

IN THE LEEDS EMPLOYMENT TRIBUNAL

Claim No. 2502512/2023

B E T W E E N

MRS S TEMPEST

Claimant

-and-

[1] RURAL PAYMENTS AGENCY

[2] DEPARTMENT FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS

Respondents

SEX, EQUITY AND EQUALITY NETWORK LIMITED

Intervener

WITNESS STATEMENT OF SAMANTHA TEMPEST

I, Samantha Tempest, of 

Introduction

1. I am a transgender woman, and I hold the protected characteristic of gender reassignment as defined by section 7 of the Equality Act 2010 ("*EqA*").
2. I wish to make clear from the outset that I respect the right of other employees to hold gender critical beliefs. My complaint has never been about the right to hold a belief. It is about the manifestation of those beliefs in the workplace and the failure of my employer to protect me from the harassment and distress that has resulted.

Personal background

3. Before I go on to set out the factual background of my case, I feel it is important to explain the life experiences that led me to transition and the impact that transitioning has had on my day-to-day life.
4. In many ways, I lost almost everything when I transitioned in early 2015. I was married at the time, but my wife had no idea who I really was. Around mid 2014, I suffered an aortic aneurysm that ruptured multiple times. Somehow, through sheer luck, when my lungs inflated, it put pressure on the leak and sealed it temporarily each time. Realistically, I should have died. The trauma of going through that changed something in me. I realised that if I had died then, nobody would ever have known who I truly was. I couldn't live with that anymore, so my decision to transition was made.
5. Transitioning ended my marriage. I moved back in with my mum, gave up my share of the house, and slowly lost most of the people around me. Some close friends stopped speaking to me entirely. Others just drifted away until, by the time I moved, I only had two close friends left. Even accessing healthcare was difficult. The NHS waiting lists were extremely long, so my mum helped me pay for private referrals. By the time the NHS finally caught up, I had met my current wife through work.
6. Back then, work felt supportive. There were a few other trans people in the same office building, and there was a sense that we weren't alone. They've all gone now. These days, I really have no support network beyond my mum and my wife. I used to find support through the EDI networks at work, but after the introduction of SEEN, those spaces became increasingly silenced when it came to supporting people like me. Now, the LGBT network feels more like a book and film club than an actual source of support.
7. Since the *Forstater* case, I've noticed a very clear shift in society. Increasingly, I feel marginalised, excluded, and unsafe. I've had people follow me in attempts to intimidate me. One person even trapped me in a dead end with their car and only backed off when I started making a phone call. I've been challenged in bathrooms. I've had shop staff repeatedly misgender me and make basic interactions deliberately difficult.
8. With the current uncertainty around bathrooms and public spaces, I rarely travel far unless I know there are facilities I can safely use. Anything that



could be considered a “*women’s space*” I now try to avoid entirely, because it simply is not worth risking my safety or mental wellbeing. If I absolutely must attend somewhere, I often contact the venue beforehand just to make sure they will support me. Even my son has experienced people treating him differently simply because I am his parent. I have experienced people screaming “*paedo*” at me in the street when out with him. I’m frightened of needing public services. I genuinely believe I would rather die than be placed on a men’s ward where my safety and dignity are expected to be sacrificed in the name of “*sex-based rights*.”

9. I also struggle deeply with my own appearance. Testosterone shaped my body in ways that still make it feel foreign to me. I’ve done everything I can to make peace with it and make it feel like home. That’s why hearing colleagues use my appearance to mock me, suggesting I “*prance around the office*” in “*little girl dresses*”, feeling that even to respect my pronouns is to lie, has been devastating.
10. The outside world has become an increasingly cold and hostile place for trans people in recent years. The Civil Service used to feel different. It used to feel like somewhere I could breathe, somewhere safer than the outside world. Now, it just feels like an extension of it.

Role

11. I have been employed by the Rural Payments Agency (“*RPA*”), which is an executive agency of the Department for Environment, Food and Rural Affairs (“*Defra*”), since 3 January 2017.
12. Between my start and 2019, I was in Business Transformation. I then received a promotion in March 2019 to the role of Compliance & Assurance Higher Executive Officer, based in the Newcastle office at Lancaster House.
13. In early 2022, I moved sideways into Demand Planning. Currently, my day-to-day role revolves around forecasting service demand levels and using that to support the business in making decisions on where to deploy staff and when to recruit. Previously, I was primarily responsible for producing data on inspections and errors for the RPA to submit to the EU Commission.
14. In my role within the Assurance Directorate, I carried out compliance and assurance work for the RPA. Although I am employed by the RPA, the



human resources function across Defra and its sub-agencies, including the RPA, has been centralised within Defra. HR guidance for the RPA redirects to the Defra intranet, and the policies and procedures that govern my employment are those of Defra. Accordingly, whilst the RPA is my employer, it is Defra's HR function that has managed the grievance processes and policy decisions that are at the heart of this claim.

15. Originally, Joanne McInnes was my line manager. When she left around September 2023, I was transferred under her boss, Simon Prince (a G7) as I was on long term sick at that time after the fallout at work. Simon Prince left around February 2024 shortly after I was forced to return to work and I was transferred to his replacement and my current G7, Samantha Kadzidlo. Since then, I have been under Olivia Rose who reports to Samantha Kadzidlo.
16. I have been on an informal arrangement to work from home since I returned to work in January 2024. I have applied twice for formalised home working. The first was rejected based on the quality of my work. When I proved my work was excellent in my second application it was rejected based on cost and because it would "*set a precedent*" for other trans colleagues, though no cost analysis was ever provided despite my formally requesting it. I honestly believe it is simply a punishment for daring to hold the business to account.
17. In terms of the overall HR structure, my understanding is as follows. Nicola Bettesworth is the HR Director. Bal Toor works under her as the Deputy HR Director. Sarah McNally was Head of Defra EDI Team and worked under Bal Toor, though I am aware she, Sarah McNally, has since left Defra. Caroline Airs worked under Sarah McNally and was Inclusive Practice, HR EDI Team. Caroline Airs has also left Defra. Sarah Homer was DEFRA COO and LGBT+ Champion, but has also left Defra. Carly Malling was in GIO (Government Infrastructure and Operations) as Lead IT Product Manager. Edd Parry is Director of GIO. David Hill is Director General for Environment and Inclusion Champion.
18. My understanding is that Caroline Airs reported to Bal Toor and Sarah McNally and Bal Toor reported to Nicola Bettesworth. Carly Malling was there because only DDTS could moderate posts at that time. Edd Parry was who my initial grievance went to. David Hill also seemed to be part of the EDI discussion in HR.

19. Prior to the events I describe in this statement, I considered Defra and the RPA to be a generally inclusive and supportive workplace. I had not experienced any material issues relating to my gender identity in the workplace before the SEEN network became active in July 2022. I felt safe and supported by my colleagues and management, and I was able to carry out my duties without concern for my wellbeing as a transgender woman. That changed fundamentally following the events I describe below.
20. I intend in this statement to explain why, by permitting the continued existence and promotion of the SEEN network within the workplace, and by failing to take adequate steps to protect transgender employees from the harassment and distress caused by the manifestation of gender critical beliefs on workplace platforms, the Respondents have failed to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between those who share relevant protected characteristics and those who do not.
21. Before the events I describe in this statement, I was familiar with a number of Defra's equality, diversity and inclusion policies, including the following:
- a. The EDI Responsibilities, which state that all line managers and employees have a responsibility to create a working environment that is free from discrimination, harassment and victimisation [page number to follow].
 - b. The EDI Manager Download [1941-1945].
 - c. The Defra Group Model Gender Identity and Intersex Guidance, which I understand states, among other things, that *"Individuals are entitled to their views and beliefs. However, this does not mean they are entitled to express these in a way that may cause distress to others in the workplace."* This guidance was central to my understanding of what was and was not acceptable in the workplace [1710].
 - d. The Defra Group Respect at Work Charter [2035].
 - e. The Civil Service Code [2037-2043], which requires civil servants to carry out their duties with integrity, honesty, objectivity and impartiality, and not to act in a way that unjustifiably favours or discriminates against particular individuals or interests.
 - f. The Defra Code of Conduct, which states that *"We believe in providing a work environment that is free from bullying, harassment, and victimisation, and*

that recognises the dignity of all our employees. We all have an important role in modelling positive workplace behaviours and demonstrating behaviour, which is professional and respectful, ensuring everyone is treated in an inclusive way. We aim to ensure that our culture is built on mutual trust and respect, and everyone is treated with the dignity they deserve."

- g. The Defra Group Equality, Diversity and Inclusion Delivery Plan 2023/2024 [1970-1882].
 - h. The Principles for Communication, later updated to the Principles for Professional Communication [1919-1925].
 - i. The Defra Group Roles and Standards for Yammer Group Owners and Information Asset Owners [1997-2009].
 - j. The Defra Group Bullying, Harassment and Discrimination Policy [1956-1978].
22. It was my understanding that these policies, taken together, committed Defra and the RPA to creating a workplace free from discrimination and harassment, in which the dignity of all employees, including transgender employees, would be respected and protected. As I describe below, I consider that these commitments were not honoured in my case.

SEEN Network and Yammer posts

23. On or about 19 July 2022, Elspeth Duemmer-Wrigley, the co-chair and Information Asset Owner of the Sex Equality and Equity Network ("SEEN"), posted on the Defra "All Company" group on Yammer. Yammer is an employee communication platform where posts are accessible to all Defra staff, with a reach of around 20,000 people. SEEN is a staff network which is 'committed to the protected belief....that biological sex is binary and immutable..', 'that biological sex matters for men and women in our everyday lives including for our rights and needs in the workplace, and that biological sex must not be conflated with the concepts of gender or gender identity' [353-356]. I found it alarming that SEEN are clearly saying that rights in the workplace should be based on sex not gender. Toilets aside, that could mean erasure of inclusive language in policies, pronouns and non recognition of non binary colleagues.

24. The post promoted gender critical beliefs and directed employees to external groups including Sex Matters, the LGB Alliance, and Transgender Trend — organisations which have campaigned for the reduction or removal of trans rights. I refer to the post at page [157] of the bundle. When I saw this post, I was shocked and deeply upset. The clear implication of stating that “*biological sex is binary and immutable*” and that SEEN does not “*subscribe to the concept of gender identity*” is that trans people such as myself are deluded, mentally unwell, or have been indoctrinated. To see this promoted on an official workplace platform, visible to 20,000 of my colleagues, was devastating. It felt like a public erasure of my humanity, transforming a space I rely on for my livelihood into one where my very existence was framed as a debate topic. The shock quickly turned into a deep sense of vulnerability and anger, knowing that this message didn't just challenge ideas - it implicitly labelled me and others like me as deluded or mentally unwell in front of the entire work community. It was a profound betrayal of the safety and respect I expected from my colleagues, leaving me feeling isolated and terrified about the hostile environment this could foster.
25. The Guidance for Use of Yammer [131-132] was produced after this initial post. The only policy I know of before this was the Yammer User Guide/Code of Conduct [page number to follow]. The guidance then was barely existent; links frequently didn't work. They both say “*Users are expected to behave in a professional manner, and should be:*
- a. *polite, respectful, and accurate in all posts, and when commenting*
 - b. *Yammer should be a network where staff do not feel discriminated against or harassed in line with the Equality Act 2010.”*

This, coupled with the Civil Service Code [2037-2043], meant I always understood that we are to be impartial both politically and socially when at work. There was no scope in that policy about freedom to express belief even if it's offensive. Being well aware of the PSED I had no intention of bringing discussions into work on anything that others might find uncomfortable, especially for consumption by the entire department, because I would not want my colleagues to feel insecure around me. I always understood Yammer as being about work. There were a few deviations such as the “*Dog Watch*” group and people did complain about receiving emails of dogs and not work content, but that is not comparable because it wasn't a controversial topic.

