

Social worker wins £28,000 claim against council for racial discrimination

An employment tribunal has found that a former social worker for Edinburgh Council was left 'humiliated and traumatised' after being discriminated against by bosses because of her race.

The City of Edinburgh Council has been ordered to pay £28,000 to the former employee who was subject to "entirely unreasonable" treatment – which it was said a person from the UK wouldn't have experienced.

The tribunal was left "astonished" at the way managers acted toward the Lithuanian national, who was "on the verge of tears or in tears" whilst giving evidence last month.

The council said it is "currently considering the outcome of the tribunal and any steps we need to take".

Sandra Stanyte, who lodged the claim, began working for the council at the beginning of 2022 but was soon put under investigation and moved to a different role, after bosses were informed she wasn't yet registered with the regulatory body for Scottish social workers – despite being previously advised by an official she would have a year from commencing the job to become registered.

She later resigned over the matter and said grievances she

raised about her treatment were not followed-up, she had been kept in the dark over the nature and time frame of the investigation and “the levels of stress being experienced by her had not been acknowledged”.

The tribunal concluded her decision to quit was “because of that discriminatory treatment” and that there was no clear reason why a disciplinary was necessary in the first place.

Carey Fuller, the senior acting council officer who oversaw the probe, was said to be “unconsciously motivated by Ms Stanyte’s Lithuanian nationality” as the tribunal “could not determine any other reason for the treatment”.

The ex-council employee qualified in her home country and had already worked as a social worker in Northern Ireland for nine years.

Despite this, she was required to get her qualifications assessed by the Scottish Social Services Council (SSSC) – a process which the claimant was told could be completed within 12 months “from commencing work”.

However, upon checking the status of her registration in February last year, the SSSC replied saying she “should not be practising as a social worker” as her qualification had not yet been assessed.

The tribunal found this was “in conflict with her understanding and what she had been told” and the claimant was given “no indication that she could not take up that role”.

Ms Fuller “considered phoning the police” and went on to write a letter informing Ms Stanyte an investigation would commence into allegations which could amount to gross misconduct and theft and fraud, without giving any details of the claim made, the tribunal heard.

After being temporarily moved to another role in a different

team that did not require SSSC certification, she quit her job with the council citing work related stress.

A report setting out the judgement said she was "quite unwell" and had only remained at work "as she discovered she would not be entitled to occupational sick pay". It went on to say she was "deeply impacted" by the affair and "had difficulty sleeping and eating" and also lost weight.

Following her probe, Ms Fuller, who "decided she would be the nominated officer in overall charge of the disciplinary procedure and would decide in the matter" upheld the allegation against Ms Stanyte.

However the report added it made "no reference to the specific allegations of theft and fraud which had originally been made or set out in what, if any, way the claimant had breached the various codes previously referred to".

The tribunal concluded Ms Fuller "displayed a mindset towards the claimant where it appeared that she did not believe what she was being told".

This mindset was "on the basis of the claimant's nationality," it found.

A staff member caught up in the saga told the judge that a previous similar situation involving a nurse who was "more responsible" for her lack of registration "had not been subject to any detrimental treatment".

The Tribunal "was certainly of the view that [the council's] conduct was entirely unreasonable," the judgement read.

It added: "The tribunal was astonished that any employee would be treated by a local authority in the way in which the claimant was treated, still less an experienced professional social worker who had only recently moved to this country

"It formed the view that the treatment was so wholly

unreasonable in so many respects on so many occasions, that incompetence or a lack of compassion or understanding was not the reason for the treatment.

“It seemed to the Tribunal that Ms Fuller was unconsciously motivated by the claimant’s Lithuanian nationality as it could not determine any other reason for the treatment.

“It seemed to the Tribunal as incredible that Ms Fuller would have acted in a similar manner towards a Scottish social worker with the experience of the claimant where an issue with that person’s registration arose and where they were provided with an explanation as to how that had arisen.

“The Tribunal could not accept that [the council] would have had the same disregard for the welfare of a social worker in such circumstances were the person from the UK.

“The Tribunal was satisfied that the claimant resigned because of the disciplinary investigation, the failure to address her grievance and her transfers at short notice.

“The Tribunal has found that all of these acts were acts of discrimination, the claimant resigned in response to these acts and therefore her dismissal amounted to act of discrimination.

“The claimant was humiliated by her treatment and is clearly still significantly impacted by the treatment.”

The council was ordered to pay Ms Stanyte £28,664.93 compensation.

An Edinburgh City Council spokesperson said: “We’re committed to creating an environment that recognises and values the diversity of all colleagues and people using our services – and to protecting them from discrimination.

“We’re currently considering the outcome of the tribunal and any steps we need to take.”

by Donald Turvill, Local Democracy Reporter.

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