



IN THE COUNTY COURT AT
CENTRAL LONDON

Case No: K03CL077

Thomas More Building
Royal Courts of Justice
Strand
London, WC2A 2LL

Date: 4th July 2025

Before :

HIS HONOUR JUDGE HOLMES

Between :

ALLISON BAILEY

Claimant

-and-

LINNAEUS VETERINARY LIMITED
trading as PALMERSTON VETERINARY GROUP

Defendant

Ms Akua Reindorf KC (instructed by **Doyle Clayton Solicitors**) for the **Claimant**
Mr Gus Baker (instructed by **Shoosmiths LLP**) for the **Defendant**

Hearing date: 16th to 20th June 2025

JUDGMENT

NOTE: THIS CASE IS SUBJECT TO A REPORTING RESTRICTION MADE ON 17th JUNE 2025. A COPY OF THE ORDER MAY BE OBTAINED FROM THE COURT OFFICE. ANY BREACH OF THE ORDER MAY BE DEALT WITH AS A CONTEMPT OF COURT.

His Honour Judge Holmes:

1. Jonty is an Airedale Terrier. He belongs to Ms Allison Bailey. Ms Bailey took Jonty to the Palmerston Veterinary Group (“the practice”) as she had her previous dog, Poppy. The practice decided on 25th January 2023 to de-register Ms Bailey and Jonty from the practice. The question in this case is why.
2. Ms Bailey came to public prominence in 2022. Ms Bailey holds what have become known as gender critical beliefs, that is that she “believes that sex is real, immutable, and important; that being female is an immutable biological fact and a material reality, as is being male. Biological sex is not something based in ‘feeling’ or ‘identity’. It is distinct from, and should not be conflated with, notions of gender, or gender identity.”
3. Ms Bailey was a member of Garden Court Chambers. Garden Court decided to enter into a relationship with Stonewall, the well-known charity. Stonewall takes a contrary view to Ms Bailey on the issue of sex and gender. Ms Bailey expressed her concern to the leadership of Garden Court about the new relationship between Garden Court and Stonewall. Ms Bailey was also involved in establishing the Lesbian, Gay and Bisexual Alliance (“LGB Alliance”) which was a group to focus on lesbian, gay and bi-sexual rights rather than trans, queer and/or questioning rights. Ms Bailey sees there now being a conflict between those two things and is especially critical of the stance taken by Stonewall in promoting trans rights at the expense of lesbian, gay and bi-sexual rights.
4. Stonewall complained to Garden Court about Ms Bailey’s views. Those complaints, and others received by Garden Court, were investigated by Chambers. Ms Bailey brought a claim against her Chambers and Stonewall in the Employment Tribunal. Ms Bailey’s claim that her Chambers had discriminated against her on the grounds of her belief succeeded. A claim against Stonewall was dismissed but is still subject to an appeal to the Court of Appeal. All of this attracted significant public attention and, given the often-fractious public debate on trans rights and gender critical beliefs, some of that attention was abusive. Ms Bailey gave evidence about the substantial attention she received in the media and especially on social media. She described the

consequences of the attention, particularly the serious threats that were received and the vile abuse, particularly what was posted online.

5. Ms Bailey had occasion to visit the practice on over one hundred occasions during the 13 years that her dogs were registered there. Ms Bailey generally went to the Walthamstow branch and preferred to see Dr Neil Hampson, a vet who worked primarily in Walthamstow. The practice has two or three other branches. The main branch is in Buckhurst Hill, sometimes referred to as the hospital, and on the odd occasion Ms Bailey would go there too.
6. I will attempt to go through the events in a chronological order as best I can, although it will be necessary to make exceptions to that structure.

2ND AUGUST 2020

7. When matters came to a head, the practice considered two earlier incidents. The first was on 2nd August 2020. Ms Bailey says on that occasion she had been prescribed medication for Poppy. Ms Bailey had been in a taxi on the way home with Poppy when she realised that she had forgotten the medication that had been prescribed. On her return, the reception and dispensary were unstaffed. Ms Bailey could see the medication. Poppy was waiting in the taxi outside. Ms Bailey went and got the medication. Once back in the taxi, Ms Bailey rang the practice to tell them what she had done. Ms Michele Dennison made this entry in the notes, “O[wner] forgot to take meds, then came back and just walked into the dispensary and took them without letting us know. We were in prep dealing with an emergency!!!” No one ever raised the incident with Ms Bailey. It also seems that if Ms Bailey had not notified the practice of what she had done, they may never have noticed or realised.

19TH AUGUST 2020

8. The second event was on 19th August 2020. Ms Bailey had made an appointment for Poppy to see Dr Hampson. She rang to cancel the appointment because Poppy was doing better. When she did so, the receptionist said there was no appointment in the diary. Ms Bailey wrote to the practice in these terms:

“Both of my dogs, Poppy and Jonty, have been with your veterinary practice for some 9 and 10 years. I have never had cause to complain. You have always been brilliant. That is why I am writing to you now to let you know my experience today was far from satisfactory.

“I booked Poppy to see Neil today 19/8/20 at 10:15 a.m. However, her condition appears to have resolved and so I called to cancel, as I always try to. I was met with a very friendly and courteous receptionist but her

communication and comprehension over the telephone was poor. She could not find my file and told me that I had no appointment today. I asked to speak to someone else and was transferred to an equally friendly and courteous receptionist / nurse who was able to find my file but could find no booking for today. I was told that the last booking was on 6/8/20 and I am marked as not showing up. This is upsetting because I have no record of booking that appointment and then not calling to cancel it. The record of Poppy's booking today was completely missing.

"I recognise that Covid is causing all sorts of delays and challenges but I do think someone needs to look at what's happening on reception and ensure that accurate information is recorded and communicated."¹

9. As a result of Ms Bailey's email, the receptionist, Ms Isabelle Bendriss, added a note to the animal records:

"This morning Ms Bailey called to cancel an appointment for today Wednesday 19th August at 10.15am which was never made. Told client that she wasn't booked in and she very rudely told me to check my diary which I had in front of my eyes already and she was assuming that I couldn't find her name and diary agenda for the day. Therefore after demanding very rudely to speak to someone else, I gave the phone to Charlie that explained that she didn't have an appointment booked and therefore there was no need to cancel any appointment.

"She then decided to make a formal complaint to the manager, Sarah Cook, which she did this morning.

"This client has been very rude in the past with Neil who already told her to manage her communication skills, and Charlie said she never had to deal with such rude client ever!

"I tried to stay calm and didn't respond to her rudeness but would appreciate it if in the future she was reminded to speak to every member of staff with politeness."

10. The reply to Ms Bailey's email from the practice manager, Ms Sarah Cook, reads as follows:

¹ Quotations are set out as they are in the original without any corrections to spelling or typographical errors.

“Thank you for your email and I sorry to hear that we did not meet your expectations today. I have looked through your notes and our diaries at each site and cannot see that we booked an appointment for Poppy today, even though the notes state we did at our Walthamstow Surgery. I generally think it was a communication error on our part and an appointment was not made for Neil, for which I am truly sorry.

“Thank you for telephoning us to potentially cancel your appointment, so that another client could of used the slot.

“How is Poppy doing now, I see from the notes you were going to bring in a fresh urine sample as she was not getting any better?

“Would you like us to now process the claim or would you like us to keep it on hold if you think you will be back with Poppy?”

11. Ms Bailey replied that she was sure that she had made the appointment, but there the matter rested. Ms Bailey says that Ms Bendriss’ record of the interaction is wholly misleading of the situation. She says that she was entirely polite during the conversation.
12. Ms Cook was asked about the incident during cross-examination. Ms Cook accepted that she did not say to Ms Bailey that her behaviour was unacceptable. She accepted that she had not considered the complaint made by Ms Bendriss about Ms Bailey was worth taking forward. Ms Cook also had to accept that the apology did not find its way into Ms Cook’s description of the incident in her witness statement.

FURTHER INTERACTIONS

13. I was played two recordings of Ms Bailey’s interaction with the practice. The first was on 20th August 2020 when Ms Bailey rang to make an appointment for Poppy. She spoke to the receptionist and the interaction on both sides was perfectly normal. The second was a much longer conversation, this time with Dr Hampson. Ms Bailey was given concerning news regarding Poppy. Again the conversation on both sides was perfectly normal, notwithstanding the distressing subject matter.
14. At some stage in October 2022 Ms Bailey spoke to Ms Tanja McGhie, one of the receptionists in Walthamstow, and raised a number of outstanding insurance claims. One of the functions of the practice is to chase up a pet’s insurers to ensure that payment is made on any claim. Ms Bailey was concerned that this was not being done and asked that Ms McGhie chase it up for her.

15. Ms Bailey also had cause to complain on 5th December 2022 about the whole of Jonty's records being sent to a pet hotel rather than just the vaccine record. Ms Eleanor Robey made this entry:

“Client called: Had asked for proof of vaccines to be sent to boarding kennel today. A copy of the vaccine appointment notes were copied and sent as evidence. Client is unhappy that whole consult notes were sent. Feels this is not what she asked for and breaches GDPR. Have apologised if this was not what she had wanted us to do. Client would like to speak to supervisor, for the email to be resent with only vaccine details and evidence sent that Jonty doesn't have fleas or worms and is up to date with treatments (At the time of consult they were noted).”

16. Ms Cook replied on behalf of the practice in these terms:

“Eleanor has spoken to management this morning regarding Jonty's clinical notes being sent over to Elmtree.

“We would like to apologise on behalf of our Walthamstow team for not meeting your expectations yesterday. We will be speaking to our patient care assistant today regarding this matter to ensure this doesn't happen again.

“Unfortunately, we are unable to recall the email sent yesterday. We are happy to email Elmtree to inform them that you are currently up to date with your flea and worm treatment? We are pleased to know that Elmtree have no problem with Jonty staying with them.”

18TH JANUARY 2023

17. The incident which precipitated the difficulties in this case occurred on 18th January 2023 when Ms Bailey attended the Walthamstow branch to collect flea and worming medication for Jonty. The receptionist that day was Ms McGhie, who was someone that Ms Bailey had met in October 2022. Ms McGhie informed Ms Bailey that the practice no longer stocked the flea and worm medication that Ms Bailey was using for Jonty. Ms Bailey describes in her own statement being “dismayed” by this. Ms Bailey also says that she could see that Ms McGhie was getting flustered, so they agreed that one of the two medications would be ordered in. Ms Bailey had also raised the insurance claims and she says that she was unable to get an answer from Ms McGhie. Ms Bailey says that she also left this issue due to Ms McGhie being flustered. Ms Bailey says that she was in no way aggressive. She says she did not raise her voice or gesticulate and

denies saying “when I ask for something to be done, I expect it to be done” or anything close to it.