26. I understand that Elspeth Duemmer-Wrigley was a senior solicitor within Natural England. The screenshots attached at [page number to follow] demonstrate that the Environment Agency intranet shows DEFRA HR as the content owner for the Employee Handbook, the Grievance and Appeals process and there is a similar screenshot for Natural England.
27. When the post was made, several members of the LGBT+ community within DEFRA, including Laura Brown and Nik Ward, raised concerns with DEFRA HR [155-156]. Laura Higgins, Senior Information and Records Manager for DEFRA, replied stating that she would escalate these concerns on the use of Yammer to Defra's Information Management Group [155-156]. The post was then deleted after the comments section descended into argument. However, Elspeth Duemmer-Wrigley then complained to Carly Malling and Caroline Airs among others [136-137]. My understanding is that Carly Malling worked in GIO (Government Infrastructure and Operations) as Lead IT Product Manager for Defra. Caroline Airs was Inclusive Practice and Senior Policy Advisor within Defra Group HR and the HR EDI Team. She reported in to Sarah McNally, Head of Defra's EDI Team. Sarah in turn reported in to Bal Toor, Deputy HR Director, who reported to Nicola Bettesworth, HR Director.
28. After Elspeth Duemmer-Wrigley's complaint, Carly Malling responded to explain that she had 'the unenviable task of dealing with Yammer posts in the All Company group that are reported as inappropriate for Defra Group. Sally covers this role for Environment Agency' [136]. She explained that the post was removed because 'beyond acknowledging differences of opinion or belief, it is not appropriate to use a workplace forum to engage in or seek to provoke a personal, political and/philosophical debate.' This idea of not engaging in debate is also stated by Bal Toor and Nicola Bettesworth [235 & 263].
29. However, after a further complaint from Elspeth Duemmer-Wrigley [134] HR then decided the post should be reinstated, and so it was [135]. I did not understand why a post that had already caused such division and distress was brought back. It is clear from Caroline Airs email to Tora Wortley on 21 July 2022 [138] that Caroline knew how Elspeth reposting this would be received, in conjunction with James / Sarah posting something to "warn people off a bit". She talks about "lighting the blue touch paper" which indicates she was expecting a series of uncontrolled events with a dramatic consequence triggered by HR as they were green lighting it. Despite being

aware of the likely reaction to the post, they didn't take proper responsibility for what was happening and delegated this to Elspeth. After the comments yet again created conflict, the post was deleted for a second time. I felt let down by the organisation. The decision to reinstate a post that had already proven to cause harm to transgender colleagues demonstrated that Defra prioritised the right to express gender critical beliefs over its duty to protect employees from harassment. When the post was reinstated, Tora Wortley posted the comment at [158] as recommended by Caroline Airs on 20 July 2022 [139]. Framing trans inclusion and "gender critical" beliefs as equivalent "fundamental differences of belief" just signals that trans identities themselves are debatable. It's psychologically harmful. It's framing my trans existence as an alternative belief system, not a lived fact. It's ignoring the obvious position that allowing gender-critical statements in workplaces correlates with increased anxiety and reduced sense of safety among trans employees. They talk about authentic self but trans employees will obviously feel less able to be open about their identity if opposing views are given equal platform and they see how difficult their life will become if they stand up to be counted. What potential employee would look to join an organisation that has a Gender Critical network and a policy to support it? Knowing what I know today, I wouldn't look to join DEFRA again. Again though, they aren't looking to stop the debate. I would love to know how they expect this to be professional and tolerant when a belief says a protected characteristic is false / doesn't exist, or is lying.

30. I commented on this post [161, 165 & 173]. In my comments, I think it's clear that I'm acknowledging that you can't convince trans people or Gender Critical people they are wrong so any post on the matter is simply to try and convert the undecided at work. I'm trying to explain that if exchange of ideas really is the aim, that there are many external places to have that debate. I highlighted that as a political topic used by parties and the media, it is not suitable for work as per the Civil Service Code [165]. Being impartial is not sufficient. I'm trying to further highlight the reputational risk we are starting and the damage to good relations that is beginning to occur [173]. It is clear from Luke Brookes' post that Luke himself sees Viva as social media and thus he says you can expect negative and hostile behaviour but that it is a price worth paying for Free Speech. I think this is wrong for a workplace. We have to work together to get the job done. DEFRA has a legal duty to foster good relations in order to do that. Viva Engage is meant to be a work tool not a



mouthpiece for any view that pops into someone's head. Absolute free speech would cause chaos. We are better together when the things we have in common are built on, not when the things that divide us are promoted and highlighted. In the period following the initial SEEN post, I witnessed a number of offensive and discriminatory comments on Yammer by SEEN members, including comments by Andreas Mueller. I refer to these in more detail later in my statement. These comments had a significant negative impact on me and, from my discussions with colleagues, on other transgender and non-binary employees across the Defra group.

31. Andreas Mueller's conduct felt highly combative. He was constantly looking for offence and reporting anything he could position as an infraction. Any post that could be related to trans inclusion or that he could relate to gender critical views he posted on, rarely directly attacking but implying everything under the guise of *"Just asking questions"*. You became afraid to post anything because it would either land you in trouble or you would end up in direct communication with him. It wore you down.
32. A number of colleagues told me they had dressing downs from their line managers, warned off engaging and occasionally punished. Occasionally, Andreas Mueller would slip, such as when he warned a colleague that *"the internet doesn't forget and neither do I"*. It didn't help that it was fine to imply trans women are men by saying *"Sex is immutable"* but you couldn't challenge back and say it's not true because it would be taken down as attacking a belief. It was horrible as it quickly dawned on trans colleagues and allies that DEFRA was not intervening or supporting us. It was simply telling us we had to accept it.
33. At this point there was a lot of anger, upset and confusion. But nobody really believed it would be allowed to continue, that it was a blip that would be quickly ruled out as not conducive to the workplace. Eventually, Sarah McNally confirmed that the original post from Elspeth Duemmer-Wrigley had been taken down [168].
34. On 22 September 2022, Defra senior leaders, led by Sarah Homer (Defra Group Chief Operating Officer) held an LGBT+ open board meeting [221-227]. I attended this meeting and raised my concerns about the SEEN network and gender critical posts on Yammer. I didn't feel able to raise concerns directly at that meeting. Participants were muted, the questions were pre-prepared, and the meeting was announced without any involvement from the RPA network.

35. During the meeting, Sarah Homer stated that the original post did not cross any lines, that there was no restriction on creating a network for gender critical views, and that moderation would only be undertaken as a last resort approach. I felt crushed. Not only did she say there was no restriction but that she thought a DEFRA network was already being worked on by this response. It appeared to me that the organisation was not willing to take any meaningful steps to protect transgender employees from the harm being caused by the expression of these beliefs on workplace platforms. Following that call, Paula Austin (RPA senior sponsor for the LGBT+ network), provided feedback to Sarah Homer from network members [247-251].
36. For an "LGBT Panel" my sense was that they seemed far more concerned with not discriminating against gender critical beliefs than in ensuring trans people had a welcoming environment. There were no questions concerned with how we were being separated and erased and nothing at all around the LGB, it was all about the T and how to protect gender critical staff. It was completely tone deaf and served only to highlight how the protection was completely one sided now. I left it feeling like the position was Trans staff must accept the new world basically. Disclosure has shown that following this, HR went to Elspeth and had her work with Sarah Homer to draft a message and end the debate [236].
37. On 8 November 2022, a further post was made on Yammer introducing the SEEN network [page number to follow]. I responded to that post by identifying myself as a transgender woman and asking to be left alone [284]. My post was seen by over 18,000 people and received in excess of 650 likes. The strength of support from colleagues across Defra gave me some hope that DEFRA might see the level of concern and consider the risk that it was introducing to the business and colleagues, but this was undermined by the response of SEEN members. Andreas Mueller, in particular, characterised my post as "*instigating a pile-on*" and described the supportive responses to my post as "*a veritable torrent of slander and misinformation*" [310]. I found this characterisation deeply hurtful. It felt like even though it was clear I and others were experiencing distress and upset, he still felt entitled to press ahead anyway. I had simply asked for my existence not to be debated or erased at work, and in response I was accused of bullying the very people whose network was causing me distress.

38. I also became aware through a colleague that a post had been made on the external website Mumsnet on or around 8 November 2022, referencing SEEN and including content from posts I had made on Yammer [337, 1542]. Anonymous commenters, many of whom acknowledged that they worked for the civil service and specifically in DEFRA, made derogatory remarks about my views, including describing me and others as “bullies” and stating “‘Unsafe’ at work. Riiiiight. I pity their managers trying to restrain a massive eye roll.” [page number to follow] Some commenters stated their intention to send screenshots to Sex Matters and the press. The knowledge that my words from an internal workplace platform had been copied and discussed on a public forum, by people who could potentially identify me, caused me significant anxiety. I was concerned for my personal safety and fearful that if the media were to pick up on the thread, both I and other identifiable colleagues would be put at risk. This was soon amplified when 4 days later, someone attempted to access our home on two separate occasions. I honestly believe it resulted in somebody somewhere finding out where I lived and trying to break in. Knowing I was based in the Newcastle office wasn’t hard to find out when SEEN members worked there. It was from then that I started only attending the office on the same days as my wife for safety.

First Grievance

39. The day after the LGBT+ open board meeting, on 23 September 2022, I raised a formal grievance (the “First Grievance”) via the Dispute Resolution Notification Form. I refer to the form at pages [228-234] of the bundle.
40. I raised the First Grievance because I wanted to hear an explanation as to why a line would not be drawn to protect trans colleagues. I wanted to know why the focus revolved around the rights of gender critical staff with complete disregard for my own rights. I wanted to be told why it was okay for other staff to make me feel insignificant and like a charlatan just so that they could freely discuss other people’s existence.
41. I hoped that a decision maker would see sense, and that by investigating the issue thoroughly and not just following the party line, they would see all the glaring issues and that action would then be taken to correct things.
42. My grievance expressed concern that Defra’s provision of a platform for the expression and promotion of gender critical views in the workplace,

including on Yammer, served to create an intimidating, hostile, degrading, humiliating and offensive environment related to the protected characteristic of gender reassignment. I emphasised that my complaint was not about the right to hold the belief itself, but rather about how Defra responded to the manifestation of this belief in the workplace. I was aggrieved that, by expressing the view that “*biological sex is binary and immutable*”, the inescapable implication was that trans people have a mental condition which impairs their understanding of their own gender identity, or are in some way indoctrinated, and that Defra’s decision to platform this viewpoint and lend organisational support to an inherently discriminatory belief violated my dignity.

