleague. On the same day, she overheard another colleague, BB, commenting on CCTV footage of a handcuffed patient, suggesting that he would "chin the c\*nt".

CL submitted a formal written grievance, raising concerns about sexist comments and treatment, including being called 'mummy' and the general conduct of colleagues. Mitie acknowledged receipt of the grievance on the following day.

On 10 November, CL emailed an initial resignation letter to her senior operations manager for the South East, claiming that she felt "humiliated and belittled" and was unable to return to work with the same colleagues. CL briefly withdrew her resignation on 19 November after being invited to reconsider. However, on 21 November, CL submitted her final resignation after being informed that the grievance investigation would be delegated to different managers and that she could be required to take unpaid leave or relocate to another site.

The tribunal found that these proposals, taken together with the handling of her complaints, contributed to a fundamental breakdown in trust between employer and employee.

### Judge's comments

**The tribunal, led by employment judge Dawson, found that CL was subjected to harassment related to sex, age and race, creating an "intimidating, hostile, humiliating and offensive" work environment.** The panel concluded that CL was deliberately excluded and undermined by colleagues through gendered language, age-related remarks and repeated failures to engage with her during routine workplace interactions. The tribunal was critical of management's response, noting that inappropriate comments were ignored or simply dismissed as "humorous banter", which allowed the harassment to persist. Dawson added that Baynes' attempt to minimise sexualised comments by saying "men are men and they do talk about this" was found to reinforce CL's case.

In relation to the racist language directed at a doctor, the tribunal described the incident as a "serious and unacceptable act of racism" and criticised the lack of a robust response from the employer. **The panel ruled that CL was constructively dismissed, concluding that the "cumulative effect" of the harassment, along with the processing of her complaints and recommendations for unpaid leave or transfer, constituted a fundamental breach of trust and confidence.**

A copy of the judgment was sent to the chief executive of the University Hospital Southampton NHS Foundation Trust because of concerns about the conduct of security staff towards colleagues and vulnerable patients.

Thank you to Mahalia Mayne and People Management for the tribunal summary.

# ADMIN ASSISTANT AWARDED £37K AFTER BOSS MADE SEXUAL COMMENTS AS SHE RETRIEVED PEN FROM FLOOR



**Judge finds 177 WhatsApp messages sent to the employee by her manager were 'all offensive' and violated her dignity.**

**An admin assistant has been awarded £37,000 after an employment tribunal found that she was sexually harassed and victimised when her boss said "ooh, while you're down there, love" as she bent down to pick up a pen.**

The London South tribunal found that Miss T Donlon was subjected to "rude remarks" from Leslie Easton (LE) just six months after her start date at his double-glazing and conservatory business, Leslie Easton & Co (LE&Co), in April 2014.

The tribunal said LE's various remarks – which included a suggestion she "take all her clothes off" on a hot day, and approximately 177 WhatsApp messages, some of which were of a misogynistic, racist and pornographic nature – violated Donlon's "dignity, and created an intimidating, hostile, degrading, humiliating or offensive environment for her".

## Background

The tribunal heard that LE&Co is a family company that has a number of businesses at Hollytree Parade, Sidcup – two of which are a glass and mirror shop – and a double-glazing and conservatory business, which are co-owned by LE and his son, Justin Easton (JE).

Donlon began working as a part-time administrative assistant in April 2014 and she reported principally to LE. However, she told the tribunal that her main motivation for taking the job was to further her accounts training as part of an Association of Accounting Technicians course.

She told the tribunal that after around six months from her start date, LE began making "rude remarks" to her.

**On 20 June 2017, Donlon told the tribunal it was a hot day and she was wearing knee-length shorts that "resembled a skirt" at work. According to Donlon, a customer commented that she was "lucky" to be able to wear shorts, and LE said: "Well, we keep telling her to take all her clothes off, but she won't have any of it."**

**Subsequently, the tribunal heard that an anonymous customer complained to LE, JE and a director who is no longer with the company about LE's comments, which the customer said "surprised, disgusted and appalled" them, and caused them to "walk out the office in disgust".**

In her oral evidence, Donlan said the next time she was in the office, JE asked to speak to her about the incident, having received the letter of complaint. But Donlan claimed that, when she explained what happened, JE said: "Oh well, that's my dad. He's old school."

JE told the tribunal he "could not remember" if the conversation took place.

The tribunal noted that it took the letter of complaint as "evidence that a complaint was made at the time, rather than evidence of the truth of its contents". However, as LE&Co supplied no evidence on the issue, and no other evidence "calls into question" Donlan's account – it accepted that LE made the comment.