18. After the interaction, Ms Bailey went home and Googled the new owners, Linnaeus Veterinary Limited. Linnaeus had recently bought out the company which ran the practice. She read the Google reviews and says that her “heart sank”. She added her own one-star review to the Linnaeus page. It was in these terms:

“The vet practice that I have been with for almost 13 years was recently taken over by Linnaeus I am not impressed with either their customer service or their arbitrary decision to change the anti flea and worm medication for my dog without checking with me first. I’ve moved vets despite being very fond of my Veterinary surgeon. Let this be a cautionary tale. When you acquire a new business how you behave is crucial. Linnaeus seem to be behaving like the proverbial bull in a china shop. Let them pay the price.”

19. Ms Bailey also emailed the practice to complain about what had taken place that morning. It was logged on the system on 19th January, but all agree the email was sent on the 18th January. Ms Bailey said this:

“I attended the practice at Wyatt Lane this morning, a short time ago. I was met with a woman on reception. I don’t know if she is a nurse or not. I have met her once before.

“On that previous occasion I asked her to look to see what claims there had been for Jonty since 2022. After spending some time on the computer, she seemed to struggle to navigate it, she said she would email with the information. She never did (see below).

“This morning I came in to collect repeat prescriptions for Jonty of Advocate and Milbamax? The exchange with the same woman was difficult. I for my part should not have raised the issue of not receiving details of claims made in 2022 at the same time as asking for my dogs medication. That was a separate matter that I should have raised separately.

“However, I felt communication was very unsatisfactory with this person.

“I asked for Advocate and after some time searching the computer, again she seemed to struggle navigating it, I was told that the practice did have it but that it was being replaced with a new product.

“I was given the same information for Milbamax.

“I am concerned that I am being notified about changes to my pets medication / medication being unavailable in this way. It seems inappropriate.

“I had to ask if it will still be possible to get Advocate and Milbamax. I was told that it would, but by this time the woman on reception seemed so put upon that I said no more.

“I have long enjoyed a fantastic relationship with everyone at Palmerston Veterinary Practice. I really don’t want to have exchanges like the one I had this morning.

“The most that I should have been told is that there are alternative medications that I might want to discuss with the vet at some point.

“As to the attached email of this morning. I’ll leave it to you to determine whether I could have been given the courtesy of being addressed by name and given the name of the sender.

“I assume it is in response to my request of some months ago requested again this morning. If so, it still doesn’t answer my question: have there been claims processed for Jonty by the practice in 2022/23?”

20. Ms McGhie entered her version of the encounter on to the animal records or comment cards on 19th January. It is clear it was written after she had had sight of Ms Bailey’s email of complaint. Ms McGhie wrote this:

“Client came in to order worming and flea treatment. I opened up her notes to look. She aggressively interrupted me as soon as we started discussing the parasite treatment to ask why I hadn’t sent an email to her with a list of claims she had made with us as she had cancelled her policy. I was taken aback as she was so rude, and asked her to kindly wait until I had dealt with the first issue before discussing the next.

“I informed her we no longer stocked Milbemax. She asked me what I was going to do about it. I offered her Milpro explaining that it was very similar. She was not happy with this response, so I offered to order it in for her. She seemed satisfied. She then asked for advocate which I put out for her, but wanted to warn her that next time she came to collect it, it would be a different product - Prinovox. She was very angry and made it clear that she has been using this product for years and had no interest in

changing. Again asked me what I was going to do about it. I told her I would be happy to order it for you. I was given no opportunity to explain that these products were very similar, same active ingredients etc. She was not letting me speak. This entire 'issue' is not an issue. I was polite and clear and getting her what she wanted. I have no idea how she thinks that communication was difficult. It was not, bar the fact that she had no interest in hearing what I had to say, so by that rational, communication could have been difficult for her, as you need two people to speak to have a conversation.

"With regards to her request for a list of claims? I honestly do not remember her asking me for this. But of course I have no proof of this, and the last encounter I had had with her was months ago. I know I spoke to her as I remember NH warning me about her and how unpleasant she can be.

"I apologised a few times that what she had asked for had not been done, and assured her I would get it done ASAP. Which I did. I think within half an hour of speaking I had done what she asked. I asked SK for advice about this as I have not been asked to send a list of claims to a client before.

"The colleague I was set next to while this exchange went on, was horrified by the behaviour of this client."

21. Late on the afternoon of 19th January, Ms Bailey emailed the practice asking for Jonty's full medical records and his current medication to be forwarded to a different vet.
22. Ms Cook sent an email to Ms Bailey on 20th January dealing with the issue of the treatments and saying that whilst new treatments were on Linnaeus' preferred products list, that owners could still order the other treatments. She also agreed with Ms Bailey in relation to the email being sent with no name and for two emails not received the previous week. However, at the same time, Ms Cook made this entry in the records: "Once client pays for milbemax we will be sending a no further treatment letter". Ms Cook also sent an email that afternoon to Ms Bailey dealing with the outstanding insurance claims. Ms Bailey replied to that email thanking Ms Cook.
23. A 'no further treatment letter' was sent to Ms Bailey by post on 26th January and was received by her on 28th January. It was sent in the name of Dr Liz Munro,

the clinical director, although it was actually written by Ms Cook and Dr Munro did not see it before it was sent out. It said this:

“A satisfactory professional relationship between a client and his/her veterinary surgeon must be founded on the basis of mutual trust and confidence. It is clear that there is no longer such a basis to our relationship.

“We therefore give you two weeks’ notice from the date of this letter, that our professional services will no longer be provided for your animals and ask you to seek the services of another veterinary practice.

As soon as you have registered with another practice of your choosing, we shall be pleased to supply them with copies of all the clinical records we have for your animals to ensure continuity of care.”

24. Ms Bailey rang the practice to speak to Dr Munro on 28th January. Dr Munro tried to return the call, but could not get through. Ms Bailey also sent this email:

“I have this morning received a letter from you de-registering me from Palmerston Veterinary Practice.

“On 19 January 2023, I asked Palmerston Vets to forward my dog’s veterinary records to another practice. I did not ask to be deregistered from Palmerston Vets.

“I have been registered with Palmerston Vets since 2010.

“I have an excellent relationship with the practice and with veterinary surgeon Neil Hampson in particular.

“There is absolutely no legitimate basis for deregistering me from Palmerston Vets.

“Would you please state explicitly the reason for this decision?

“Would you please also confirm whether you have spoken to Dr Hampson about this decision?

“I have also left a message for you at Buckhurst Hill.

“I hope I don’t need to remind you that businesses are not free to refuse service in a high handed manner or in a way that engages or may engage the Equality Act 2010.

“I look forward to hearing from you.”

25. On receipt of this email on 30th January, Dr Munro contacted the Veterinary Defence Society for advice. The VDS reference number is included in the records. Having received that advice, Dr Munro wrote to Ms Bailey in these terms:

“I have today received the emails you sent on 28th January. I will not be returning your phone call. We feel that the manner in which you have interacted with our team has been inappropriate. At Palmerston Veterinary group we have a zero-tolerance policy to such behaviour, and it is for that reason that we believe that the mutual trust and confidence in our relationship has been lost. As soon as you have registered with another practice of your choosing, we shall be pleased to supply them with copies of all the clinical records we have for your animals to ensure continuity of care.”

26. Further emails were exchanged, but add nothing further to the position beyond that Ms Bailey denied behaving inappropriately, and Dr Munro said that there was a history of complaints.
27. Meanwhile the staff began to make entries in the records. On 30th January an entry was made by Ms Patricija Gemainite, it said this:

“Busy afternoon, Client came in to get flea and worm treatment. Tanja was very polite and helped her. I was dealing with another client but i had to stop as Mrs Bailey was becoming agitated and passive aggressive. Tanja apologised many times and trying to gather information about the situation Mrs Bailey was upset about. The issue was about proof of insurnace claims? Client kept repeating “when I ask you do to something for me, i expect it to be done”

“Tanja was preparing the preventative treatments for Jonty when she realised that the milbemax that Mrs Bailey usually gets is not in stock. We debated whether its best to give something else or a different dosage but decided to not and order the correct milbemax in for Jonty if Mrs bailey is okay with waiting. The milbemax was ordered the same day.

“I went back to dealing with the client I had beforehand. When done, i overheard the on going conversation between Tanja and Mrs Bailey. As the practice was moving from advocate and prinovox, Mrs Bailey became more agitated upon hearing that... Tanja explained that it is the same

product and active ingredient but a different brand/name. However, she could not get a word past Mrs Bailey. The situation seemed very unreasonable. Again Tanja kept apologising and acting professionally.”

28. On the same day, Ms Cook added a note to the records saying, “please note look at Poppy Bailey’ comment card re clients behaviour”.
29. Dr Hampson made this note on 1st February:

“SC asked for my comment on case:

“I did not witness the encounter with client & TM, but spoke to TM afterwards. TM was very upset about the encounter and from her description of the event, the client seems to have been unreasonable. I tried to reassure TM that she had done nothing wrong and that I would speak to SC about it as the client had been difficult with staff in the past.

“I spoke to SC re case and said that in my opinion TM had done nothing wrong & client needed to be told this was not acceptable behaviour. The client had been difficult and confrontational with staff in the past and SC said that the practice would consider banning client.”

30. Ms Ines Guerra worked for the practice, primarily dealing with insurance, but she had also worked on reception in Walthamstow. When she saw Ms Bailey’s email of 18th January, complaining about her interaction with Ms McGhie, which was in a general inbox, Ms Guerra wrote an email to Ms Cook on 20th January 2023. She said this:

“I know this does not concern me but I have read the email and had to say something.

“I don’t know what happened in this particular time but this woman is absolutely vile. She is one of the worst Walthamstow clients, she is very rude and treats everyone really badly at every interaction. Everyone at the practice is [s]cared of her and avoids dealing with her whenever possible.

“Even though I wasn’t there, knowing her and Tanja I’m sure she was the horrible one.

“Sorry for meddling.”

31. Ms McGhie gave evidence about what had taken place on 18th January. She said, by way of background, that she has worked for the practice since October 2020. Initially this was as a receptionist at the Buckhurst Hill branch. In 2022 she began

to split her time between Buckhurst Hill and Walthamstow. More latterly she has worked as a Pet Care Assistant.