43. Almost two months after I filed the grievance, on 8 November 2022, I was initially under the impression that the decision-maker for my grievance was Nadia Khan, Deputy Director of Defra HR. In fact, I don’t think Nadia was a decision maker, rather someone in HR that was meant to be taking the process forward, like a facilitator of sorts. I was given no explanation for this significant delay, save that she told me about 2 months in that they were “considering carefully” who to select as a decision-maker [page number to follow]. The decision-maker was subsequently confirmed as Edd Parry, Director of Group Infrastructure and Operations in Defra. Following an introductory meeting on 11 November 2022, I received an acknowledgment of my complaint from Edd Parry on 15 November 2022 [383].
44. On 21 November 2022, I met Edd Parry to discuss the First Grievance. I refer to the minutes of this meeting at pages [447–452] of the bundle. At this meeting, I explained my position in detail, including the distinction drawn in case law between the right to hold a protected belief and the right to manifest it in the workplace. I referred to the *Forstater v CGD Europe* judgment, which made clear that while gender critical beliefs may be protected, this does not mean that those holding such beliefs can “*misgender trans persons with impunity*”, and that employers remain liable for acts of harassment or discrimination against trans employees. I also referred to the *Mackereth v DWP* judgment, which held that an employer’s code of conduct can apply limitations on how beliefs are manifested where it is a proportionate means of achieving a legitimate aim. I explained that if I still felt discriminated against after this process, the matter would end up at tribunal, which was not where I wanted to be, but it may be what it takes to feel safe at work.

45. I found the questions Edd Parry asked a bit worrying. He was supposed to have undertaken an investigation, but he didn't seem to have grasp of the detail. Being director of GIO, the fallout from Yammer must have been known to him. I felt he listened, but I didn't feel confident that it meant anything. It felt like this was the bare minimum being doing to give the appearance of formality.
46. On 2 December 2022, the same day that Mr Parry was due to issue his decision, I became aware of the Mumsnet thread of 10 November 2022. I shared the evidence of this thread with Mr Parry for his consideration [545]. However, he informed me that as there was, in his view, nothing specific to Defra engaged, he could not take this into account [544]. I did not accept this reasoning. The thread directly referenced internal Defra Yammer discussions, anonymous commenters self-identified as civil servants, and some stated they would share the content with external media. The thread was plainly connected to Defra's handling of the SEEN network.
47. Later on 2 December 2022, Mr Parry sent me the outcome of the First Grievance. It was not upheld. I refer to his decision letter at pages [551–553] of the bundle. The reasons he gave included that *"the department has to acknowledge that Gender Critical belief is a recognised belief under the terms of the Equality Act...therefore the department, in seeking to be an inclusive employer and in accordance with its public sector equality duty, has no choice but to acknowledge and respect the views of anyone holding that belief"*; that *"The department, in such acknowledgement, had no choice but to reinstate the original post on Yammer, which did not in my view contravene the Defra Code of Conduct"*; and that *"The existence of Gender Critical belief, in and of itself does not constitute harassment, in so far as a statement of that belief does not meet the definition of harassment."* I considered that this response failed to engage with my actual complaint, which was not with the belief per se, but with its manifestation in the workplace, and Defra's inadequate management of this. The assertion that the department *"had no choice"* but to reinstate the original post was not, in my understanding, an accurate assertion of Defra's legal obligations.
48. I was deeply disappointed by this outcome because I couldn't understand why the impact it was having on me and others was simply being ignored. I had drawn attention in my grievance to the *Forstater* judgment, which underlined that while I understood that gender critical beliefs were capable of protection under the EqA, this did not mean that their manifestation in the

workplace was automatically immune to moderation. Mr Parry's decision did not engage with this distinction.

First Grievance Appeal

49. On 6 December 2022, I appealed Mr Parry's decision (the "*First Grievance Appeal*") [563]. The grounds for my appeal included **[page number to follow]**:

- a. the highly politicised nature of gender critical views, including the advocacy of the removal of legal rights from transgender people, and the requirement under the Defra Code of Conduct to maintain political impartiality;
- b. the fact that allowing the unfettered promotion of these political beliefs contravened Defra's impartiality policies;
- c. the fact that misgendering and anti-trans comments were being permitted on Yammer, notwithstanding the *Forstater* judgment and the *Mackereth* judgment, which stated that an employer's code of conduct can apply limitations on how beliefs are manifested; and
- d. the wider impact on staff.

50. On 9 February 2023, the appeal hearing took place with Janet Hughes, Director of Future Farming and Countryside Programme, who had been appointed as Appeal Manager. I refer to the appeal hearing notes at pages [668-670] of the bundle. At the hearing, I presented additional evidence and explained the three key points that I felt the original decision had missed: first, that gender identity is a very political debate that has been brought into the workplace; second, that what occurred was harassment, which Defra had a duty to prevent; and third, the wider impact that the incidents were having on staff. I also discussed the Mumsnet thread and the fact that my posts from Yammer had been shared and discussed on that public forum.

51. I felt significantly more heard by Janet Hughes than I had by Edd Parry. Throughout the meeting, Janet Hughes was taking her own notes and coming back for clarity. She made it clear that she still had more work to do to speak to others. It felt like she genuinely wanted to understand the issues and how they related to the policies in place.

52. On 16 February 2023, Janet Hughes wrote to me with the outcome of the First Grievance Appeal. I refer to her decision letter at pages [655-664] of the

bundle. My appeal was upheld. Ms Hughes found that, although the Department was correct in acknowledging that colleagues have a right to hold gender critical beliefs, *“the Department does not have an over-riding obligation to provide or allow an open platform for people to express those beliefs, and (according to its own policies and guidance) should not do so if the expression of the beliefs on such a platform in the workplace is harmful to other colleagues.”* She stated that this was *“especially the case in respect of transgender colleagues, given Defra’s guidance acknowledges that transgender is a protected characteristic, transgender colleagues face specific additional risks and vulnerabilities, and you have expressed what appear to me to be understandable and reasonable distress and fear arising from the Department’s actions.”* Ms Hughes also found that the grievance outcome’s statement that the Department *“had no choice”* but to allow gender critical comments and debate on Yammer was not correct, that Defra’s approach to moderation was *“not sufficient”*, and that by providing an open platform for gender critical beliefs, *“the Department is not adhering to its own policies and commitments to create an environment that is inclusive of transgender colleagues.”*

53. The appeal outcome also recognised my concerns in relation to the Mumsnet thread. Ms Hughes stated that it was reasonable for me to be concerned that the matter might be picked up in the wider media, given that a colleague self-identifying as working for Defra had said they would share the content with the media. She found that the lack of reaction or action from Defra had increased my feelings of fear, that Defra had failed to protect me from discriminatory behaviour or from potentially being identified in national media coverage, and that it was a breach of the Defra Code of Conduct for the Yammer content to have been posted on Mumsnet. I was concerned about this not because I was ashamed of who I am, but rather because of the potential impact on my personal safety and the safety of my family, and the impact of any media attention on my mental health, especially in light of the attempted break in and unwanted attention my son was already receiving at school.
54. The appeal outcome included eleven recommendations directed at the HR Director, Nicola Bettsworth. The recommendations included:
 - a. Recommendation 1: that the HR Director keep me, the SEEN network, and the Defra LGBT+ network informed of progress as appropriate.

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- b. Recommendation 2: *“In line with Defra’s gender identity and intersex guidance and Code of Conduct, and in view of the evidence of distress and offence caused to transgender colleagues, Defra should not provide an open platform for the expression of gender critical views. This includes providing a platform for a network whose publicly stated purpose is to promote such views, because doing so in itself represents a breach of the organisation’s policies and guidance irrespective of the language used in individual posts made by members of the network.”*
 - c. Recommendation 3: that changes be made to the Yammer platform so that groups would no longer be open to all by default.
 - d. Recommendation 4: that Defra introduce consistent, ongoing and properly resourced moderation of all channels to ensure the code of conduct is properly enforced.
 - e. Recommendation 5: that, if Defra judges the use of Yammer not to be working in line with its stated policies, the platform should be suspended until the necessary controls have been put in place.
 - f. Recommendation 6: that guidance on acceptable usage of Yammer be updated to make clear that it is for internal use only and must not be quoted publicly.
 - g. Recommendation 7: that further investigation be carried out to establish whether there had been any breach of the Code of Conduct by those who posted details of Defra’s internal Yammer channel on Mumsnet, and appropriate action taken if so.
 - h. Recommendation 8: that Defra raise concerns with the Cabinet Office about the balance of rights between those with gender critical beliefs and transgender colleagues, and ask them to review their decision to approve SEEN as a formal civil service network.
 - i. Recommendation 9: that Defra review and update its policies based on expert advice and develop specific policies and guidance on how to balance the rights of those with protected gender critical beliefs with the rights of transgender colleagues.
 - j. Recommendation 10: that Defra update its HR policies and guidance accordingly, and that training be provided to senior leaders on this issue.
 - k. Recommendation 11: that the review should include consideration of the extent to which the Yammer platform should be allowed to be used for

political debates given the impartiality requirement of the Civil Service Code.

1. The remaining recommendations addressed related matters of governance and oversight.
55. When I received the appeal outcome, I was relieved that the organisation had at last recognised the harm that was being caused to me and other transgender colleagues. I wrote to Janet Hughes on 20 February 2023 thanking her for her decision. I expected that the recommendations would be implemented and that the situation would improve. I believed the grievance process had worked as intended and that meaningful change would follow.
56. As far as I understood it, you went to grievance, and if it was upheld after weighing all the evidence then change would be made. It felt like such a relief to have someone agree that I wasn't some neurotic overly dramatic activist out to punish gender critical colleagues.
57. As I describe below, I was wrong to feel reassured.

Defra's response to the First Grievance Appeal

58. On 31 March 2023, I met Nicola Bettsworth, Defra Group Chief People Officer, to discuss the implementation of the recommendations from the First Grievance Appeal outcome. I refer to the letter at pages [782–786] of the bundle.
59. On 6 April 2023, Nicola Bettsworth wrote to me with Defra HR's formal response to the recommendations. I refer to her letter at pages [782-787] of the bundle. Recommendation 1 was partially accepted, on the basis that updating the LGBT+ and SEEN networks would not be actioned as the grievance was "*an internal personal dispute*". Recommendation 4 was also partially accepted, as Defra stated it was unable to resource a stand-alone team for moderation of Yammer alone. The remaining recommendations were stated to have been accepted, completed, or to be in the process of implementation.
60. Most critically, however, the letter stated that Defra was "*unable to accept*" Recommendation 2 — the central recommendation that Defra should not provide an open platform for the expression of gender critical views. The stated reason was: "*All colleagues who share a protected characteristic are entitled to form networks and engage with others and are equally protected under the Equality*

Act 2010.” I considered this reasoning to be legally incorrect. While gender critical beliefs may be capable of protection, that does not mean that those beliefs can be expressed in a way that discriminates against transgender people. The response did not acknowledge that the Grievance Appeal outcome had found that I had been discriminated against and harassed, nor did it engage with the justification for Recommendation 2 — that the provision of the network contravened Defra’s own internal policies.