**In February 2018, Donlan claimed she began to receive "offensive messages" from LE on WhatsApp, and produced a sample to the tribunal containing 146 memes and 31 videos from February 2018 to March 2020.**

**The tribunal said the messages were sent at "all times of the day, including sometimes very late in the evening", and that, while 50 of the messages were of a sexual nature, all of them were "offensive in some way".**

The tribunal described them collectively as "extremely distasteful, crude and many are shockingly racist", adding that some were "simply bad, misogynistic jokes" while others were pornographic images – one of which was an image of a "young naked boy with adult genitals".

The tribunal said it found it "extraordinary" that a director would send messages like this to an employee, but added that "in fairness" to LE&Co, it had not "sought to excuse or diminish" the content throughout the proceedings. It did, however, claim they were not "unwanted" by Donlan.

Donlan told the tribunal in evidence that some jokes were "everyday" and not offensive, but they were the only messages she received on WhatsApp from LE. While she would occasionally message him about work, he would never respond on WhatsApp.

**In her witness statement, she claimed that she asked LE to stop sending the messages, but that he "totally ignored" her requests and no evidence was produced to indicate that she was "happy" to receive the messages – such as participating in sending similar messages, or responding in a way that suggested she found them funny or welcomed them.**

The tribunal accepted Donlon's evidence that she did not find the messages funny and that she felt "humiliated and victimised" by receiving them. It also accepted that she told LE on "a number of occasions" she did not want to receive them, but he continued.

On 29 September, LE added Donlon to a WhatsApp group called 'Friends', which included JE, various other members of the Easton family and a customer, but no other colleagues.

She told the tribunal that she did not know why she was added to the group, and that the messages were of a similar nature. LE&Co's response to this issue was that if some of the shared dialogue in the chat offended Donlon she was "free to leave the group chat at will".

She claimed to ask LE “several times” to remove her from the group and told the tribunal she did not know how to leave the group herself. In February 2020, Donlon asked her teenage daughter to remove her. She told the tribunal that she was “concerned” that, as the group was set up by her manager, it would “look bad” if she removed herself. The tribunal accepted that a “junior employee” would feel “reticent” about removing themselves from a WhatsApp group created by their boss, including his personal friends.

**Donlan claimed another incident took place sometime in 2019, in which she dropped a pen on the floor in LE’s office. As she bent down to pick it up, she claimed LE said “ooh, while you’re down there, love”, insinuating she should perform a sexual act.**

She told the tribunal she felt “humiliated, embarrassed and intimidated” and, while there was no evidence to support her claim, the tribunal accepted that it happened as Donlon described.

Donlon’s employment ended on either 5 or 6 of May 2020, and she originally complained of unfair dismissal, but the tribunal said the way her employment ended was “irrelevant” and made no findings on it.

On 8 May, Donlon hand delivered a letter to LE complaining about the way in which her employment had ended, and also that she felt she was sexually harassed.

**On 9 May, LE texted her to say he assumed she mentioned to Acas that she worked 16 hours a month “plus cash in hand for cleaning”, and Donlon responded that she had contacted the police – she explained to the tribunal she took the message as a threat – and asked him to not contact her again, as per their advice.**

### **Judge’s comments**

**The tribunal accepted that the remarks suggesting Donlon take her clothes off and “while you’re down there” were made and were both “unwanted conduct of a sexual nature”.**

Employment judge Ferguson said the remarks fell into the category of “inherently unwanted conduct because they were demeaning and embarrassing to Donlon”. “We accept that they had the effect, even if not the purpose, of violating Donlon’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for her.” They added the WhatsApp messages “clearly constituted” unwanted conduct and her claims of sexual harassment were upheld.

Ferguson said LE’s message on 9 May about cash-in-hand cleaning could “only be interpreted as a veiled threat to report undeclared cash income. That is how Donlon interpreted it and why she asked Leslie Easton not to contact her again.” They said Donlon considering the message to be a detriment was not “unreasonable” and that it must have been sent because LE was “annoyed” by the letter of complaint.

**“We have found that the sexual harassment took place, so it is likely that he would have been aggrieved by Donlon complaining about it,” said Ferguson, adding that her complaint of victimisation succeeded.**

Donlon withdrew complaints of unfair dismissal, wrongful dismissal and failure to provide a written statement of reasons for dismissal, so they were not upheld. She was awarded compensation of £19,000 for injury to feelings.

Thank you to Elizabeth Howlett and People Management for the tribunal summary.