32. Ms McGhie said that her first contact with Ms Bailey was in around November 2022. The interaction was unremarkable, but afterwards she says that Dr Hampson warned Ms McGhie that Ms Bailey was a barrister who “could be very intimidating and quite scary to deal with.” Dr Hampson said that Ms McGhie needed to be careful and remain polite and professional when dealing with Ms Bailey, “no matter how challenging it became.” Ms McGhie recalls Dr Hampson telling her about an incident when Ms Bailey lost her temper and shouted at him when he suggested that Ms Bailey’s dog was overweight. Dr Hampson told her of another occasion when he tried to explain to her that fleas can become resistant to certain medicines. Dr Hampson also told her that he had had to ask Ms Bailey to apologise to staff in the past. Ms McGhie said that what Dr Hampson was saying was reinforced by a nurse who was present at the time. Ms McGhie says the conversation with Dr Hampson stuck in her memory because she had never heard him speak of a client in a negative way before.
33. In cross-examination Ms McGhie agreed that the conversation with Dr Hampson followed an unremarkable encounter. Ms McGhie said that the set up in Walthamstow was such that Dr Hampson could hear everything that was being said in reception when he was in the consultation room. The precise layout was challenged in cross-examination. I accept that the Walthamstow branch is in a relatively small space and that with open doors, things that were said in the reception area could be heard in the consultation room and vice versa.
34. In addition to the points made in her witness statement, Ms McGhie added, whilst being cross-examined, that Dr Hampson said that he got tense and concerned when he saw Ms Bailey’s name in the diary. Dr Hampson also told Ms McGhie in the conversation that Ms Bailey was a friend of J.K. Rowling. Ms McGhie agreed that gossip like that was likely to circulate within the business and this gossip did. Dr Hampson also told her that Ms Bailey was a criminal barrister who holds herself well, is well to do, and can be intimidating.
35. Ms McGhie was challenged about the absence of any record by Dr Hampson saying any of these things and particularly that he had asked Ms Bailey to apologise and that she had done so. Ms McGhie said that Dr Hampson had shown her a record in the last couple of weeks where he had recorded that Ms Bailey had been rude to staff and had been asked to apologise. Following that evidence I required a further search be carried out for any records which had not already been disclosed. A record from 2011 was finally disclosed, it records this:

“o[wner] called as she is very unhappy that we suggested her dog was underweight. poppy has now put on 1kg and the o says that she is now lethargic because she is over weight. she has looked on the internet and said that 19kg is the

“correct weight for her breed. she said our chart in the waiting room is incorrect and for male dogs only. advised the chart is only a guideline. o says that we should get our facts straight before advising that a dog is underweight.

“o wants to speak to NH as she has found this very distressing. call on mobile. o says she will go elsewhere if this is not resolved.

“Left message on mobile telephone no returning o's call. Left messages returning o's phone call on both phones NH will try one more time later this evening. Telephone conversation

“Spoke to o re dog, adv o that my advice on last visit was that dog is slightly thin & not of any concern. O worried that dog is overweight I have adv that if o concerend about weight should reduce amount of food fed - o will

“consult breeder. I have adv that o should not be rude to nurses - o appologised. NH adv re food adv o to consult breeder on suitable diets, NH adv that has no particular brand preference so should feed reputable

“brand diet that suits dog.”

36. When she gave evidence, Ms Cook was asked about this late disclosure. She said that it had been missed when she had gone through the records. She accepted that there were no entries suggesting improper behaviour in the nine years between 2011 and 2020.
37. Ms McGhie described the incident on 18th January in these terms. She said Ms Bailey raised a routine question about worming and flea treatment. Whilst looking at the records, Ms Bailey had “aggressively interjected” to ask about a list of insurance claims which Ms Bailey had asked her about before. Ms McGhie describes being shocked about the tone of voice used. On looking up, Ms Bailey was leaning over the desk towards her and looked very angry. She describes being flustered, but asking Ms Bailey if she could deal with the worming and flea issue first, the aggression decreased at this point. A particular worming treatment was not in stock. The practice had recently changed suppliers. This angered Ms Bailey and she became aggressive and upset. It is said that Ms

Bailey, in a raised and aggressive tone asked Ms McGhie, “what are YOU going to do about this?” (emphasis original to the witness statement). Ms McGhie spoke to a colleague who suggested ordering in the brand that Ms Bailey wished to have. Ms Bailey was satisfied with this.

38. A similar conversation was then had about a change in flea treatment. Ms Bailey is, again, described as being enraged and aggressive. Ms McGhie describes Ms Bailey as being very irate and shouted, “when I ask for something to be done, I expect you to do it!” Ms McGhie adds this in her statement, “I was quite upset by this point. I felt her presence and her unpleasant nature to be really overpowering. It felt like she was out for a fight.” She described the exchange as the worst experience she had had in a career working in customer service roles.
39. There was some confusion in Ms McGhie’s evidence as to whether Eleanor Robey was also present for the conversation with Dr Hampson. Ms McGhie thought that she had been, but was not entirely sure. In cross-examination, Ms McGhie agreed that the interaction with Ms Bailey on the day Dr Hampson had spoken to her had been routine and unremarkable. She also accepted that Ms Bailey asked about insurance claims, although she could not remember her doing so.
40. Ms McGhie said that after the incident she spoke to Dr Hampson who said that he would speak with Ms Cook. Ms McGhie says that it was Dr Hampson who suggested that Ms Bailey should be expelled. Ms McGhie said that she subsequently spoke to Ms Cook.
41. On the question of what occurred on 18th January, Ms McGhie was unwavering in cross-examination. She accepted that the points that Ms Bailey wished to raise – the flea treatment and the insurance claims – were perfectly reasonable issues for her to raise. She described trying to kill Ms Bailey with kindness, something she did with the difficult clients. There was cross-examination about exactly how Ms Bailey may have leaned over the counter. Ms McGhie remained unmoveable on the central allegations that she made. She said that the interaction left her in tears.
42. Ms McGhie’s evidence was not entirely clear on whether Dr Hampson actually heard the interaction on 18th January. She said he probably did hear it, but was later less certain. Ms McGhie described Dr Hampson as a coward who stayed in his room and let the staff deal with difficult clients: he had to deal with the clients when they were causing problems in the consultation room and he took the view that when they were in reception it was their problem.

43. Ms McGhie was upset about the email that Ms Bailey wrote about her after the incident on 18th January. She accepted that her own entry in the animal records came after that. She accepted that the email added fuel to the fire. Ms McGhie also said that lots of clients are rude. When it was suggested that very few are expelled, Ms McGhie said that not everyone could be expelled. Not all issues were raised and recorded.

STEPS LEADING TO THE TERMINATION AND THE REASONS FOR IT

44. Ms Cook as the practice manager was the person who dealt primarily with the aftermath of the incident. Ms Cook is a registered veterinary nurse and has worked her way up to her current position. She is part of the senior leadership team which comprises of herself, the deputy practice manager, Ms Emma Wright, and the clinical director, Dr Munro. It is the senior leadership team, which amongst other responsibilities, oversees any issue of misconduct by customers.
45. Ms Cook says that she had never met Ms Bailey, and save for three routine emails, had had no contact with her. Ms Cook described speaking to all members of staff who were working at Walthamstow on 18th January, Ms McGhie, Ms Patricija Gemainite, Dr Hampson and Ms Robey. Ms Cook referred to three entries in the animal history records and comments cards. I have set those out above.
46. Ms Cook was asked about what happened after the incident on 18th January 2023. Ms Cook said that she would have spoken to the team and encouraged them to write an entry on the comment card with their version of what happened. Ms Cook said that she spoke to Ms McGhie following the incident. She said that she would have done so because Ms McGhie was upset. She also remembered speaking to Dr Hampson about it. Ms Cook's evidence as to her speaking to Ms McGhie on the phone was unconvincing. She said that Ms McGhie was in the prep room when they spoke on the phone. It was an odd detail to recall when she was very vague about when they had spoken.
47. Ms Cook did accept that she told Dr Hampson on 18th January 2023 that she would consider banning Ms Bailey from the practice. Ms Cook said that Dr Hampson had told her about occasions in the past when Ms Bailey had been rude to staff. Ms Cook accepted that she would need to get Dr Munro and Ms Wright to sign off on the decision to expel.
48. Ms Cook accepted that Ms McGhie's first account of the incident in writing was written over 24 hours after the incident. She also accepted that the account was written after Ms Bailey had written to complain about Ms McGhie. Ms Cook

said that she had not considered whether Ms McGhie's account had been written in response to Ms Bailey's complaint, nor that Ms Guerra had written her email after seeing the same complaint.

49. Ms Cook was asked about her entry in the records on 20th January 2023 which said "Once client pays for milbemax we will be sending a no further treatment letter". She said that that was her thought, but that she would meet with Ms Wright and Dr Munro.
50. Ms Cook said that the senior leadership team met and decided to expel Ms Bailey on 25th January. Ms Cook sent a letter to Ms Bailey on 26th January confirming the decision of the practice. The letter was sent in the name of Dr Munro, the clinical director. There was very little detail about what had been discussed or even how long the meeting took or where it was held. The clear impression is that it was rather ad-hoc.
51. Ms Cook denied that she had signed the letter of termination in Dr Munro's name because she wanted to throw her under the bus. She was taken to the point in her statement which says that these letters are always signed by the clinical director. She was then taken to the letters sent to the two other clients who had received a similar letter in the previous five years. On each occasion the letter had been signed by Ms Cook as the practice manager. She denied that this was a lie, although it is difficult to see how the evidence was truthful. Ms Cook also denied that the decision was taken and the investigation or justification came after.
52. Ms Cook says that she was first aware of Ms Bailey's gender critical beliefs only when Ms Bailey's solicitors made a data subject access request on 24th February 2023. Further she says that she only became aware of the Garden Court and Stonewall litigation on 19th June 2023. Ms Cook says that she is indifferent on the sex/gender debate and is not aware of anyone in the practice who would disagree. She does not believe that anyone holds strong beliefs on the matter. Ms Cook says that the senior leadership team did not discuss Ms Bailey's beliefs when coming to the decision to expel her from the practice.
53. Ms Cook said that she is not a heavy user of social media. She said that she had not seen posts similar to the abusive comments made to Ms Bailey online because of her views.
54. Ms Cook denied being aware of Ms Bailey's gender critical beliefs at the time the decision was taken. Her position was that it was only when the data subject access request was received, making reference to the Equality Act 2010 – which was after the decision to expel had been taken – that Ms Cook became aware that

Ms Bailey was a barrister, was black, a friend of J.K. Rowling, or that she held gender critical beliefs. Ms McGhie's evidence concerning the gossip about Ms Bailey and J.K. Rowling being friends having travelled around the practice was put to her: Ms Cook denied that she was aware of that. That seemed unlikely.

55. When asked about J.K. Rowling, Ms Cook said she had read the *Harry Potter* books and seen the films, but knew nothing else about Ms Rowling. She added that if she had known more, she might have been disappointed. When questioned further about whether her disappointment would stem from Ms Rowling's gender critical beliefs and if she found those beliefs unkind, Ms Cook was unable to give a clear reason for her reaction. Her evidence was unconvincing. It appears to me that Ms Cook was, in fact, disappointed upon learning about Rowling's gender critical views.
56. Ms Cook also denied being one of the people that Dr Hampson had described being opposed to Ms Bailey's gender critical beliefs. Ms Cook was keen to point out that she works at Buckhurst Hill and not at Walthamstow, where Dr Hampson is based.
57. Ms Cook accepted that in the five years to 2023 only two other clients had been expelled from the practice. She was taken through the notes of those two clients. Both were clearly more serious than the behaviour alleged against Ms Bailey. Ms Cook accepted that the behaviour of the other two clients was more serious.
58. Ms Cook accepted that the incident with the medication on 2nd August 2020 was not a zero-tolerance policy issue. Ms Cook also said that it was not just the incidents recorded in the notes that caused concern, she said that if you ask anyone who works in the practice they will say that Ms Bailey is "just awful". That echoed a point made by Ms McGhie that not every incident that occurred with Ms Bailey was recorded in the animal records or comment cards. Ms Cook also denied that there was any correlation between the complaints in 2020 and Ms Bailey's litigation against Garden Court Chambers and Stonewall. Ms Cook said she knew nothing of that.
59. Dr Munro says the incident between Ms Bailey and Ms McGhie was brought to her attention. The senior leadership team all worked in the same office and after the complaint was raised, they met together to discuss it. They reviewed Ms Bailey's files. Dr Munro says that she noted that there had been previous incidents which I have already set out. Ms Cook said that she did not want Ms Bailey to return to the practice and the team agreed.