61. Recommendation 5, that Yammer be suspended to allow additional controls to be put in place, was also rejected on the basis that Defra *“does not deem Yammer as not to be working in line with its policies on Inclusion, Harassment and/or Transgender.”* This directly contradicted the Grievance Appeal outcome.
62. I was devastated by this response. The Grievance Appeal had upheld my complaint and made clear recommendations to address the harassment and discrimination I had suffered. For Defra’s HR function effectively to veto the key recommendation of its own appeal process rendered the entire grievance procedure meaningless. I felt that the appeal recommendations had been overridden outside of the grievance procedure, and that the process had been rendered worthless. The message I took from this was that Defra was not willing to take the steps necessary to make the workplace safe for me and other transgender colleagues, despite having acknowledged through its own appeal process that the workplace was not safe. I felt like I couldn’t win. I was never going to win because HR had already made the decision and nothing I could present would change that.
63. In the months that followed, I saw no evidence that the accepted recommendations were being meaningfully implemented. In terms of each:
 - a. Recommendation 1: I was not kept informed, nor did I receive any further engagement from HR, even when they attempted to redraft the policy on Transgender colleagues later. I was told to use regular channels for making any further complaints.
 - b. Recommendation 2: HR continued to allow gender critical views to be expressed and went on to produce communication principles that simply legitimised the posting of such views, even where they caused extreme offence.
 - c. Recommendation 3 was not carried out by Defra until mid-August 2023. They did not advise me of the changes. HR stopped playing a



direct role in moderation, they review decisions made by the IAO and group admin and provide feedback only. They set Yammer groups to private, but the policy allowed groups to set themselves back to public if they wish, which is exactly what SEEN did (this was then set private again a month later). The Viva Engage group policy contradicted itself, it said all DEFRA members should be allowed to join a group, but it also allows the group to set community standards which no person of an opposing view could agree to. As it is now a closed group the only moderation that takes place is from the SEEN Network chairs. Defra's communication principles confirm that they "*do not routinely monitor personal use of workplace platforms.*" but also that if a trans person or ally were to join for that purpose, they would be the ones at fault as "*We do not seek to monitor or 'police' other groups' communications channels.*" Making groups private didn't stop SEEN posting recruitment posts into other groups or bringing their own views into them, getting into arguments in pregnancy groups over trans men.

- d. Recommendation 4: Moderation was effectively delegated to those who make the harassing statements and power removed from those who are left to face them. The training was delivered but had a number of inconsistencies and only served to make things worse. HR no longer provide an escalation route, merely a feedback and review and again I wasn't advised of any of these changes. Feedback wasn't sought but was provided on the first iteration by the LGBT networks which highlighted all the potential issues that were subsequently ignored.
- e. Recommendation 5: Since Defra felt Viva Engage was working in line with policy there was seemingly no need to suspend it.
- f. Recommendation 6: The guidance was updated but what it actually said was its an "*unacceptable [...] breach of trust and confidence*" to share externally. That wasn't a sufficient response.
- g. Recommendation 7: Defra's response just shifts the duty to protect oneself and the business back to the individual, instead of carrying out a detailed internal investigation to see if the individuals can be identified from their overall posts, use of internal systems or even provide feedback on options to ensure such leaks cannot occur. Mumsnet was not even blocked on work systems.

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- h. Recommendation 8: Defra did not ask for a review, just made them aware of recent challenges. I was left to challenge cabinet office myself but was rejected because I'm not a CO employee (even though disclosure shows challenges to Defra being accepted from people in non DEFRA departments or ALBs). Again, I was not kept in the loop on what concerns were raised.
 - i. Recommendation 9: It was in June 2023 that anything like this appeared. It was a draft of Trans guidance from Cabinet Office looking to apply it to Defra. Despite the appearance of this document, it did not intentionally involve any of the LGBT groups and Defra did not advise me it was a thing. The SEEN network was included in this document's distribution. Alongside this the LGBT groups had been directed to be "*impartial*" resulting in a withdrawing of clear support for trans people in their messaging to the point that they would resist stating Trans women are women.
 - j. Recommendation 10: None of the guidance brought in was fit for purpose and simply reduced trans rights in the workplace. The training was exclusionary as it didn't even include LGBT case studies and centred around straight white men.
 - k. Recommendation 11: The response said where comments stray into political commentary it will be removed yet future posts that interpreted legislation, that reject other legislation, that look to talk about employment tribunal outcomes, that promote external anti trans groups were all allowed to remain where the poster is gender critical. It also ignores the fact that SEEN's own aims are themselves political. The expression that sex is immutable is a political statement. Later Cross Government guidance made clear that political partisan contentious issues aren't for general discussion other than in areas like Policy teams.
64. Offensive and discriminatory content continued to appear on workplace platforms, and the SEEN network continued to operate and grow with Defra's apparent support. Yet again, I felt a profound sense of betrayal and psychological distress as the initial validation from the First Grievance Appeal had offered a glimmer of hope that was extinguished when HR overrode the very recommendations meant to ensure my safety. This contradiction between acknowledging the unsafe environment and refusing

to act on it just made me feel even more isolated and powerlessness, reinforcing my belief that Defra viewed my well-being as secondary to platforming gender critical expression. The continued presence of offensive content and the growth of their network without intervention just served as daily, tangible proof of Defra's indifference, it was clear I could no longer trust in their ability or willingness to protect employees like me. My identity and safety were effectively deemed expendable by the very people tasked with safeguarding them.

Ongoing SEEN issues

65. In the period from March to August 2023, offensive content continued to be posted on SEEN's cross-government website and on Yammer. Articles entitled "*Why SEEN is important to me*" appeared on the SEEN website containing statements that I found deeply offensive and harmful, including:
- a. "*Gender identity in the workplace forces me to lie.*" [page number to follow]
 - b. "*I can see the many great ways my career can progress...Why would we jeopardise that by forcing people to lie and pretend that biological sex doesn't matter?*" [page number to follow]
 - c. "*We have now accepted the ideology of gender identity, something I see as similar to adopting the Christian faith of my grandparents without question, because they would feel distress if I didn't.*" [page number to follow]

These three comments frame my existence as a deception. It implies that acknowledging me as the person I say I am requires dishonesty. SEEN say they respect me but then how can they if this is how they feel? They talk about being authentic but when I present my authentic self, they view it as a deception to access women's spaces. If my coworkers genuinely feel forced to lie simply to interact with me, how am I meant to believe they have my best interests at heart? It's simply a direct attack on my legitimacy and my ability to set the terms on how people interact with me. The comments make me worry about my own job security and future prospects if people view me as a liar and involved in some sort of coercion. It frames my inclusion as a risk to others' employment stability because I guess they would be unable to prevent themselves from responding negatively. By reducing my gender identity to a "pretend" that ignores "biological sex," the comment strips away my lived experience. It



suggests that my identity is a mere performance that threatens some sort of natural biology. I'm not a colleague, I'm a dangerous ideology to be rejected. It also implies that for Gender Critical folks to succeed, I must be suppressed or hidden. It is not a competition for basic dignity and safety. Arguing constantly for basic decency is emotionally draining. It's all built on a rigid definition of biology that excludes intersex / non-binary people entirely and ignores the medical and social consensus that gender identity is distinct from, though related to, biological sex. It feels like a dismissal of my medical reality and lived experience in favour of a simplified biological essentialism. Comparing my gender identity to a religious belief adopted out of fear of family distress feels incredibly dismissive. It suggests that being trans is not an inherent part of who someone is, but rather a fashionable "ideology" or a performative act that could be adopted to please others. It equates using my pronouns to pretending they worship a god when they don't. These are not even close to the same. We use pronouns all the time without knowledge of the person, why is it they can use them up to the point they make some assumptions on my biology? SEEN wouldn't say these statements about sexual orientation. Why would anyone choose to lose friends and family and be rejected by society if it was simply a lie? It demonstrates a fundamental misunderstanding of the trans experience, isolating me from others. I'm well aware that there are people at work with religious beliefs that view my identity as a sin yet they have never posted to Yammer to say that or felt the need. The issue here is they equate gendering me as I would wish to adopting a "belief" in trans identity. I don't believe in Christianity but that doesn't mean I can't say the word Jesus or celebrate Christmas.

- d. *"Gender identity makes me worry for the boundaries of private spaces such as toilets...Gender identity puts an extra stress on a lone female, unsure if the toilets will truly be single-sex, and if a male person states his right to use our spaces, we will further worry about what may happen if we show anything but blind faith in the male's personal belief that he is the same as us."* [page number to follow] This statement directly characterises trans women as "male persons" who pose a threat in women's toilets. As a trans woman, I found this statement deeply dehumanising and frightening.
- e. Continued posting of links to groups such as Transgender Trend, which states there is no "evidence that children really are trans" and includes

commentary that transgender children are being “groomed” and “brainwashed” [page number to follow]. For example, on 12 July, Elspeth Duemmer-Wrigley shared suggestions for children’s books ‘from the brilliant website Transgender Trend’ [1047]. These books are not sources of celebration but sources of invalidation of trans identity. SEEN accuse trans people of indoctrination then advertise books like these for children at work. It made me worry that a child who may ultimately be transgender reading these would be told that their internal sense of self is wrong, a mistake, and something to be suppressed. It is pertinent to me because that is the message I received too, that I should have continued pretending to be someone I wasn’t because it is more palatable. It reinforces the idea that my and others’ identity is a problem to be solved through education rather than a reality to be honoured. I remember being young, feeling the shame, confusion, and that I needed to keep hidden and pretending to be my assigned sex. I had no internet then, no guidance. A book like these from my parents would have only confirmed that I was wrong to feel the way I did. It is not respecting or tolerating trans people when a colleague posts these books on a work forum under the guise of “helping kids celebrate themselves” or “providing advice,” because the content actually argues against transition and is simply a betrayal. It says support (“celebrate themselves”) but the message is actually one of denial (“accept your birth body”). Transgender Trend as a group, specifically advocate that gender dysphoria is a social phenomenon and that children should be required to live in their birth sex. The “advice” given is actually a form of conversion therapy disguised as self-help. The fact the post was made just made it clear we now had an environment supported by DEFRA where the “celebration” of self is conditional on accepting one’s assigned sex at birth. The post was left up and HR never responded to my complaint. What any of the post has to do with DEFRA and its business I have no idea, how is this relevant to a work network? I’m well aware of some of the content on the Transgender Trend website [page number to follow]. They often post that there is “no reliable scientific basis for the diagnosis of transgender” and describe transitioning as an “experiment which has no precedent.” They’re happy to post that trans identities are a “delusion,” “make-believe,” and a result of “social contagion” or part of the (made up) condition “rapid-onset gender dysphoria” (ROGD). This is deeply dehumanizing. To suggest that my lived experience is not real just