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# 'SEND THEM BACK ON A BOAT': SALVATION ARMY DISMISSED RACIST WORKER FAIRLY



**A Salvation Army social services worker who was summarily dismissed after saying refugees should all be “sent back on a boat” has lost his claim for unfair dismissal at the employment tribunal.**

**The employment judge found that the Salvation Army Trustee Company acted within the range of reasonable responses when it dismissed Charles Markie over his racist comments.**

Markie, 56, had worked for the Salvation Army since 2005. In 2024, he worked at Strathmore Lodge, a hostel for the homeless in Dundee that aims to support individuals to achieve independent living.

On 5 March 2024, his manager Tracey Young informed Markie and two other employees that the local council would be offering fewer choices to service users seeking housing. She said staff should tell their clients to identify at least 20 out of a possible 40 potential areas when applying for accommodation, as they would now be provided with only one reasonable offer.

In response, Markie became aggressive and swore. He said that he would not be cooperating with the local authority and that no other agency should be dictating to them what they should be doing. Young told him that, contractually, they had to assist.

He went on to remark: “There wouldn’t be a housing shortage if we weren’t taking in 150 refugees.” He then said: “Send them all back on a f\*\*\*ing boat.”

Part of Markie’s job was to support those using Salvation Army facilities, including refugees. His comments were challenged by shocked staff. When one referred to a service user who was a refugee from Syria, Markie responded: “Yes, the lot of them.”

Young took advice and began an investigation, interviewing Markie on 8 March. The two witnesses corroborated what Markie had said.

A disciplinary hearing on 29 May, chaired by service manager Karen Good, stated that Markie had breached the equality, diversity and inclusion policy, the “working with people” policy, the code of conduct for social service workers, and the handbook of employment.

At the hearing, Markie said: “I didn’t say the F word. I said send them all back on a boat. I didn’t swear. Later in the investigation, I did swear and I put my hands up to that. It was my point of view, wasn’t directed at anyone. We are letting too many people in when we don’t have facilities or housing to give them.”

He added that he didn't intend to hurt anyone, that he was not racist and that he was sorry for "causing this drama". He also accepted that he had breached the Salvation Army's policies.

Good believed the comment was racist and undermined any trust she had in the claimant's ability to carry on with his role, which involved helping refugees based on their needs. Her belief was that the comment was wholly contrary to the policies the claimant had to abide to and had been trained in.

**Alternatives to dismissal:** The tribunal heard that she had considered alternatives to dismissal. The obvious alternative was training, but she rejected this as the claimant had been trained in diversity and was aware of the policies that applied to him. In this regard, his lengthy service militated against this option as he had received training throughout his service and was aware of the values of the organisation.

Good did not believe that a lesser penalty could be properly imposed or that trust in Markie could be restored. She concluded he had committed gross misconduct by expressing these views, and he should be summarily dismissed. She wrote to him dismissing him with effect from 31 May 2024. A later appeal was rejected.

Unlike other witnesses, the judge did not find the claimant particularly credible: "He does not seem to have resolved in his mind the various apparent contradictions in his position. He obviously regrets making the comments he did as the consequences for him have been severe, but does not seem to realise why the comment was so damaging."

**The judgment added:** "The claimant did himself little service when, on the one hand, apologising for the comment describing the matter as a drama and seemingly seeking to minimise the seriousness of it. The explanation that he was really annoyed with the local authority did not explain why his comments were directed, not at them, but at refugees.

"I had some sympathy for the claimant in the sense that the sentiment he expressed has become much more commonplace in public discourse, perhaps dulling his appreciation of how inflammatory it would have sounded to his colleagues and employer, dedicated as they are to assisting the people he believed should be sent back on a boat."

**Underlying views:** Employment Judge Hendry added: "The employers were entitled, in my opinion, to take the view that they did, namely that the comment itself expressed the claimant's underlying views that the refugees were to blame for their own plight and was racist. "It was clear that the employers here did not dismiss for some trivial or mistaken reason but for reasons that they were entitled to regard as serious and substantial, justifying dismissal and in the judgment of the tribunal their actions fell within the band of reasonable responses open to them."

Jainika Patel, employment lawyer at law firm Freeths, commented: "There are many instances where inappropriate but inoffensive comments are made by employees – whether off the cuff or in frustration – and would not warrant disciplinary action. However the tribunal found this case was not one of them. "Instead, the claimant's comments were held to be inflammatory and posed a risk to his employer's reputation. Ultimately, it was reasonable to consider the claimant's comments as gross misconduct given the fact he worked for an organisation whose work, values and purpose are to offer help and support to communities without discrimination. "Employers are able to consider the impact on an individual's role and their own reputation and values when deciding on disciplinary sanctions; roles involving vulnerable groups or public trust likely mean standards are higher and misconduct of this nature is viewed more seriously."