60. Dr Munro said that she thought the senior leadership team meeting was on 25th January. She could not recall whether she was aware of Ms Cook's entry in the notes on 20th January that a 'no further treatment letter' would be sent to Ms Bailey. It is fair to say the Dr Munro was unable to provide much detail of what was said or discussed at the senior leadership team meeting. Dr Munro said that the meeting on 25th January was 10 to 15 minutes in length. Dr Munro insisted that the decision was taken because of Ms Bailey's behaviour and nothing else: Ms Bailey had made one of the team cry.
61. Dr Munro said that when the senior leadership team discussed Ms Bailey they did not have the zero tolerance policy in front of them. The policy appears in slightly different forms, but the differences are not material. The policy says this:

“Introduction

“Linnaeus Veterinary Limited (“Linnaeus”) takes abusive and/or aggressive behaviour towards our Associates very seriously. In order for us to successfully provide services, we count on mutual respect between Associates and clients.

“Our Associates aim to be polite, helpful and sensitive to clients and patients' needs and individual circumstances. Our teams are often confronted with a multitude of varying and sometimes difficult tasks at the same time; this may impact the speed at which services are provided to clients and patients. Where this is the case, our Associates will make clients aware of this respectfully. We understand that a client's worry and concern may influence their behaviour and we will take this into consideration when facing a misunderstanding and/or a complaint.

“Behaviour of an aggressive, violent and/or abusive nature of any kind will not be tolerated. If necessary, this could result in your removal from our practices' list of clients. In extreme cases, we will not hesitate to contact the police in the interest of safeguarding the health and safety of our Associates and other clients.

“In order for our practices to maintain good relationships with their clients, the following examples of behaviour are considered to be unacceptable:

- Using bad language or swearing at members of staff
- Any physical violence towards any member of practice staff or other clients, such as pushing or shoving
- Threatening behaviour (with or without a weapon)

- Actual physical assault (whether or not it results in actual injury) includes being pushed or shoved as well as being hit, punched or attacked with a weapon, or being intentionally struck with bodily fluids or excrement
- Attacks on members of our team or the public
- Discrimination of any kind
- Damage to an Associate's or practice property
- Verbal abuse towards any of our team members
- Racial abuse and sexual harassment will not be tolerated within the practices
- Persistent or unrealistic demands that cause stress to our teams will not be accepted. Requests will be met wherever possible, and explanations given when they cannot
- Causing damage/stealing from the practice, Associates or clients
- Obtaining drugs and/or medical services fraudulently
- We ask you to treat our teams courteously at all times.

“The Legal Position

“As an employer, Linnaeus has a duty to protect the health, safety and welfare of its Associates in accordance with Health & Safety legislation

“Removal from the Practice List

“We value and respect good relationships with our clients based on mutual respect and trust. The removal of clients from our practice is an exceptional and rare event and is a last resort.

“When trust has irretrievably broken down, the practice will consider all factors before removing a client from their list and communicate to them that they should find a new practice. An exception to this is in the case of immediate removal on the grounds of violence e.g. when the police are involved.”

62. Dr Munro was also asked about the practice's zero tolerance policy. She was asked about it stating that expulsion is considered to be a 'last resort' which suggests that there might be other steps. She accepted that the use of violence would be in a different category as stated in the policy. She accepted that the policy suggests that in cases other than violence, clients would be given other chances. The policy was not in front of the senior leadership team when the decisions were being taken.

63. Dr Munro and Ms Cook had not met Ms Bailey prior to taking the decision to expel Ms Bailey. It was Ms Wright who had come across her, because she used to work in Walthamstow. Dr Munro said that Ms Wright knew that Ms Bailey was a barrister. Dr Munro denied that she had come across Ms Bailey in social media in connection with the sex/gender debate. She denied that she was aware that Ms Bailey was a friend of J.K. Rowling.
64. It was towards the end of cross-examination when Dr Munro was asked whether she Googled Ms Bailey at the time of the senior leadership team meeting or subsequently. She denied that she had. Dr Munro said that she did not know about Ms Bailey at the time, only the small bit that Ms Wright might have said during the discussion. When asked what Ms Wright said in discussions, Dr Munro said that Ms Wright has said that Ms Bailey was a barrister, she thought she said that she was black, that she was gay and a friend of J.K. Rowling. This was not in her witness statement. Dr Munro denied she had kept it back.
65. Dr Munro accepted that she raised with Ms Cook why the termination letter had gone out in Dr Munro's name. Dr Munro confirmed that she was cross about it. The reason why the Veterinary Defence Service was contacted on 30th January was because of the letter received from Ms Bailey making mention of the Equality Act 2010. Dr Munro says she did not understand what was being referred to and that the decision was not on any discriminatory basis.

THE REASON FOR DR MUNRO'S DEPARTURE FROM THE PRACTICE

66. Dr Munro handed in her resignation to the practice on 9th January 2023 and her last day was 9th April 2023. She had found a new job in the autumn of 2022. She planned to take-up her new job in September 2023.
67. Finally, Dr Munro said that the reason her departure date was brought forward from July 2023 to April 2023 was because she had initially thought that she had a six month notice period, but because she had an old contract, it was just three months. She wanted out. She denied that it had anything to do with Ms Bailey.

DR MUNRO'S VIEWS ON THE SEX/GENDER DEBATE

68. Dr Munro worked for the practice from 2018 to 2023. She was initially an assistant vet and rose to be clinical director. She was based in Buckhurst Hill and visited Walthamstow once every couple of months. Dr Munro, held a team meeting on 10th June 2021. The note from the meeting says this (the full minutes have become corrupted and therefore are no longer available):

“June is Pride month, so LM [Dr Munro] introduced some terminology on how to address transgender people. See information below. LM will

be updating the practice website soon so may ask team members for their preferred pronouns. For example, Liz Munro likes to be known as she/her.

“www.pinkmantaray.com is the website of a transgender man called Schuyler Bailar, and has lots of resources on transgender issues.”

69. This is the resource that was shared at the meeting:

LEARN PROPER LANGUAGE	
Incorrect—	Correct—
<ul style="list-style-type: none">✗ He is transgender✗ He is <u>transgendered</u> <p><small>'Transgender' is an adjective. Using it as a noun or verb is not only grammatically incorrect but also dehumanizing, or implies something has happened to us trans which is false.</small></p>	<ul style="list-style-type: none">✓ He is <u>transgender</u>✓ He is a transgender <u>man</u>
<ul style="list-style-type: none">✗ He <u>transgendered</u> last year✗ He <u>changed genders</u> <p><small>I didn't change my gender. I changed my presentation. I've always been myself—a boy, a man. I just haven't always had the words or resources or confidence to explain that.</small></p>	<ul style="list-style-type: none">✓ He <u>transitioned</u> last year✓ He <u>transitioned</u>
<ul style="list-style-type: none">✗ He was <u>born a girl</u>✗ When he <u>was a girl</u>✗ Before he <u>became a boy</u> <p><small>These imply I was once a girl. But I never was truly a girl. Though I may have "looked like" or presented as a girl, I have always been me: a boy, a man. Even when I couldn't explain that. For me, this extends to "FTM" as well. When relevant, I prefer to say I was "assigned female at birth, and identify as male," instead.</small></p>	<ul style="list-style-type: none">✓ He was <u>assigned female at birth</u>✓ When he <u>presented as a woman</u> OR When he was <u>perceived as a woman</u> <p><small>The difference between these two is that the former implies the trans person intended to present as a woman, whereas in the latter, it's just about others' perception.</small></p> <ul style="list-style-type: none">✓ Before he <u>transitioned</u>
<ul style="list-style-type: none">✗ Being trans means you're gay.	<ul style="list-style-type: none">✓ Gender identity and sexual orientation are not the same
<ul style="list-style-type: none">✗ Did you get the surgery?	<ul style="list-style-type: none">✓ Don't ask about surgeries and/or private parts unless a person explicitly invites that conversation!
<p>pinkmantaray.com/terminology SCHUYLER BAILAR PINKMANTARAY</p>	

70. There was extensive evidence during the trial about this document and the meeting. Ms Bailey says that Schuyler Bailar refers to gender critical women like her as “TERFS”. The acronym is for trans-exclusionary radical feminist. It is used widely in the social media posts in evidence in this case as a term of abuse. The same account has called J.K. Rowling a transphobe and has said that Ms Rowling’s account of experiencing physical and sexual violence was a manipulation to target trans people.
71. There is a coincidence in this case. Dr Munro shared the guide to the language to use in respect to transgender people at a team meeting on 10th June 2021. That

was the day that the Employment Appeal Tribunal handed down its judgment in *Forstater v. CGD Europe* [2022] I.C.R. 1. The decision recognised gender critical beliefs as being protected under the Equality Act 2010. In doing so it overturned an Employment Tribunal decision which had come to a contrary conclusion. Both decisions attracted a reasonable degree of attention in the media, both traditional and online.

72. Dr Munro says that she does not hold strong views on the sex/gender debate. Dr Munro says this in her statement:

“On one occasion, on 10 June 2021, I shared a post on Instagram which clarified the preferred terminology in relation to transgender people. My caption under the post read: “June is pride month so at our weekly team meeting today I shared this really good resource from @pinkmantaray with the team, so that we could all learn more about how to be more inclusive to transgender people. Well worth a read #transgender #pride #transgenderpride”. I chose to share this post in a team meeting at the Practice as when I saw it, I realised that I did not know a lot about the preferred pronouns and terminology and thought that others may feel the same. Ironically, I wanted to ensure that the Practice avoided a complaint by inadvertently misreferring to someone. I think that is the only post I have ever made or shared on social media that has anything to do with transgender people.”

73. Dr Munro was asked extensively about her own position in the sex/gender debate. She was asked if she held strong views on the subject. She said that the word ‘strong’ was subjective. She thought her views were not strong, that she was not a radical activist. She said that she holds views that she thinks many in society hold based on kindness and inclusivity.
74. Having been taken to the document shared at a team meeting on 10th June 2021, Dr Munro said that as it was pride month she wanted to do more than just hang a rainbow flag outside the practice (this was something done outside the Buckhurst Hill branch of the practice). Dr Munro accepted that she saw supporting trans rights as a good cause.
75. Dr Munro was asked about some of the detail, particularly the smaller print of the document. She said that she had not considered the document in the detail that she was now being asked about it. In the third box on the document under the words “He changed genders”, which is said to be wrong, the following words appear, “I didn’t change my gender. I changed my presentation. I’ve always been myself—a boy, a man. I just haven’t always had the words or resources or

confidence to explain that.” Dr Munro accepted that if this advice was followed that someone would be prevented from expressing a contrary view on this issue. She was asked whether saying that a trans man is “a woman who identifies as a man” would be inappropriate or unkind. Dr Munro said that it would be unkind, “if a transgender person feels that, I would agree.”