leads me to hate myself, to get ideas that maybe everyone would be better off without me around. They make out that I and the people who support me are predators undertaking "sexual grooming". They make clear that trans women are "men" in women's spaces framing me as an intruder and threat to the safety of cisgender women and girls. They promote exclusion not inclusion. Seeing my colleagues sharing content supporting this organisation at work shifts it from being a faceless organisation spreading misinformation on social media, to a part of the workplace that makes me feel unsafe among colleagues and lose my sense of belonging. It's a direct attack on my presence in the workplace. It signals that some of my colleagues not only don't respect my identity, but are actually openly in favour of misgendering and overt exclusion. The workplace talks about bringing your best self to work, how can I do that when my identity is allowed to openly be debated and mocked by those I work with? They might not state it but they don't need to when they share organisations like this. Transgender Trend make out like they are the victims for speaking up yet when I see this content shared at work and speak up, I'm the one that faces the rejection, isolation, and ultimately risks job loss for speaking ill of a protected belief. Workplace relationships rely on mutual respect. When colleagues share material that fundamentally denies my humanity and makes me out to be a villain, it erodes trust. The public discourse around my rights is already a source of trauma. That DEFRA wouldn't come to my aid but instead normalized this as suitable content for work, was just another sense of betrayal and alienation. DEFRA claim to be based on facts and science yet even when it's highlighted that the medical and psychological consensus (including organizations like the World Health Organization, the American Psychological Association, and the NHS) support the validity of transgender identities and the benefits of gender-affirming care, they do nothing, it's like reality is being distorted, I see misinformation and I'm told there's no problems to be found.

- f. Labelling trans activists as *"Bullies trying to silence mainly women but anyone who disagrees with their ideology."* [page number to follow]
- g. Stating that gender identity is not protected by law [934].

66. Members of SEEN also discussed and endorsed Matt Walsh's *"What is a Woman"* documentary on the SEEN Yammer group, with one praising it as excellent and eye opening [875]. Matt Walsh is widely regarded as an



outspoken opponent of the transgender rights movement and the idea of being trans in general. I found it deeply troubling that the endorsement of such material was being hosted on a workplace platform. The film's central premise is to prove that the definition of a woman is circular or non-existent for trans women. The "answer" provided at the end (An adult human female) is used to explicitly exclude trans women from womanhood. It is impossible to not see this as a direct denial of my existence. It again communicates that my identity is a delusion not a valid reality. Walsh calls teachers "child abusers" for supporting trans students. The film discusses puberty blockers and surgery contexts that imply these are harmful and abusive acts. It is a great source of sadness what testosterone inflicted upon my body. To see adults who care framed like this, to see kids that are gender questioning forced to go through puberty, is shameful and cruel. There are plenty trans kids that are no longer with us because of actions like this. At the same time, I know that my son would only have one parent now if I was forced to adhere to the expectations my birth created for me. To see supporting me, even as an adult, as abusive self harm makes me angry and disgusted. Transitioning socially and physically is what kept me in the world. Worse still, as employees of a government department we are about facts and truth. It's well known that this "documentary" was made under false pretenses using a fake organization designed to trap interviewees into "gotcha" moments. Neither DEFRA nor SEEN were concerned with that. SEEN praised it, DEFRA couldn't find a problem with it. Seeing this documentary highlighted as some sort of source of truth and colleagues making positive comments about it is simply devastating. They simply don't respect my identity. My existence is such a debate there's a documentary to advertise around the office. Every interaction becomes fraught with the fear that colleagues are waiting for me to somehow slip up so they can view me as the fraud the video makes me out to be. I cannot trust coworkers who say they mean me no harm and respect me when they share content that says I fundamentally shouldn't exist.

67. The sharing of Matt Walsh content was particularly problematic for me because it directly contradicted my lived reality of fighting for survival and dignity. For someone who has already endured the loss of a marriage, home, and most friendships during their transition, and who lives with a constant fear in the back of their mind of physical intimidation and exclusion for simply existing, seeing a network allegedly not looking to harm trans people validate Walsh's rhetoric—which frames trans existence as a "*delusion*",



compares our medical care to child abuse, and labels the doctors as "*Nazi scientists*"—serves as a devastating confirmation of my fears. It made me feel actively dehumanized by the very colleagues I'm supposed to work with. It bridged the gap between the hostile outside world and the workplace, erasing the distinction that once made the Civil Service feel like a sanctuary. The deletion of challenges to the post, while the hateful content itself remained, displays the same indifference you'd find on social media, reinforcing the belief that my safety and identity are expendable. More than that, I did not see what posting Matt Walsh content did to help Defra deliver for the public.

68. On 15 June 2023, Ms Duemmer-Wrigley posted on the SEEN Yammer group, stating that gender identity and gender expression are not protected under the Equality Act [934]. I believed that this statement was legally incorrect. I flagged this post to Nicola Bettsworth and Bal Toor as inaccurate and as stoking harassment [963]. The post was subsequently corrected on 4 July 2023 following the moderation process, but it was amended rather than removed. It was corrected by Caroline Airs after she had a meeting with Elspeth and the other SEEN chairs to polish their network objectives, seek their feedback on the Principles of Communication and to adjust the language in the post. The post was amended but it still took them two weeks to do this [996]. I was concerned that Ms Duemmer-Wrigley was asked to amend her post rather than having it taken down, whereas my own supportive comments had been removed entirely without being given the opportunity to discuss or amend them.
69. During this period, SEEN also procured lanyards, badges and stickers bearing the name and logo of the network. When I first saw colleagues wearing SEEN lanyards in the workplace, it triggered a profound sense of vulnerability because these items transform abstract ideological alignment into a visible, physical marker that could identify the wearer as part of a group that are hostile to my existence. When I already feel unsafe in public spaces, being followed or encountering someone wearing these branded items makes me feel like I'm a target. After all, I cannot expect the same level of care or compassion from someone who so easily denies my basic existence. It amplifies the feeling that there is no safe harbour. The badges and stickers just serve as a constant, tangible reminder that Defra is failing to protect me. The visible identification of SEEN network members made me concerned about encountering them. My line manager, Simon Prince, subsequently

confirmed in correspondence that I was “*concerned and fearful of coming in to contact with SEEN network members when using facilities in the office*”. [1279]

70. Around July 2023, due to the cumulative impact of these events on my wellbeing, a reasonable adjustment was agreed with my then line manager Joanne McInnes to allow me to work from home [1053]. This was necessary because I no longer felt safe attending the office in person, given the visible presence of SEEN members wearing lanyards and the general atmosphere that had developed in the workplace. However, this adjustment was not sufficient to address the wider harm being caused by the SEEN network’s presence on digital platforms that I was required to use for my work.

Second Grievance

71. On 19 June 2023, I filed a further grievance (the “*Second Grievance*”). I refer to the dispute resolution form at pages [985–995] of the bundle. I also filed supplementary grievance material on 10 July 2023 [1027]. The Second Grievance related to Defra’s failure to implement the recommendations made in the First Grievance Appeal outcome of 16 February 2023, and in particular the refusal to accept Recommendation 2. I stated in my grievance that I had won on appeal, but that Defra HR had written to say they were “*unable to accept the recommendation*”. The basis for their refusal, as I set out above, was a misstatement of the legal position regarding protected characteristics and the right to form networks. The key recommendation of my upheld appeal — that Defra should not provide an open platform for the expression of gender critical views — had been effectively vetoed by HR outside of the grievance procedure.
72. I also complained that offensive comments continued to appear on Yammer, contradicting the commitment in the HR response to moderate political discussion in line with policy. I stated that Defra had “*already acknowledged trans colleagues experience harassment and has tried and failed to moderate and I now expect them to act as per the recommendations.*”
73. During the course of the Second Grievance process, Defra proposed appointing an external investigation firm, CMP, to investigate. I rejected this proposal because I had concerns about the firm’s impartiality, having found articles written by people who worked or had worked for CMP that gave me cause for concern. I had researched CMP and found some of their senior



policy directors had both publicly posted content in favour of gender critical views and also their own policy documents demonstrated a partiality in favour of allowing gender critical views to be expressed in the workplace. It was unreasonable then to expect them to be impartial and judge on the merits. Defra also proposed dealing with my grievance under its collective grievance policy, together with other similar grievances. I rejected this proposal because I wanted my individual complaint to be properly investigated on its own merits. I do not accept that these decisions on my part were the cause of the delays that followed. The difficulty in appointing an investigator and decision-maker was a consequence of the complexity and sensitivity of the issues, not of my rejections.

74. Following these rejections, Defra appointed Karl Hardman from the Veterinary Medicines Directorate as Investigation Officer and Steve Moore from the Environment Agency as Decision Manager. I had concerns about individuals from outside the RPA and Defra being appointed to handle my grievance, particularly because I wanted to hear the response coming from Defra and RPA rather than an external source, but I accepted the appointments in the interests of progressing the matter.

Sickness absence

75. On 31 July 2023, I went off sick with stress at work. The immediate trigger was the creation of a new SEEN EDI network within Defra [1091-1092], coupled with the draft Trans guidance the month prior, which represented the formal recognition and legitimisation of the very network that my upheld First Grievance Appeal had found to be in breach of Defra's policies. My GP listened and agreed that I was obviously struggling and assessed me as unfit for work. I was subsequently covered by further Statements of Fitness for Work confirming I remained unfit. My absence continued until January 2024, a period of approximately five and a half months.
76. The impact on my health and wellbeing during this period was severe. I felt like there was no way to resolve matters at work. I didn't see much point in being alive anymore, and to be frank I suppose I still don't. I lost all motivation to speak to others, pick up hobbies, or get out and about. I had a lot of clashes with my wife. I still heard from a few trans colleagues, of them beginning to leave the agency or end up on sick themselves. It was clear we



had nowhere to go. Finding other jobs as a trans person is hard enough, let alone one who is down and broken. As far as I know, I'm the most senior trans person in the RPA and I'm barely middle management. The thought of trying to find a job that paid similar as a trans person just seemed impossible and the idea I was being hounded out just made it worse. I self-funded cognitive behavioural therapy (CBT) sessions (of which I think I had about 6 sessions in total between November and January 2024 at £60 per session) and undertook my own research into self-help options such as meditation. The financial burden of self-funding treatment compounded the distress. My mental health deteriorated significantly, and I experienced persistent anxiety and stress related to the workplace situation.