Thank you to Rob Moss and Personnel Today for the tribunal summary.

# ASKING A COLLEAGUE IF THEY ARE GOING THROUGH THE MENOPAUSE IS NOT SEX HARASSMENT, TRIBUNAL RULES



**A programme coordinator whose boss asked if she was going through menopause has lost her claim for sex harassment at tribunal.** But experts warn the case does not represent a relaxation of the standards around menopause-related conduct.

Lucie Waller, who worked at Swann Engineering Group, brought claims of sexual harassment, victimisation and constructive dismissal after her line manager, Andrew Gregory, made two menopause-related remarks when she lost her train of thought.

Gregory asked: "Is someone going through the change?" He later added: "You're just acting that way because you're going through the change."

**The East London tribunal ruled that, in the context of a workplace where menopause was openly discussed, the comments did not meet the legal threshold of harassment under the Equality Act 2010.**

While the tribunal described the remarks as "insensitive", it concluded they were not intended to demean her and were not enough to violate her dignity or create a hostile work environment.

Waller resigned on 22 July 2024, stating she felt had no choice. Her employment ended a month later.

**She succeeded in her claim for constructive dismissal and partially succeeded in victimisation claims. Her claim of harassment was dismissed.**

## Background

Waller was employed as a programme coordinator at Swann Engineering Group on 11 April 2022.

In early 2024, she underwent tests to determine whether or not she was experiencing perimenopause. The results were negative, and she shared this with Gregory.

On 9 April 2024, Waller was informed by letter that her basic salary would increase from £33,500 to £35,000 after meeting agreed performance targets.

On 3 June, Waller alleged Gregory said to her: “Is someone going through the change?” thereby referring to menopause, when she lost her train of thought. Later, on the same day, he is alleged to have made the following comment in a busy open-plan office: “You’re just acting that way because you’re going through the change.”

Gregory accepted that a discussion about menopause took place on that date, but said it was initiated by Ellie Parnham, the company’s health and safety officer, who was also experiencing menopausal symptoms. He said Parnham had “chosen to be open about the symptoms” to encourage others to speak up about their experiences. The tribunal said: “As a result, we find that it was not unusual for menopause issues to be raised in office conversations.”

The tribunal further heard that Waller was not visibly upset by the first comment, and that this was why Gregory made a similar comment later on the same day.

Waller said she later went to the toilets where she became upset and emotional because of the comments, and because she had recently discovered that she was pregnant.

On 5 July, she messaged her HR manager, Jody Crooks, and raised a grievance, asserting that Gregory’s actions were causing her to feel “anxious and upset to come into work”. Additionally, she flagged the comments about her going through ‘the change’ and claimed she had got the “silent treatment” from Gregory for two months after, making for an awkward atmosphere to work in.

Later that month, Waller was moved to a factory office, which she described as a “noisy and dirty environment”. She was also placed on a performance improvement plan based on the time she was logging on to her computer, which suggested she was repeatedly late and that she had not been working her full contractual hours.

On 22 July, Waller submitted her letter of resignation. It said: “Unfortunately, I do not feel like I have been left with any choice as the company have failed to deal with my grievance of sex discrimination and bullying in the workplace adequately, and have been therefore unable to provide me with a safe place to work and have breached my contract of employment. “My position within the business is now untenable. I have sought advice from Acas, which has advised me to submit my resignation on the grounds of constructive dismissal.”

The tribunal further heard that Waller submitted a fit note signing her off work for two weeks, after which she did not return, therefore deeming her absent without permission for the last fortnight of her employment.

### **Panel’s comments**

Employment judge Bruce Gardiner and the panel said it was “not reasonable” for Waller to claim Gregory’s comments “violated her dignity”, finding she was “unduly sensitive” at the time because of personal matters. “Most pertinently, we note that staff in the office had spoken about menopause in the past, prompted by the symptoms that Parnham had herself been experiencing and by Parnham’s desire to foster a culture where menopause symptoms were spoken about more openly,” said Gardiner. “The comment itself was not inherently offensive, nor was it made to demean Waller or in an attempt to get others to laugh at her,” he added.

Thank you to Mahalia Mayne and People Management for the tribunal summary. **This case highlights that context matters in harassment cases.**

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