76. Dr Munro was asked about her social media usage. She accepted she had accounts on Instagram, Twitter and Facebook, although she said that she was not a regular user of Twitter. She accepted that she had “come across” the sex/gender debate in the public realm and on social media. She was aware of J.K. Rowling and the abuse she had received online because of her gender critical beliefs. Dr Munro accepted having seen some references on social media, but said that it was not a corner of the internet in which she had a lot of interest.
77. There was a particularly telling moment in cross-examination when Dr Munro was asked whether she considered gender critical beliefs to be bigoted. Dr Munro took a long time to consider her answer. She said that it was not a position she agreed with. She was not sure she would go as far as to use the word bigot, but maybe she would. It was quite clear that if Dr Munro was hesitant to go as far as to use the word bigot; she was just a hair’s breadth away from it.
78. Dr Munro said that she receives her news from a number of sources. She does not buy a newspaper but will pick-up free papers, she listens to the news headlines on the radio. She gets news from social media. She was not suggesting that she is uninformed.
79. Ms Bailey was asked about the extent of the sex/gender debate. It was put to her that there were many people who simply did not have a view. Ms Bailey said that if there were, she had not met them. She accepted that it may be the circles that she moves in. There was some debate between Ms Bailey and Mr Baker about the extent to which people would have been aware of the *Forstater* case when it was handed down by the Employment Appeal Tribunal. Ms Bailey gave evidence that it was covered extensively in the media. It was what she described as a “water-cooler discussion”, meaning something discussed by people at work.
80. Ms Bailey was asked about the advice document shared by Dr Munro at the staff meeting. She maintained that it was radical. She said that it needed to be seen in light of the day on which it was circulating; the day when the judgment in *Forstater* was being handed down. Ms Bailey says that the poster is seeking to control people’s speech and seeking to make it impermissible to have gender critical views. Ms Bailey said that the poster was not the most radical thing that

she had seen, but that if she saw it in her workplace in 2021 she would know exactly where her manager was on the sex/gender debate.

81. When Ms McGhie was asked about the meeting when Dr Munro shared the guide to language she said that she and her colleagues were giggling about it because they were pretty clueless about the issue Dr Munro was speaking about. In cross-examination Ms Cook said that she had no objection to the pride flag being displayed outside the practice. She saw that, and the information that Dr Munro shared with the staff, as about being kind to everyone, not to cause offence to anyone. Ms Cook was slow to see the point that was being made that if you think it is unkind to say that a transwoman is a woman, then you think the people who hold that view are also unkind. Ms Cook refused to be drawn into that simply saying that she does not have an opinion on the subject.

INCIDENT IN THE STREET

82. When Ms Bailey received the letter of termination from Dr Munro, Ms Bailey Googled her and found a picture of her. Ms Bailey said that she had never met Dr Munro before at the practice, but she did recall an incident about a year before in Walthamstow when someone had crossed the road, “in an ostentatious and dramatic fashion, staring disdainfully at me in quite a performative way.” This was around the time of the employment tribunal proceedings in April and May of 2022. This person was wearing a T-shirt with the slogan, “ACT-UP Silence = Death” with a pink triangle on a black background. This was an iconic image and a rallying cry during the AIDS epidemic. After seeing Dr Munro’s picture, Ms Bailey says that she recognised the person who had crossed the street as Dr Munro.
83. Dr Munro says that she has not, to her knowledge, met Ms Bailey. She says she does not know what she looks like and knows nothing of her beliefs or the litigation that she had been involved in until after these events had taken place. She denies that she crossed the street to avoid Ms Bailey or looked disdainfully at her. She denied ever owning a T-shirt like the one described by Ms Bailey.

DR HAMPSON’S COMMENTS ON MS BAILEY’S LITIGATION

84. Ms Bailey says that Dr Hampson raised her Employment Tribunal case with her. Ms Bailey describes Dr Hampson as being quite animated and eager to hear developments each and every time that Ms Bailey was in the practice. He said that he and others in the practice were following the case. He supported her gender critical views, but inferred that there were differing opinions within the practice. Ms Bailey asked whether she needed to be worried about the others, he did not answer and Ms Bailey regarded the implication as clear. He said that

opinions differed. Dr Hampson has not been called to give evidence on this, or indeed any other, issue.

FABIEN HO STRAWBRIDGE

85. Ms Bailey also gives evidence about Fabien Ho Strawbridge. Mr Ho, with others, founded *Waltham Forest for Dogs* in 2013, an organisation with 13,000 followers on social media, and he owns and operates a private boutique gym, using the name *Underdog Gym*. Mr Ho also took a picture of Ms Bailey with Poppy in 2011. Mr Ho directed various tweets at Ms Bailey in March 2022 which described Ms Bailey's gender critical beliefs as "vitriol" and that they promote transphobia leading to the deaths of trans kids. I was taken to several tweets. He has called the LGB Alliance homophobic and transphobic and allied with white supremacists and far-right American Christians.
86. Ms Cook accepted being aware of *Waltham Forest for Dogs* and said that the practice followed it on Facebook. It was put to Ms Cook in cross-examination that Mr Ho was influential in the dog owning community. The reply was "if you say so". Ms Cook understood the question and was not prepared to answer. These questions stemmed, at least in part, from the practice denying in pre-action correspondence that Mr Ho was a client of the practice. Only on the production of photographic proof did the practice accept that he was a client. It would seem surprising that the practice manager would not know that they had an influential person within the dog owning community in Waltham Forest amongst their clients. I was unable to accept Ms Cook's evidence on this point.
87. The reason for Ms Bailey raising Mr Ho was to pursue the possibility that Mr Ho may have placed pressure on the practice to remove her as a client. Ms Bailey said that this was a familiar tactic used by trans-activists against those with gender critical beliefs. Ms Bailey said that Mr Ho fell into that category and pointed to his social media posts as justification for that view. Ms Cook denied that Mr Ho had placed any pressure on the practice, or made representations to them, to say that Ms Bailey should not be a client because of her gender critical beliefs. Dr Munro said that she had never knowingly met Mr Ho. She denied that Mr Ho had placed any pressure on the practice concerning Ms Bailey.

SUPPORT GROUP MEETINGS

88. The case took a curious turn. It began to do so in August 2024 when the defendant disclosed the unredacted records and Ms Bailey first learnt of the name of the person who had described her as vile in the 20th January 2023 email. That person was Ines Guerra.

89. When she discovered Ms Guerra's name she found a picture of her online. She said that there was a picture of her on the website with glasses and that she recognised her chin. It was put to her that no such picture had been on the website. Ms Bailey said that perhaps it was on LinkedIn or a similar website. Ms Bailey said it was a small practice with a regular staff that she knew well.
90. Ms Bailey has for many years been going to a support group. Ms Bailey thought that she recognised the person as someone from a meeting of her support group. She also did not think that she had ever met Ms Guerra when she had attended the practice.
91. On making the connection, Ms Bailey says that she remembered Ms Guerra saying something at a support group meeting at some stage between January and July 2024. Ms Bailey puts it in these terms in her statement,
- “At some stage between I would estimate January to July 2024, Ines described a quite harrowing tale of being in serious trouble at her place of work. She said that she had done something terrible, dishonest and wrong, that it was serious and she feared losing her job. I recall feeling relieved when Ines said that her manager had put her up to it and been fired, because I felt this meant Ines might be spared.”
92. Ms Bailey accepted in cross-examination that Ms Guerra could have been talking about a different manager. Ms Guerra was about six feet from Ms Bailey when she was speaking. Ms Bailey also remembers speaking to Ms Guerra at the end of one meeting empathising with her over something she had said. Ms Bailey believes that the event shared by Ms Guerra was about her and the manager referred to was Dr Munro. She also made the connection with Dr Munro's departure from the practice.
93. Ms Bailey says that she saw Ms McGhie at a support group meeting in around May 2023. They saw each other at a number of meetings after that. Ms Bailey thinks that Ms McGhie was at the meeting when Ms Guerra spoke as she did. Ms Bailey says that she is sure of this as Ms McGhie was in charge of tea at the meeting and she is applauded by everyone at the end of the meeting.
94. Ms Bailey describes attempting to contact Ms Guerra after making the connection, but Ms Guerra said she was not emotionally stable enough to have the conversation.
95. Ms Guerra's involvement as a witness in the case was very late in the process. Ms Guerra has been off from work unwell since January 2025. No return date

has been set. In those circumstances the practice decided not to ask whether she might be willing to make a witness statement and attend court. This case has attracted a degree of media attention. As a result of that, the practice decided that they ought to warn Ms Guerra of this and that her name might well appear in the newspapers or in accounts of the case online. When what was being said was relayed to Ms Guerra she said that she wished to make a statement. She did so on 13th June 2025. The statement was served and an application was made to rely upon it. At that stage it was not expected by the practice that Ms Guerra would be well enough to attend court. I ruled that the statement could be relied upon as hearsay evidence, although I said that the weight to be attached to it was likely to be very little given the absence of cross-examination. Then on the afternoon of the third day of the trial, Mr Baker asked for permission to call Ms Guerra to give oral evidence. Ms Reindorf KC indicated that the application would be opposed. I heard that application on the morning of the fourth day and granted it. Ms Guerra gave her evidence that afternoon and was cross-examined.

96. In her witness statement, Ms Guerra says that the email of 20th January 2023 was her honest opinion on Ms Bailey and the way in which Ms Bailey treated the staff. Ms Guerra says it was nothing to do with Ms Bailey's beliefs of which she was unaware at the time she wrote it. Ms Guerra also denied making any form of confession in the support group and she denied that her manager had been fired.
97. When she was cross-examined, Ms Guerra said that she had met Ms Bailey on a few occasions when she worked as a receptionist in the Walthamstow branch. Complaint was made that none of these events were contained in Ms Guerra's brief witness statement. That was a fair complaint: the basis upon which she could have formed the view that Ms Bailey was "vile" was not sufficiently set out. Ms Guerra explained her reasoning in oral evidence and it was a combination of personal interaction on a few occasions and things that she had heard from other members of staff. She also said that she did not write the email until after she saw Ms Bailey's email complaining about Ms McGhie. She was cross-examined about wanting to use the incident with Ms McGhie as a reason to get rid of Ms Bailey. Ms Guerra denied that as a specific allegation. She said she was supporting Ms McGhie and letting her manager know her view on Ms Bailey.
98. As one example, Ms Guerra spoke of the time that Ms Bailey's dog, Poppy, was put down. This was during the pandemic and therefore the procedure had to be carried out in reception because the other rooms in the Walthamstow practice were too small. Present, in addition to Ms Bailey, were a female vet, and a nurse.