77. During my absence, I had regular keeping-in-touch meetings with Simon Prince, who took over these duties. We discussed my wellbeing, the progress of the grievance, and my prospects for returning to work. To be honest, the meetings with Simon Prince just re-introduced the trauma. It felt like I was being checked up on to see what I was doing to get back to work and when and that it wasn't about me.
78. On 31 October 2023, a formal three-month attendance review took place. I refer to the notes of this meeting at pages **[1233–1234]** of the bundle. At this meeting, I indicated that if the grievance outcome was unfavourable, I would consider leaving the RPA and taking matters through the courts. This reflected my state of mind at the time. I felt that I had exhausted my options internally and that the organisation was not willing to make the changes necessary to provide me with a safe working environment.
79. In December 2023, I was referred to Occupational Health. I had concerns about the wording of the referral, which I felt did not accurately reflect my circumstances. I reviewed and amended the wording, but the Respondents disregarded my comments and submitted the referral in its original form. I was troubled that my own description of my health was not considered worthy of submission alongside the Respondents' wording. **[1292 & page number to follow]**
80. On 4 January 2024, the Occupational Health report was produced. I refer to the OH report at page **[1304]** onwards in the bundle. The report confirmed that I was medically fit to return to work but recommended:
- a. a phased return over four weeks;

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- b. lighter duties and regular rest breaks during the phased return;
 - c. IT support to block my viewing of gender-related social media posts or intranet posts; and
 - d. support for release to therapy appointments where these could not reasonably be arranged around working hours.
81. The OH report went on to suggest that *“if the IT issues cannot be resolved, you may wish to consider a period of adjustment leave (for example paid leave until appropriate adjustments can be implemented).”* This felt reassuring and appropriate in the circumstances. I didn’t want to be off work, but I also didn’t want to return just to begin experiencing the same problems again after I had got back on my feet.
82. The reason I felt unable to return to work for such an extended period was that the workplace environment remained fundamentally unsafe for me as a transgender woman. The SEEN network had been formally recognised, offensive content continued to appear on workplace platforms, and the key recommendation from my upheld Grievance Appeal had been rejected. I did not feel that the organisation had taken the steps necessary to protect me.

Return to work and special leave application

83. On 11 January 2024, my solicitors, Lewis Silkin, wrote to RPA on my behalf requesting that I be placed on special leave rather than sickness absence [1307-1309]. The basis for this request was that the First Grievance Appeal outcome had found that *“further action is required to protect [me] and other transgender colleagues from harassment and distress and provide an inclusive and safe work environment for all”*, that the Respondents had failed to comply with the recommendations made, and that I had been on sick leave since 31 July 2023 in consequence of the harassment and discrimination I had experienced.
84. My GP had assessed me on 22 December 2023 as being fit to return to work, but the GP also emphasised the risk of my health deteriorating further if the Respondents did not make changes to my work environment. The Respondents did not respond to this qualification and treated the fit note as a categorical statement that I should return to work.
85. On 15 January 2024, my therapist wrote a report stating that *“concern remains regarding the potential impact on her mental health should she return to the same*

hostile environment." [page number to follow] Despite this professional opinion, the Respondents pressed ahead with requiring my return.

86. On 17 January 2024, Simon Prince informed me that my request for special leave was refused. I was told that "*special leave is to support in the short term not long term*" and that it was not operationally feasible to implement the Occupational Health recommendation to block gender-related posts in full [1311-1312]. I was also informed that I could not be prevented from seeing gender-related posts on the intranet, as SEEN posts continued to be visible to me and were proactively pushed to me via my inbox and the intranet.
87. On 18 January 2024, the Government Legal Department responded to Lewis Silkin's letter on behalf of the Respondents [1851]. The response failed to acknowledge the findings of the Grievance Appeal outcome in relation to the unsafe work environment. It stated that it would be "*unreasonable/inappropriate*" for me to remain away from work, and that should I not attend work, this would be treated as unauthorised leave. I felt deeply distressed at being threatened with disciplinary action for not returning to an environment that the organisation itself had acknowledged was unsafe for me.
88. I was therefore compelled to return to work under financial duress, despite the recommendations of the Occupational Health report and my therapist's report, because my application for special leave had been denied. I had no choice. Remaining away from work would have resulted in unauthorised absence proceedings, and I could not afford to continue without pay.
89. When I returned to work, I wanted nothing to do with anything. I just wanted to do my work and be invisible. It felt like I wasn't a person, I was a machine. I wasn't there because it was safe, I was there because I had people to support at home that needed me to be employed.
90. On 17 January 2024, the same day my special leave application was refused, a post was published on the Defra intranet introducing the SEEN network [1533]. It appeared on the default front page of the intranet, which I was required to use for work purposes, and I was unable to prevent myself from seeing it. This was deeply distressing given the timing: I was being compelled to return to work and, on the very day that my application for protection was refused, the network that had caused me such harm was being promoted across the organisation. Several comments from employees that

were supportive of transgender colleagues were subsequently moderated (deleted) from the post, including:

- a. A comment that *"it is important to note that gender reassignment is also a protected characteristic"* and that *"this network seems completely political"*. [1516]
- b. A comment that *"the legal context is more contested, muddled and complex than the above suggests"* and that *"the network can exist without the department explicitly endorsing it"*. [1519]
- c. A link to a TED talk by Emily Quinn in relation to intersex individuals. [1514]
- d. A comment that *"I've noticed you left out the rights of our trans colleagues"*. [1515]
- e. A comment that *"There is no level of agreement or disagreement for transgender people. They simply are, there is nothing to disagree with."*
- f. A link to a:gender with the comment *"an alternative network"*. [93 & 1538]
- g. A comment stating *"I am more concerned that comments from SEEN members with links remain up but comments from Trans allies are being removed."*
- h. My comment in February 2023 in which I stated in response to a post by Andreas Mueller: 'Nobody mentioned gender critical thought. I feel you might be the one making a causal link. Also, I find your need to come to a LGBT network post to defend Gender Critical thought from the mere possibility of a connection very distasteful and upsetting. You may do well to think about your Defra colleagues from the perspective.' [673 & **page number to follow**]

91. The pattern of moderation appeared to me to be one-sided in that comments supportive of transgender colleagues were removed, whilst comments from SEEN members containing links to external gender critical organisations remained visible. This demonstrated an uneven application of the moderation process.

Second Grievance – investigation and outcome

92. On 29 September 2023, Steve Moore and I agreed the terms of reference for the Second Grievance investigation, covering five areas [1153-1157]:

- 
- a. Defra providing an open platform that enables the expression of gender critical beliefs;
 - b. ineffective moderation of posts on cross-government SEEN and Defra SEEN that cause harassment and discrimination to transgender people;
 - c. visible identification of SEEN members through the wearing of lanyards, badges and stickers;
 - d. promotion of the SEEN network within Defra; and
 - e. Defra not fully implementing the recommendations from my earlier appeal.

93. Karl Hardman was appointed as Investigation Officer on 26 October 2023. He held an investigation meeting with me on 16 November 2023, at which I was accompanied by Emma Dunn, Chair of the a:gender network. [1367-1372]

94. Mr Hardman submitted his investigation report on 19 February 2024. I refer to the report at pages [1359-1366] of the bundle. The conclusions of the report included:

- a. *“The evidence supported [my] complaint at the time it was made”* and that the Defra Group Gender Identity and Intersex Guidance had been breached as *“beliefs were expressed in a way that caused distress to others”*.
- b. There was evidence of *“behaviour well beyond the realms of acceptability and professionalism that we all expect in the workplace”* from posts made by SEEN network members.
- c. There were *“gaps in the overall package of policies and procedures to protect transgender and non-binary colleagues, particularly around the expectations that the department has on the expression of beliefs at work”*.
- d. That *“only accepting the overall set of recommendations from the earlier appeal in part, does not seem reasonable”*.

95. On 8 March 2024, I met with Steve Moore to discuss the investigation report and my grievance.

96. On 3 April 2024, almost ten months after the Second Grievance was filed, I received a letter containing the outcome. I refer to this letter at pages [1433–1440] of the bundle. Notwithstanding the conclusions of the investigation report, the Second Grievance was not upheld. Mr Moore stated that since the introduction of Viva Engage, staff network platforms had become private;

updated policies and codes of conduct were now reminding staff of their responsibilities; better training had been introduced for moderators; and the scale of complaints had reduced. He also stated that he *“did not investigate”* the moderation of SEEN’s Viva Engage group, but nevertheless concluded that there was no reason to limit SEEN from the same arrangements enjoyed by other staff groups.

97. Yet, in the same letter, Mr Moore also wrote: *“Irrespective of all the points above, I also accept that you remain impacted by the real or perceived behaviours and action of others, some historic and some that are currently hypothetical. All are causing you harm and distress.”* He stated that *“much more can and should be done to welcome our Trans community into the workplace and ensure they feel as safe and included as anyone else”* and that *“the actions and responses to date have not given [me] the confidence and assurance that [I] can come to work and be safe.”*
98. I found it deeply troubling that Mr Moore could acknowledge in such clear terms that I was being caused harm and distress and that the workplace was not safe for me, yet simultaneously decline to uphold my grievance. The disconnect between his own findings and the formal outcome was inexplicable to me. Furthermore, the report did not engage with or acknowledge the findings of the Second Grievance Investigation Report.

Second Grievance Appeal

99. On 22 April 2024, I appealed the Second Grievance outcome (the *“Second Grievance Appeal”*) [1441-1446]. I felt I was left with no option but to do so, given the disconnect between the investigation findings and the outcome.
100. My grounds of appeal included:
- a. The delay in the grievance process, since the Second Grievance outcome was delivered almost ten months after I had raised it. This unnecessary delay caused me considerable distress, and the outcome failed to address the reason for it.
 - b. The failure of the decision-maker to engage with the issues raised in my grievance. In particular, Mr Moore stated that he *“did not investigate”* the moderation of SEEN’s Viva Engage group, yet concluded there was no evidence of wrongdoing. I considered that it was incumbent on Mr Moore, as decision-maker, to assess whether the



group was being moderated in line with Defra's policies before reaching that conclusion.

- c. The impossible position I was placed in, whereby I was obliged to either actively seek out discriminatory and harmful material in order to evidence my grievance, or trust that it had been adequately reviewed.

101. I also raised concerns about legally incorrect statements made by Caroline Airs, Inclusive Practice & Senior Policy Advisor, during the investigation. Ms Airs had stated that *"There are 9 protected characteristics listed in the Equality Act and they are all treated equally."* What Ms Airs fundamentally failed to express is that whilst the right to hold a belief is unqualified, the right to manifest it is qualified, and the protections afforded differ between characteristics in important respects.

102. I further raised that the wearing of SEEN lanyards and badges in the workplace was, in my view, capable of constituting harassment of trans colleagues.

103. The Second Grievance Appeal was assigned to David Hallam, Defra Director of Floods and Water. He heard the appeal on 14 May 2024 and on 21 May 2024 wrote to me to inform me that he had decided not to uphold my appeal. His decision letter was under two pages long and failed to address the majority of the points I had raised [1451-1453].

104. In relation to the moderation process, he stated that *"without further evidence highlighting the shortcomings of the moderation process, it is not possible to conclude that the process was not working well or that discrimination was taking place."* This did not engage with my appeal, which specifically concerned Mr Moore's decision not to investigate the moderation in the first place. The outcome merely restated the original decision. He also stated that the incorporation of SEEN Ltd in April 2024 was *"out of scope"* of the grievance and appeal, which I found unreasonable given that the recommendations of the Grievance Appeal outcome concerned the existence of SEEN and the moderation and control thereof. The outcome recommended only that the Respondent *"should demonstrate greater pace in progressing grievance processes"*.

105. Having exhausted all internal avenues, I was left with no option but to pursue my claims through the Employment Tribunal. The grievance process had identified the harm being caused to me on two separate occasions — in the Grievance Appeal outcome and in the Second Grievance Investigation



Report — yet the organisation had declined to implement the key recommendations and had twice declined to uphold the Second Grievance notwithstanding supportive investigation findings. I felt abandoned by the organisation I had served for over six years to that point.

106. I also became aware during this period that SEEN Network Limited had been incorporated as a limited company in April 2024. I was concerned that the SEEN network within Defra was being controlled or influenced by this external corporate body, and that the Respondents had permitted this without apparent scrutiny. I had raised this in my Second Grievance Appeal, but Mr Hallam dismissed it as out of scope. I remain concerned about the suitability of an external limited company controlling or influencing a network within my workplace.

Ongoing acts of discrimination

107. Discriminatory content continued to appear on workplace platforms throughout 2024. On 24 March 2024, Ms Duemmer-Wrigley posted an article on the Defra intranet concerning “*Equality and Respect*” [1431] which I considered to be inconsistent with the findings of both the Grievance Appeal outcome and the Second Grievance Investigation Report. The fundamental contradiction lies in the article's definition of “women” versus my grievance's mandate for a safe environment. While the opening statement claims to represent “all women of all backgrounds,” it immediately undermines this by erasing trans women from that category. It frames inclusivity for cis women as mutually exclusive to the inclusion of trans women, suggesting that for the workplace to accommodate “gender-critical” sex-based views, it must actively exclude trans women's reality. The findings explicitly state that DEFRA has a positive duty under its Code of Conduct and the Equality Act to protect transgender staff from a “hostile, degrading, or humiliating environment.” By publishing content that erases trans women, the article directly violates this duty to prevent a hostile environment. The article employs a reductive and harmful narrative regarding gender identity and expression. It implies that a trans woman could only be “accepted” if she accepted being a man, used male pronouns, and remained in male spaces, though they could pursue “feminine” things such as wearing a dress or having long hair. This suggests that trans women are only tolerated if they conform to a sex-based view of existence as men rather than being recognised as women. It presents the idea that

including trans women in policies applicable to cis women somehow diminishes the standing of cis women ("no longer sit equally around the table"). The grievance findings reject this zero-sum logic, emphasising that protecting vulnerable groups does not come at the expense of others' rights. The article fails to distinguish between protected beliefs and harmful expression, a distinction central to my grievance outcome. The grievance clarifies that while holding a belief is protected, the manner of expression is not absolute. When expression crosses the line into creating a hostile environment, it constitutes harassment. The findings explicitly stated that DEFRA should not platform gender-critical views when it is known to cause distress. The article ignores the specific vulnerabilities of transgender individuals and proceeds to publish content that the grievance process identified as causing harm. The whole article is inconsistent with the grievance findings because it prioritises a specific ideological viewpoint over the legal and ethical obligation to maintain a non-hostile workplace. It attempts to redefine inclusivity in a way that excludes trans women, directly contradicting the finding that DEFRA must actively protect transgender staff from degradation and humiliation. By ignoring the specific vulnerabilities identified in the grievance, the publication of the article undermines the very protections the grievance sought to enforce.

108. In August 2024, an intranet post by Dave Hill regarding Defra's EDI Roadmap was published. I posted comments in response, including expressing my concern about the Principles of Communication policy statement that *"no-one has the right not to be offended"*. My comments were subsequently removed by the moderation panel [1476-1478].
109. On 6 June 2024, during Pride month, a post was made by SEEN on Viva Engage. I posted comments in response, including that *"This entire 'themed month' is completely tone deaf. First you appropriate Pride as being 'pride in yourself and achievements' then you provide no actual LGBT events and then you follow up with a post from a network that wants LGB without the T. I'm sure we all feel so respected and included."* [1558] My comments were removed by the moderation panel, which judged them to have contravened the Principles of Communication. [1866-1868] I, however, considered that my comments were legitimate criticism of the way Pride month was being managed and did not breach any policy. The removal of my comments, while SEEN-supportive



content remained, reinforced my perception that the moderation process was being applied unevenly to the detriment of transgender employees.

110. On 12 June 2024, I emailed John Calvert of the Defra HR EDI Team to ask whether there was an appeal process against the moderation panel's decision to remove my comments [1867-1868]. I stated that my first post was a direct quote from SEEN's stated aims and that my second post did not refer to SEEN, and I therefore believed the moderation panel had applied the Principles of Communication unfairly. I also stated that the only Pride month blog post had been made by SEEN, and that criticism that there were no Pride events being promoted was valid. On 14 June 2024, Mr Calvert responded to confirm that there was currently no process for appealing moderation panel decisions due to resource constraints [1866]. I was dismayed that there was no right of appeal. The absence of any recourse against what I perceived to be unfair moderation decisions compounded my sense that the system was weighted against transgender employees.

111. In January 2024, Defra released a new Principles of Communication policy. This stated, among other things, that *"it is not acceptable to characterise a lawfully held belief as inherently discriminatory or offensive"*; that *"it is not appropriate to engage in discussion about employment and/or discrimination law"*; and that *"no-one has the right not to be offended"*. I consider that the combined effect of these provisions was to prevent me and other transgender employees from speaking up about the discrimination and harm we were experiencing. The policy effectively prohibited me from stating that gender critical beliefs, as manifested in my workplace, caused me offence or constituted discrimination. This had a disturbing effect on my ability to raise legitimate concerns. Furthermore, while a new moderation process was enacted, the appeals process had not been implemented, leaving me with no recourse against moderation decisions that I considered to be unfair.

112. On 14 May 2024, the Cabinet Office issued Guidance on Diversity and Inclusion and Impartiality for Civil Servants. This guidance included recommendations against establishing staff diversity networks that focus on contested political or ideological goals rather than supporting staff, and stated that *"a person's right to hold or express those views may be limited within the workplace"* and that *"the statement of a belief can constitute harassment"*. This accords with the position I have maintained throughout my grievances and this claim. I do not consider that Defra has complied with this guidance.

113. I am aware that other government departments, such as the Met Office, have refused to recognise departmental chapters of SEEN, on the basis that doing so was necessary for the prevention of harassment of trans colleagues. I became aware of this through discussions with colleagues in other departments, in particular Dominic Berry, though I cannot now remember specifically when. I consider that Defra's decision to recognise and support SEEN stands in contrast to the approach taken by other departments and is inconsistent with its own policies and the findings of its own grievance appeal.
114. I wish to address specific posts and actions by Andreas Mueller and Elspeth Duemmer-Wrigley that I found to constitute harassment.
115. In respect of Mr Mueller, I draw the Tribunal's attention to the following:
- a. On 9 November 2022, in response to my post in which I asked for my existence not to be debated or erased [284], Mr Mueller linked to SEEN and described the supportive responses to my post as "*a veritable torrent of slander and misinformation*", characterising my legitimate expression of distress as "*instigating a pile-on*" [310-311].
 - b. He commented on a post relating to a vigil for murdered transgender teenager Brianna Ghey, that people should "think very carefully" about their words and that making or implying a causal link between the crime and gender critical thought is irresponsible [673]
 - c. He posted words to the effect that "progressives don't understand matters of sex and gender." [page number to follow]
 - d. On a post in relation to a Guardian article stating that women have bigger concerns than trans people using bathrooms, he posted that the author didn't understand safeguarding, that the journalist's argument was akin to leaving your door unlocked at night, and stating that he was not a woman and asking the original post author which bathroom he should use. [980]
 - e. He stated in a post that he was making notes of colleagues' comments and that "the internet doesn't forget and neither does he". [332]
 - f. On 6 June 2024, during Pride month, Mr Mueller stated that "*the sex binary (and SEEN as a whole) doesn't deny the existence of anyone*

whatsoever." [1551] I consider this to be disingenuous, given that SEEN's stated position that biological sex is binary and immutable and that it must not be conflated with gender identity is directly contradictory to the lived experience of transgender people.

- g. Mr Mueller posted a link to and endorsed the Matt Walsh "*What is a Woman*" video, stating that Walsh "*absolutely did something interesting here.*" [875] Matt Walsh is widely known as an outspoken opponent of the transgender rights movement.
- h. On 15 November 2022, Mr Mueller made a post which was subsequently removed by the moderation panel for breaching the Principles of Communication [1763-1764].
- i. On 29 March 2024, Mr Mueller posted "*Haven't you had your arse handed to you enough? Go read up on people's right not to believe the nonsense that you're clearly completely enthralled by. Then come back when you're ready to learn, you moron*" and "*India Willoughby *is* a man*". This is an explicit example of misgendering a trans woman, precisely the kind of conduct that the *Forstater* judgment made clear should not be permitted with impunity [page number to follow]
- j. On 3 April 2024, Mr Mueller posted "*Is it 'dehumanising' to tell a grown man he's not a child, an airplane or a unicorn? Why is it any different if he says he's not a woman, please?*" This post trivialises the experience of transgender people by comparing gender identity to absurd and impossible claims [page number to follow]
- k. I was informed by several people about comments made at the Civil Service Race Forum on 7 March 2023. I was not present but I understand that Emma Dunn was present and can comment directly on this [1781].
- l. On 12 January 2021, in response to a post celebrating the North West Young Labour Group passing a motion to oppose transphobia, Mr Mueller replied "*Expelling these disgusting misogynist cranks from the party, that would be nice.*" [page number to follow]
- m. On 6 October 2022, in response to trans-supportive MP Nadia Whittome, Mr Mueller accused her of "*inane drivel*" and describes her as a "*cancer on [his] party*" [page number to follow]

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- n. On 11 July 2023, in reply to a post by the Civil Service transgender and intersex network 'a:gender' which contained a picture of the network's members, Mr Mueller wrote that *"the clowns have arrived"* [page number to follow]
 - o. On 31 August 2023, to Professor Stephen Whittle, who is a trans man, Mr Mueller wrote that *"You'll never be a man, Stephen."* [page number to follow]
 - p. On 8 October 2023, in response to a post by the United Nations, Mr Mueller wrote that *"'Trans lesbians' are men, and therefore can *never* be real lesbians. Stop repeating this nonsense. You're making fools of yourselves."* [page number to follow]
 - q. On 12 November 2023, Mr Mueller wrote that *"Trans women are men."* [page number to follow]
 - r. On 2 January 2022, Mr Mueller stated *"If you're not willing to admit that the 'trans rights' you advocate for include the right of males to dominate female sports or the right of rapists to be locked up in women's prisons, please ask yourself why. #WarOnWomen #SexMatters #SexNotGender"* [page number to follow]
116. In respect of Ms Duemmer-Wrigley, I draw the Tribunal's attention to the following:
- a. Her Yammer post of 27 July 2022 on the All Company group, promoting gender critical beliefs and directing employees to external groups including Sex Matters, LGB Alliance, and Transgender Trend, as I have described above.
 - b. A post stating that only women menstruate, which is factually inaccurate and excludes trans men and non-binary people who menstruate. [349 & page number to follow]
 - c. Her post of 15 June 2023 on the SEEN group site stating that gender, gender expression and gender identity are not protected by law. [934]
 - d. Her promotion of books written by authors who are widely regarded as opposed to transgender rights, and linking to their purchase from groups such as Transgender Trend [1047].