Ms Guerra says that she was sitting behind the reception desk. Ms Guerra said that Ms Bailey was rude. She said that Ms Bailey was rude to the extent that for the first time Ms Guerra did not feel sorry for Ms Bailey losing her pet. She says that she is normally very empathetic to those in that situation. Her feeling is the reason why she recalls the incident. Ms Guerra's memory of the detail of this occasion was not particularly clear.

99. It was clear that there were a few, but not many, occasions when Ms Guerra spoke with Ms Bailey either in person or on the phone. The precise number matters not. There was a clear opportunity for Ms Guerra to form her own opinion of Ms Bailey. Ms Guerra said that after she sent the email on 20th January 2023 that she thinks she had a conversation with Ms Cook.
100. Ms Guerra said that she was unaware of Ms Bailey's friendship with J.K. Rowling. She said that she was unaware of that gossip going round the practice about this. Ms Guerra said that she was the only member of staff on reception at Walthamstow and had plenty to do and no time for gossip. Ms Guerra denied there being a culture within the practice of trans activism. She was not at the Buckhurst Hill team meeting when Dr Munro delivered the inclusive language training. Ms Guerra denied that her view of Ms Bailey was coloured. She denied knowledge of Ms Bailey's views.
101. When questioned about the support group Ms Guerra said that she had been going to the support group before Ms Bailey did. Ms Guerra gave evidence as to how over time of listening to Ms Bailey in the support group she began to see a different side to Ms Bailey. Ms Bailey also came and spoke to her after Ms Guerra had shared a very personal and troubling piece of information. This was a compelling piece of evidence and showed both women in a good light. It is frankly extraordinary given what had happened that they shared the support group space in the way that they did, but it is clear that they did and it is very much to both of their credits.
102. Ms Guerra denied that she had said anything about her employers in the support group. She spoke of how her employers had supported her through a very difficult personal time and she did not, and would not, have shared information in the support group about them.
103. Ms McGhie also gives evidence about the allegation made by Ms Bailey that Ms Guerra had made the disclosure at a meeting they both attended. Ms McGhie describes seeing Ms Bailey at a meeting in the summer of 2023. Ms McGhie said she was with Ms Guerra at the time. Ms McGhie and Ms Guerra did not speak to Ms Bailey on that occasion. They attended the same meeting again in January

2024. On this occasion Ms McGhie was on tea duty and offered Ms Bailey a cup of tea which she declined. Ms McGhie denied that she had heard Ms Guerra say anything about being pressured by a manager to do something wrong.

104. Ms McGhie says that she knew nothing of Ms Bailey's belief or of her action against Garden Court Chambers or Stonewall. Ms McGhie said that she does not follow the news and uses Instagram only to keep track of her daughter. It is quite clear that the sex/gender debate had almost completely passed her by. She had heard of J.K. Rowling in the sense that she had read the *Harry Potter* books, but she had no idea, until this case, that Ms Rowling has well known gender critical beliefs. That said, she had heard the term TERF, but did not know what it stood for.
105. On the support group meetings, she described them being "British and polite" – she just got on with an awkward situation. She wanted Ms Bailey to feel included and they did not talk about work. She accepted that Ms Bailey had offered to leave the room whilst Ms McGhie was sharing, but Ms McGhie declined saying that it was not necessary. There was a discussion about them seeing each other on the street after these events and Ms McGhie being friendly, going up and patting Jonty.
106. Ms McGhie said that she was not going to ignore Ms Bailey. She was taken to her statement where she says that on the first occasion that she and Ms Guerra saw Ms Bailey at a support group meeting, they did not speak to her and avoided eye contact with her. Ms McGhie tried to say that they were not seeking to avoid eye contact deliberately. I simply did not accept that evidence: one is either avoiding eye contact or one is not. Ms McGhie had a choice in that situation; either make eye contact or avoid it. Ms McGhie's oral evidence that she was terrified to see Ms Bailey also did not quite ring true. At the very least it was an overstatement of her feelings. I do accept, however, that over time, especially in a situation where you are hearing the person you dislike or fear speak about themselves and their vulnerabilities that fear may dissipate.
107. There were moments in her evidence where one was under the impression that she was seeking to anticipate where the line of questioning was going and to say something that she thought was useful to the Defendant's case. There were also occasions where she answered a question rather more emphatically than she should and then had to row back from the position that she had stated. One example was the number of occasions that members of staff had recorded incidents of rudeness by Ms Bailey.

AMANDA PAPOYANS

108. The Defendant also relies on a statement from Amanda Papoyans. She is a client of the Walthamstow branch of the practice. She says she saw a Facebook post which made reference to a “fascist” suing the practice. The page had a picture of Ms Bailey. Ms Papoyans says that she recognised Ms Bailey as a person she had seen in the practice. The post also outlined that Ms Bailey was suing the practice because she was alleging that she was expelled due to her gender critical beliefs. There was also a link to a more balanced article about the case. Ms Papoyans has a master’s degree in social and political theory and has as her main focus Marxism and also feminism with an interest in materialist politics against ideological politics. Perhaps not surprisingly, given that background, she was aware of Ms Bailey and the litigation she had been involved in. Ms Papoyans however says she has no personal feelings against Ms Bailey or her beliefs.
109. The next time Ms Papoyans was in the practice she mentioned that she had seen Ms Bailey being rude to a receptionist, Anne, and a veterinary nurse, Vanessa. This was a few years ago. She describes Ms Bailey being rude and quite aggressive. There was a discussion about medication and Ms Papoyans says Ms Bailey said words to the effect of, “why would you give this to me? This is terrible for animals. You should really look this up.” She describes it as very condescending. Ms Bailey then turned round and walked out. Ms Papoyans describes Ms Bailey as having been “unnecessarily hostile”.
110. Ms Papoyans was an entirely convincing witness. She said in cross-examination that the reason for Ms Bailey’s attendance at the practice that day had appeared to be entirely routine. She could not, therefore remember much of the detail. She did however remember the attitude. There were no common words of courtesy used. Although she had her back to the person for most of the encounter, the person turned to the side for part and also when Ms Papoyans opened the door she had a good view of the person. She was certain it was Ms Bailey.
111. Ms Papoyans was a little reluctant to state her own view on the sex/gender debate. She had said in her witness statement that she agreed with the decision of the Supreme Court in *For Women Scotland Ltd v. Scottish Ministers* [2025] UKSC 16; [2025] 2 W.L.R. 879. It was clear that she was not ideologically opposed to the beliefs held by Ms Bailey. Of the incident witnessed by Ms Papoyans, Ms Bailey says that she does not recognise the incident which is being described. She particularly questions the idea that one would be picking up medication that had not been pre-ordered.

112. It must be accepted that there is a possibility that Ms Papoyans, convincing though she was, may be mistaken in her identification of Ms Bailey. The event was some time before and relied upon identification from a single photograph of someone who she knew of because of reports in the media about her Employment Tribunal litigation. There was no contemporaneous description of the person she later identified as Ms Bailey.

THE LAW

113. There is no dispute between the parties on the law. Section 4 of the Equality Act 2010 identifies those characteristics which are “protected characteristics”. Belief is one of the protected characteristics. Section 10 sets out further provisions on religion and belief in these terms:

- “(1) Religion means any religion and a reference to religion includes a reference to a lack of religion.
- “(2) Belief means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief.
- “(3) In relation to the protected characteristic of religion or belief–
 - “(a) a reference to a person who has a particular protected characteristic is a reference to a person of a particular religion or belief;
 - “(b) a reference to persons who share a protected characteristic is a reference to persons who are of the same religion or belief.”

114. After these provisions were first introduced by a Statutory Instrument in 2003 there was substantial argument about what constituted a “philosophical belief” for these purposes. There was likewise a differing of opinions as to whether gender critical beliefs could constitute a philosophical belief. That debate was ended by the Employment Appeal Tribunal’s judgment in *Forstater*. Gender critical views expressed in almost identical terms to those pleaded in this case were found to be a philosophical belief. That was admitted in the defence. Whilst it was not admitted in the defence that Ms Bailey holds those views, she has not been challenged on that in evidence and it is obvious that she holds those views very sincerely.

115. Section 29 of the 2010 Act deals with the provision of services. Sub-section (2) is the part relevant in this case. It provides:

“(2) A service-provider (A) must not, in providing the service, discriminate against a person (B)—

“(a) as to the terms on which A provides the service to B;

“(b) by terminating the provision of the service to B;

“(c) by subjecting B to any other detriment.”

116. A detriment is something which a reasonable service user would consider to be a detriment, *MOD v. Jeremiah* [1980] ICR 13, CA. Section 13(1) of the 2010 Act provides, “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.”
117. Discrimination law has a different burden of proof than most types of litigation. The first stage is for a claimant to prove on the balance of probabilities facts from which a court could conclude, in the absence of an adequate explanation, that the defendant has committed an act of unlawful discrimination. This requires a claimant to prove that she has been subjected to a detriment and that in being subjected to the detriment she has been treated less favourably than a real or hypothetical comparator was or would have been treated. Section 23(1) of the 2010 Act says, “On a comparison of cases ... there must be no material difference between the circumstances relating to each case.” An effective cause of the difference in treatment must have been the protected characteristic, *O’Neill v. Governors of St Thomas More Roman Catholic Voluntary Aided Upper School* [1997] I.C.R. 33, EAT. This does not require direct evidence, inferences can be drawn, *Network Rail Infrastructure Ltd v. Griffiths-Henry* [2006] I.R.L.R. 685, EAT at [18]. If there was more than one reason for the defendant’s actions, the court must consider whether the protected characteristic had a significant influence on what occurred, *Nagarajan v. London Regional Transport* [2000] 1 A.C. 501, HL. Whether a reasonable court could properly conclude that the discriminatory reason was a reason for the action, should be based upon a consideration of all the primary facts and not just those advanced by the claimant, *Madarassy v. Norman International plc* [2007] EWCA Civ. 33; [2007] I.C.R. 867.
118. If the burden of proof shifts, the defendant must show that it did not commit those acts and that the treatment was not on a prohibited ground, this is the second stage, *Igen v. Wong* [2005] EWCA Civ. 142; [2005] I.R.L.R. 258, guidelines 9 and 10. At the second stage the court must assess not merely whether the Defendant has proved an explanation for the facts from which such

inferences can be drawn, but further that it is adequate to discharge the burden of proof on the balance of probabilities that the prohibited ground was not a ground for the treatment in question. The Defendant must show that the treatment was “in no sense whatsoever” done on the prohibited ground. Courts should be careful not to approach the *Igen* guidelines in too mechanistic a fashion, *Hewage v. Grampian Health Board* [2012] I.C.R. 1054 at [32]. The question is a fundamentally simple one of asking why a defendant acted as it did. In every case the court should consider the totality of the primary facts and examine indicators from the surrounding circumstances and the previous history, *King v. Great Britain China Centre* [1992] I.C.R. 516, CA. If the court finds a defendant’s explanation to be unsustainable, it may not be possible to say that it was untainted by discriminatory considerations, *Iwuchukwu v. City Hospitals Sunderland NHS Foundation Trust* [2019] EWCA Civ. 498 at paragraphs 77, 80, 82 and 85. Finally, if a defendant is unable to show that the protected characteristic was not part of the motivation for the act, the court does not have to make positive findings of fact on how it did so, *Base Childrenswear Ltd v. Otshundi* [2019] EWCA Civ. 1648.

119. Mr Baker also reminded me of the approach taken in *Gestmin SGPS S.A. v. Credit Suisse (UK) Ltd* [2013] EWHC 3560 (Comm), per Leggatt, J. (as he then was). The passage bears setting out in full.

“15. An obvious difficulty which affects allegations and oral evidence based on recollection of events which occurred several years ago is the unreliability of human memory.

“16. While everyone knows that memory is fallible, I do not believe that the legal system has sufficiently absorbed the lessons of a century of psychological research into the nature of memory and the unreliability of eyewitness testimony. One of the most important lessons of such research is that in everyday life we are not aware of the extent to which our own and other people’s memories are unreliable and believe our memories to be more faithful than they are. Two common (and related) errors are to suppose: (1) that the stronger and more vivid is our feeling or experience of recollection, the more likely the recollection is to be accurate; and (2) that the more confident another person is in their recollection, the more likely their recollection is to be accurate.

“17. Underlying both these errors is a faulty model of memory as a mental record which is fixed at the time of experience of an event and then fades (more or less slowly) over time. In fact, psychological research has

demonstrated that memories are fluid and malleable, being constantly rewritten whenever they are retrieved. This is true even of so-called ‘flashbulb’ memories, that is memories of experiencing or learning of a particularly shocking or traumatic event. (The very description ‘flashbulb’ memory is in fact misleading, reflecting as it does the misconception that memory operates like a camera or other device that makes a fixed record of an experience.) External information can intrude into a witness’s memory, as can his or her own thoughts and beliefs, and both can cause dramatic changes in recollection. Events can come to be recalled as memories which did not happen at all or which happened to someone else (referred to in the literature as a failure of source memory).

- “18. Memory is especially unreliable when it comes to recalling past beliefs. Our memories of past beliefs are revised to make them more consistent with our present beliefs. Studies have also shown that memory is particularly vulnerable to interference and alteration when a person is presented with new information or suggestions about an event in circumstances where his or her memory of it is already weak due to the passage of time.
- “19. The process of civil litigation itself subjects the memories of witnesses to powerful biases. The nature of litigation is such that witnesses often have a stake in a particular version of events. This is obvious where the witness is a party or has a tie of loyalty (such as an employment relationship) to a party to the proceedings. Other, more subtle influences include allegiances created by the process of preparing a witness statement and of coming to court to give evidence for one side in the dispute. A desire to assist, or at least not to prejudice, the party who has called the witness or that party’s lawyers, as well as a natural desire to give a good impression in a public forum, can be significant motivating forces.
- “20. Considerable interference with memory is also introduced in civil litigation by the procedure of preparing for trial. A witness is asked to make a statement, often (as in the present case) when a long time has already elapsed since the relevant events. The statement is usually drafted for the witness by a lawyer who is inevitably conscious of the significance for the issues in the case of what the witness does nor does not say. The statement is made after the witness’s memory has been “refreshed” by reading documents. The documents considered often include statements of case and other argumentative material as well as documents which the witness did not see at the time or which came into existence after the

events which he or she is being asked to recall. The statement may go through several iterations before it is finalised. Then, usually months later, the witness will be asked to re-read his or her statement and review documents again before giving evidence in court. The effect of this process is to establish in the mind of the witness the matters recorded in his or her own statement and other written material, whether they be true or false, and to cause the witness's memory of events to be based increasingly on this material and later interpretations of it rather than on the original experience of the events."

120. Ms Reindorf also seeks for the court to draw an adverse inference from the Defendant's failure to call Dr Hampson. An inference can be drawn provided the court sets out what point the inference relates to, the reason why the missing witness would have material evidence, and why it is said that the party seeking to have the inference drawn has itself adduced relevant evidence on the issue, see *Magdew v. Tsvetkov* CL-2017-000737 (2 February 2018, unreported).

DISCUSSION

121. The central issue in this case is the degree to which, if at all, the decision to terminate Ms Bailey's relationship with the practice was because of her gender critical beliefs. As I have already observed there is no dispute that Ms Bailey's beliefs are protected under the Equality Act 2010. Whilst not admitted in the defence, Ms Bailey was not challenged on whether she holds those beliefs. That was sensible, there is a wealth of evidence from which that can be concluded, not least from the views she has expressed online notwithstanding the abuse that she received as a result of those beliefs. In addition the Employment Tribunal accepted she held those beliefs in the Garden Court litigation.
122. There are two key themes that need to be considered. The first is the degree to which Ms Bailey was rude to staff and secondly what views were held within the practice on Ms Bailey's gender critical beliefs.

MS BAILEY'S BEHAVIOUR

123. In my judgment there is evidence that Ms Bailey did not behave well towards the staff in the practice. The incident on 18th January 2023 is perhaps the clearest evidence. Even on Ms Bailey's own evidence it was a difficult encounter. She says in her statement that she was "dismayed" by the decision of the practice to change the flea and worm medication. What took place was sufficient for her to go home, research the company that had taken over the practice, and write an uncomplimentary review. It was also sufficient for Ms Bailey to write to the practice complaining about what had happened. It was also sufficient for Ms

Bailey to ask for Jonty's records to be sent to a different practice despite her satisfaction with Dr Hampson. I also accept that it is the sort of interaction that may have been perceived differently on both sides. Beyond the suggestion that Ms Bailey was leaning over the counter, what is attributed to Ms Bailey is of someone who was irritated by the situation that she found herself in. It was not wrong of Ms Bailey to ask Ms McGhie what she was going to do about the problem. The issue was the way in which it was said.

124. I also accept that the records were not doctored for the purposes of the litigation. They record the incident in 2011 when Dr Hampson had to speak to Ms Bailey about her behaviour and that she apologised. Dr Hampson may not have been called to give evidence, but the contemporaneous record is likely to be a far better record of what took place than either Ms Bailey or Dr Hampson could now remember of the incident. Ms Bailey's denial of any difficulty in the face of that record is concerning, but given the passage of time it is possible that she did genuinely forget about the incident.
125. There is also an element of the direct in Ms Bailey's interactions. For example many would have let the issue with the medical records being sent in full to the pet hotel go. Jonty was allowed to board. No actual harm had been done. I am not for a moment suggesting that Ms Bailey was unjustified in her complaint, but it was one which many might not have made.
126. There is also a small degree of support from Ms Papoyans' evidence. Her evidence carries with it all the risks inherent in identification evidence. If it were the only evidence I would be sceptical, but as a small degree of additional support it would appear to add a little. It supports the view that Ms Bailey is not violent or abusive, but she can be seen by others as being direct to the point of rudeness.
127. This builds a pattern of behaviour. I accept that Ms Bendriss wrote her account after she read Ms Bailey's email of complaint. She therefore had a reason to exonerate herself. I also remind myself that Ms Bendriss has not given evidence during the course of the trial, whilst Ms Bailey denied that she behaved in any way inappropriately. I also take into account that Ms Cook did not reprimand Ms Bailey, but rather apologised for the failure to properly book an appointment.
128. I found the recordings made by Ms Bailey did not assist. They simply show that Ms Bailey can behave properly when she is aware that she is being recorded. Nor is it going to be the case that Ms Bailey would act inappropriately each and every time that she interacts with the practice. Indeed the interaction in October 2022 when Ms Bailey first spoke to Ms McGhie about the insurance claims seems to have been an entirely unremarkable discussion.

129. There is also something about the way in which the issue came to a head so quickly. The practice was under no legal obligation to conduct some sort of disciplinary process. There was no contractual requirement to do so. Provided the termination was not for a discriminatory reason, the practice was entitled to terminate the provision of its services with or without cause.
130. I also accept the evidence of Ms McGhie that she was upset by what had taken place. There is other evidence to support this. Dr Hampson in his note of the discussion confirms this. Ms Bailey's evidence is that Dr Hampson does not hold any negative view of her because of her gender critical beliefs; indeed quite the contrary. That provides some support to Ms McGhie's evidence that she was upset by the encounter. I also accept that Dr Hampson said something to Ms McGhie by way of warning about Ms Bailey. It is consistent with his 2011 record and the more general view expressed by other witnesses about her behaviour.
131. In addition there was the evidence of Ms Guerra in the email of 20th January 2023. Given my ruling on the absence of a pleading of dishonesty, it could not be alleged that the email was written dishonestly. It was also not my impression of Ms Guerra that she did so. Whilst the use of the word 'vile' was strong, I accept that further supports the view that the staff perceived Ms Bailey as a difficult client.
132. What is surprising is that the practice failed to follow its own zero tolerance policy. The interaction on 18th January 2023 was clearly unpleasant, but it was not violent. If termination was a last resort, save where there is violence, then one would have expected there to have been a warning. It is doubtful that a word from Dr Hampson in 2011 would amount to a warning. The decision makers were not aware of that incident in 2023, but even if they had been it is doubtful that the apology received by Dr Hampson twelve years before would have been seen to be a warning for the purpose of the zero-tolerance policy.
133. The evidence as to how the decision was taken was also far from clear. On one reading of the evidence Dr Hampson was the first to mention the possibility of termination. There is also the note on 20th January 2023 from Ms Cook saying that Ms Bailey would be terminated. This was before any discussion with the other members of the senior leadership team. Any breach of internal process is not a ground upon which Ms Bailey can rely directly, but it does raise the question as to why it was done in the way that it was.
134. A further piece of evidence which was unsatisfactory was Ms Cook's evidence that she signed the letter of termination in Dr Munro's name because such letters were signed by the clinical director. That was clearly untrue and given that she

had signed one of those letters herself in July 2018 and the other in March 2019, it is difficult to accept that she did not know that she normally signed such letters. It is not for me to speculate as to why she did that. What is clear is that Dr Munro was unhappy about it.

135. The seeking of notes on or around 30th January 2023 from members of staff and the note from Ms Cook to consider Poppy's file where previous incidents were recorded, does rather suggest that Ms Cook was seeking evidence to shore-up the decision which had been taken. That may have been triggered by the letter from Ms Bailey making reference to the Equality Act 2010.
136. I was not satisfied that Dr Munro's departure from the practice was in any way connected to Ms Bailey. It was quite clear from the evidence that Dr Munro had begun the process of finding a new job in the autumn of 2022. She had written her letter of resignation prior to the events with Ms Bailey taking place. If it were the case that the date was brought forward due to any misbehaviour on the part of Dr Munro, whether connected to Ms Bailey's case or not, then documents would have needed to have been disclosed. It may be that Dr Munro was unhappy with Ms Cook's behaviour over the letter and decided that she would go as soon as she could, but that is not the same as her leaving because of some misconduct.

THE KNOWLEDGE OF MS BAILEY'S GENDER CRITICAL BELIEFS

137. There is strong evidence that Ms Bailey's gender critical beliefs were known within the practice. The starting point is Ms Bailey's account of what Dr Hampson told her about others being aware of her legal action against Garden Court Chambers and Stonewall. Dr Hampson was not called to dispute this account. He could have provided relevant evidence on several matters, including Ms Bailey's behaviour, his own comments about her beliefs and litigation, and how widely known these were within the practice. It is evident that Dr Hampson had important evidence to offer in response to Ms Bailey's claims. His unexplained absence allows for a reasonable inference to be drawn. I accept Ms Bailey's evidence that Dr Hampson showed interest in her litigation, that it was discussed within the practice, and that while he supported her, others did not.
138. In the conversation in October 2022 Ms McGhie says that Dr Hampson mentioned that Ms Bailey was a friend of J.K. Rowling. I accept Ms McGhie's evidence that she regarded this as gossip and that the gossip would and did spread round the practice quickly. I do not accept evidence from any witness that they were unaware of this. Ms Rowling is one of the most famous people in the country. It is to me inconceivable that people would not talk about that in what is a relatively small business. Just as Dr Hampson passed the information to Ms

McGhie there is no reason to think that he would not have told others and that those others would not have passed the information on.

139. I do not accept Ms Cook's evidence that she was unaware of Ms Bailey's litigation or her beliefs. I do not accept her denial that she was aware that Ms Bailey was a friend of J.K. Rowling. It is clear from the evidence of Dr Munro that at the very least Ms Wright informed Ms Cook and Dr Munro of those issues at the meeting on 25th January 2023. I was also wholly unimpressed with Ms Cook's evidence when she denied having a view on the sex/gender debate but said she might have been disappointed to discover J.K. Rowling's views on the subject. Having said it Ms Cook tried to deny the implication. Her denials were unconvincing. Either Ms Cook was already aware of J.K. Rowling's views and disapproved, or she disapproved once she discovered what they were.
140. Dr Munro's evidence on these points was even less convincing. For very similar reasons to those in relation to Ms Cook, I do not accept that Ms Munro was unaware of Ms Bailey's friendship with J.K. Rowling or her litigation against Garden Court Chambers and Stonewall. It seems very unlikely that Dr Hampson, as one of the vets would not have spoken to the clinical director about it. In addition her very late additional evidence that Ms Wright had mentioned this in the discussions on 25th January 2023, saying that Ms Bailey was a barrister, she thought she said that she was black, that she was gay and a friend of J.K. Rowling, her denial was entirely unsatisfactory.
141. I was also unconvinced by Dr Munro's evidence on her views concerning the sex/gender debate. Dr Munro found the guide to language resource online, she also commented on the website run by the author. That suggests that at the very least she gave it a cursory look. There were two important pieces of evidence. The first was when Dr Munro was asked whether she had strong views and she said the term was subjective and that she was not a radical activist. But she thought the views that she held were what many in society hold, those based on kindness and inclusivity. From that and the answers she gave when asked about the detail of the guide to language document, it was clear on which side of the sex/gender debate Dr Munro is. Just how strongly she feels was demonstrated when she hesitated over whether she regarded Ms Bailey's views as bigoted. One would have anticipated a simple denial whilst saying they were not views she shared. Instead of which Dr Munro revealed clearly that if she did not regard Ms Bailey as a bigot, it was only by a hair's breadth. It is quite clear that in her witness statement and in the majority of her oral evidence, Dr Munro was, at best, significantly underplaying her views.

142. Next was the coincidence of the team meeting being on the same day as the judgment in *Forstater* was handed down. It is possible that documents like the guide to language document that Dr Munro shared at the team meeting were circulating in anticipation of the judgment in *Forstater* being handed down, or simply circulating generally. However, for such a post to have appeared on Dr Munro's feed, one would anticipate that she must have shown some interest in pride or trans issues. Social media works by the use of algorithms. Social media in trying to keep the user engaged, and thereby generating more revenue, targets the user with posts that it has calculated that the user will be interested in. Dr Munro must have been engaged with posts on LGBTQ+ issues for the guide to language document to have appeared on her feed such that she could repost it and use it in the team meeting.
143. It is almost inconceivable that someone with that usage profile would not also have received posts about *Forstater*. The case was also reported in mainstream media and it seems unlikely that it would not have come to Dr Munro's attention. I have no difficulty in accepting that the name of the case, or indeed the tribunal that decided the case, might not have registered with Dr Munro. I also have no difficulty in accepting that the connection may be something that Dr Munro has since forgotten, but the timing is too coincidental to dismiss. It seemed to me unlikely that Dr Munro was not aware of the decision in *Forstater*.
144. I am also not satisfied that when Ms Wright said that Ms Bailey was a friend of J.K. Rowling that Dr Munro would not have considered at least the possibility that they shared the same gender critical beliefs: she knew that Ms Rowling held those views. Together with my conclusions on what Dr Hampson is likely to have said to Dr Munro on the subject, on balance it is likely that Dr Munro knew about Ms Bailey's gender critical beliefs before she was involved in taking the decision to terminate.
145. I should add for the sake of completeness that I am unconvinced that the person who crossed the street to avoid Ms Bailey in April or May 2022 was Dr Munro. The approach to identification evidence in *R v. Turnbull* [1977] 1 Q.B. 224, CA, would suggest extreme caution where the recognition was not done at the time, there was no immediate description written down, where there was a not insignificant passage of time, and the risk of Ms Bailey having a form of confirmation bias. I am not suggesting that Ms Bailey is not telling the truth, it simply is not a safe conclusion to draw.
146. Nor is there sufficient evidence for me to draw any conclusions in relation to Mr Ho. I do not criticise Ms Bailey for seeking the disclosure that she did given the

comments Mr Ho had made about her, but in the absence of any evidence to support the suspicion, it is too great a leap to make.

SUPPORT GROUPS

147. The evidence in relation to the support groups is quite extraordinary. First, one must observe that the fact that the three women have continued to attend the same meetings is surprising, but very much to their credit. It would, in my judgment, be surprising for Ms Bailey to have made up her evidence on this point. It would be an odd thing to make up with two witnesses who might contradict it. It would be strange if it were made up, that it was so vague in the sense that the wrongful act and the identity of the manager were not identified. As a confession it certainly lacks something. I accept that Ms Bailey heard someone say something along the lines that she recalls.
148. I also accept that it is likely to have been something said by Ms Guerra. There was no direct evidence of the number of people present in the support group, but it is unlikely to be in the dozens. There is no dispute but that Ms Guerra and Ms McGhie attended the relevant group. The number of possible people who could have made the statement is therefore relatively small. This is not a standard identification of a stranger in the street, this is identification from a small group of potential candidates.
149. Having found that on balance it was Ms Guerra who said something along the lines of what Ms Bailey alleges, her denial is troubling. I also had some difficulty in the explanation Ms Guerra put forward as to why she would not have said it. The support meeting was a place which Ms Guerra would have considered to be a confidential environment. She would therefore have been safe in almost all circumstances to have said what she liked about her employer. The fact that she had been treated well by them when she had personal difficulties is as much a motive for denying what she had already said as opposed to not saying it in the first place. One then has to wonder, if I am right in these conclusions, why Ms Guerra does not explain to what and whom she was referring, if it was not Ms Bailey's incident and Dr Munro.
150. I would be very reluctant to draw these conclusions in the absence of any other evidence in the case – involving as it does the drawing of several inferences. But it does seem to me that these conclusions can safely be used as some additional support for the other conclusions that I have reached.
151. Ms McGhie may have heard and decided not to say anything or alternatively she may have been absent from the meeting or the room when Ms Guerra was sharing. The only observation that is worth repeating in relation to Ms McGhie's

evidence was her evidence about not deliberately avoiding eye contact. For reasons already explained, I have difficulty accepting that evidence.

APPLYING THE BURDEN OF PROOF TO TERMINATION OF SERVICES

152. It may be that I could decide this case without reference to the burden of proof, but it seems to me that I should follow the two-stage statutory process.
153. At the first stage I am satisfied that Ms Bailey has proved on the balance of probabilities facts from which I can conclude, in the absence of an adequate explanation, that the practice has committed an act of unlawful discrimination. I will not repeat all of the points that I have just set out. Ms Bailey establishes the act of detriment – the termination. The hypothetical comparator is someone in the same position as Ms Bailey but without the protected characteristic. There was no argument but that if an effective cause of the termination was Ms Bailey's gender critical beliefs that the comparison with the hypothetical comparator would be established.
154. The inference from primary facts is in my view established. I accept that there is evidence that Ms Bailey could be difficult and aggressive with staff. However, the absence of current warnings, the non-application of the zero tolerance policy, the way in which the decision was taken, the denial of knowledge of Ms Bailey's gender critical beliefs when on balance they were aware of them, Ms Cook's evidence about the signing of termination letters being something the clinical director did when that is not what happened on the two previous occasions, when added to the evidence of the extensive discussion of Ms Bailey's gender critical beliefs within the practice and denial of that by the Defendant's witnesses is more than sufficient to pass the first stage.
155. It then falls to the Defendant to show that the decision was not taken on the prohibited ground and that the prohibited ground played no part in the decision. The Defendant fails. The evidence called by the defendant was unsatisfactory in a number of respects about knowledge of Ms Bailey and her gender critical beliefs within the practice. It was also unsatisfactory about the views held by senior members of staff on the sex/gender debate. Far from being satisfied by the Defendant that this played no part in the decision, I am satisfied on the balance of probabilities that there was a culture within the practice which was contrary to Ms Bailey's gender critical views. In my judgment that was a view shared by Ms Cook and Dr Munro. At least one of the things that people disliked about her was her belief. Having not accepted the evidence which sought to deny those views it seems to me that it is difficult to accept the evidence that the decision was taken solely on the basis of Ms Bailey's behaviour.

CONCLUSIONS ON THE EMAIL OF 20TH JANUARY 2023

156. In addition to the detriment of the termination of services, Ms Bailey also relies upon the email of 20th January 2023, in which she was described as ‘vile’, as a detriment. I accept that Ms Guerra found Ms Bailey a difficult client and that she had heard something similar from other members of staff. I also accept that she wrote the email of 20th January 2023 out of a desire to assist her colleague having read Ms Bailey’s email of complaint. Ms Bailey was not permitted to allege, in the absence of a pleading, that the email was written dishonestly. It follows that the email was a manifestation of Ms Guerra’s belief.
157. I am not satisfied that Ms Bailey has established facts from which the court could conclude that Ms Guerra committed an unlawful act of discrimination in writing the email. Even if I am wrong about that, I accepted Ms Guerra’s explanation as to why she wrote the email. Whilst I have not accepted her evidence on the support group meetings and that must of course ask one to question whether she was being truthful in relation to the email, I formed the view that her evidence on the email was truthful. There was also far less evidence of Ms Guerra holding a strong opinion on the sex/gender debate.

DISPOSAL

158. A further hearing will need to be listed to consider damages and the consequential orders from this judgment.