- e. A post promoting “*Detransition Day*” including an interview with Richie Herron published on the SEEN website and shared via Yammer [734-749 & 1116].
117. I saw all of these posts before they were moderated. I consider that the cumulative effect of these posts and actions by Mr Mueller and Ms Duemmer-Wrigley, which were either permitted, inadequately moderated, or actively facilitated by the Respondents, constituted a sustained pattern of unwanted conduct related to my protected characteristic of gender reassignment.
118. I believe that I and other transgender colleagues were disadvantaged by the Respondents in their approach to moderation:
- a. Posts or comments made by SEEN members were rarely moderated and in most cases not taken down at all. On the rare occasion they were moderated, it is clear from the chain of emails at [996-1004] that HR were working with Elspeth Duemmer-Wrigley to amend the post while it remained up. I’m not aware of any post ever being deleted. Even where it was initially deleted as with the first post from Elspeth in July 2022, it was ultimately restored. I never successfully had any SEEN post removed. Comments were occasionally removed but more often as collateral damage from the underlying comment being deleted or the post made by a non SEEN member being deleted. [page number to follow] In addition, to my knowledge the following posts were never taken down: [875, 1047, 1117, 1261, 1431, 1803, & page number to follow]. A reference to the “Lotus Eaters”, an anti feminist group that argue that affirming a person’s gender identity is akin to indulging a delusion, was initially included in the “*Detransition Day*” article and was later removed, but the article stayed up [747 & page number to follow].
 - b. Those posts/comments by SEEN that were moderated were taken down too late [996].
 - c. In stark contrast, posts or comments made by me and trans colleagues that were frequently taken down. I have reviewed the spreadsheet of moderated Yammer comments, which is a shambles; it is clearly missing a lot of data, some actions say they occurred before the date the post was made, and for some the area of concern appears to have been written by SEEN members and not HR.

This said, the most striking conclusion is a significant asymmetry in how content was removed or retained based on the viewpoint expressed. These logs highlight a cycle of escalation where both sides accused the other of harassment, but the moderation response favoured the gender critical side's narrative of "protected belief".

Comments expressing support for trans staff or that described the SEEN network in any kind of negative light were frequently removed. Speaking at all ill of the network or the belief system itself was effectively banned, even if it required a leap to be implied [see rows 10, 11 & 15 of the spreadsheet]. Moderators often cited "use of the word hate", [see rows 38 & 41] even when not directed at a specific person [see row 3] "accusatory tone", [see rows 47, 50, & 67] "disrespectful", [see row 43] "mischaracterisation" [see row 55] or "potential political" [see rows 112, 113, & 117] nature as grounds for removal.

Even though the posts were often a direct response to a perceived threat, the reaction to that threat was often censored with no concern shown by HR. There are however a couple of references to a welfare check for two gender critical posters simply because they said they felt unsafe [see rows 68 & 69] but no similar concern is shown for anyone supportive of trans people and certainly not me.

Posts from the SEEN network or individuals (like Andreas) asserting that biological sex is binary [see rows 65 & 245], that gender identity is not a protected characteristic [see row 247], or sharing links to external resources like Transgender Trend [see row 221] were largely retained, even after multiple complaints that it was factually incorrect and misleading. Moderators often ruled that these posts were "statements of personal belief", [see row 176] "not directly attacking anyone," [see rows 234, 239 & 253] or "within the context of a private group" [see rows 231, 239 & 251] even when the group is public.

Gender-critical posts were only removed 1) if they contained specific procedural breaches such as linking but never to outright forbid directing staff to external resources like products sold by Transgender Trend or the Matt Walsh documentary (though they were often allowed to just be amended [see rows 189, 222 & 223] and 2) If they entered into specific slurs, though then they were often deemed simply "disrespectful" [see row 231]). The core belief expressed was rarely the

reason for removal. Conversely, posts criticizing these figures / groups that were promoted (e.g., Dominic Berry's posts explaining why Matt Walsh is "anti-trans") were removed for being "disrespectful" or "defamatory" toward Matt Walsh himself. [see row 177]

Trans positive viewpoints were frequently categorized as harassment, bullying, or hate speech [see rows 174, 183, 197, & 198] when they characterized gender-critical views negatively. Comments were removed on much lesser grounds such as being "derogatory", the tone used, or a degree of sarcasm.

The moderation framework prioritized the protection of the expression of gender-critical beliefs over the protection of trans colleagues. Andreas filed many of these complaints alleging that pro-trans colleagues were "stalking", "bullying", and "harassing" him and his network. These complaints often resulted in the removal of the pro-trans comments he cited [see rows 170, 174, & 196]. Dominic Berry and myself also filed multiple complaints alleging that SEEN posts were "misinformation", "erasure", and "breaches of the Equality Act". [see rows 210 & 213]. These complaints were frequently rejected by the moderation panel, with the panel stating the posts did not breach communication principles because they were expressions of protected belief thus I was often directed to grievance procedures or HR, while the gender critical colleagues were allowed to continue posting, provided they avoided specific policy triggers.

Impact on me

119. The events I have described in this statement have had a profound and enduring impact on my mental health. The cumulative effect of the SEEN network's existence and activities within my workplace, the failure of the Respondents to implement the recommendations of the First Grievance Appeal outcome, the rejection of my Second Grievance notwithstanding supportive investigation findings, the refusal of my special leave application, and my being compelled to return to an unsafe working environment under financial duress has caused me severe stress and anxiety. I was absent from work for approximately five and a half months from 31 July 2023 to January 2024 as a direct result of these matters. During this period and subsequently, I self-funded CBT therapy sessions and undertook other self-help measures. The financial impact of self-funding treatment has been significant,



particularly because at the very same time I was paying down debt, supporting my son, and trying to move home.

120. My sense of safety at work has been fundamentally undermined. I became fearful of the possibility of encountering SEEN members at work, and a reasonable adjustment for home working had to be put in place. Even with this adjustment, I remained exposed to SEEN content on digital platforms that I was required to use for my work. The Respondents were unable to prevent SEEN posts from appearing on my intranet and in my email inbox.
121. The events have also had a significant impact on my career. I have seriously considered leaving the civil service, and at my three-month formal attendance review I stated that I would leave the RPA if the grievance outcome was unfavourable. The fact that I have remained in post despite these circumstances reflects my commitment to my work, not the adequacy of the Respondents' response.
122. The financial impact has been substantial. During my period of sickness absence, I was subject to the Respondents' sick pay provisions, including periods on half pay. I also self-funded CBT therapy sessions which represented a significant financial burden.
123. The events have also affected my personal life and relationships. The stress and anxiety I have experienced have placed a considerable strain on my home life. The distress has not been confined to working hours. It has impacted every aspect of my life.
124. The distress caused by these events is ongoing. The SEEN network continues to exist within Defra with the Respondents' support, content from SEEN continues to appear on workplace platforms, and I continue to feel that the Respondents have not taken the steps necessary to provide me with a safe working environment. The situation has not been resolved.
125. I swing wildly from feeling upbeat and wanting to get out and about to feeling isolated and just hoping for an end. The process of having to end up here, dredging up all the past, reading through all the nastiness in the disclose and worse, seeing Defra actively work to do nothing supportive in it has destroyed me, particularly the last month or so. But I think that was always the desire to wear me down until I drop out.
126. I play violin, every week as a self-funded hobby taken up to improve my mental wellbeing. My tutor tells me to relax because I'm just a ball of



stress screeching the strings. I still get easily overwhelmed. I don't have a lot of mental fortitude available and I have to constantly try to judge if doing a thing will likely use up too much and then I crash or get snippy at those around me.

127. I don't feel I will ever be that happier person I was at the start of 2022 again. I'm pretty sure this whole circus will haunt me for the rest of my life. I can no longer trust that people or businesses mean what they say. That when tested they won't throw me under the bus. I can't be certain anymore that I'm welcome or included. There will never again be a time when I think of joining a women's group, a sports club, or anything with the remote risk of being considered a single sex group or applying segregation based on sex. I will never apply for training at work aimed at women.
128. My wife is Autistic, and she often needs a bit more support from me. It's horrible when one of us is completely mentally spent and we just get snippy over something trivial and it blows up. She sees me struggling and doesn't know how to help because what can she really do? She's my greatest champion and it's horrible when I find myself being short with her. We shrank our world. Back in 2022 we went to hobby clubs, went into town for drinks and movies, went to National Trust places to walk, travelled. Now we stay at home, we go to a single hobby club maybe once or twice a month. We have fewer friends than you'd count on one hand. I wouldn't say I have any close friends now. My last two close friends died in 2024 and 2025. We don't venture far.
129. Part of me feels I should leave the Civil Service for my own wellbeing but the other part of me feels like why should I be the one hounded out of what is a decent enough job. I recently got my 25 years' service award. Why should I have to give up such an investment?
130. I've said many times at work that I feel I'm seen as a liability, that I've burnt all my good will. I think from some professional development I'm absolutely excluded now and from others I don't get involved because it's just another unsafe avenue to have to manage. I went from AO to EO in 2 years and from EO to HEO in another 2. I've flatlined for the last 5. I do not have the time and stamina to deal with applications and interviews with all that has been going on. At the same time, I ask myself how I can be certain that the interviewers aren't immediately biased because of events or their beliefs.

If can't even have faith in Defra to uphold its own policies, how am I to have faith in the people?

131. The discrimination and harassment I have suffered has been sustained from July 2022. It has affected every aspect of my life: my mental health, my sense of safety at work, my career, my finances, and my personal relationships. The distress is ongoing and shows no sign of abating while the SEEN network continues to operate within my workplace with the Respondents' support.
132. The Respondents' have completely failed to comply with the recommendations in the First Grievance Appeal outcome, there has been continued non-compliance with their own internal policies despite awareness of the discrimination, and they decided to compel me to return to an unsafe workplace under financial duress, despite the recommendations of the OH report and my therapist.
133. I also feel that there has been a significant and unreasonable delay in carrying out the grievance processes, there has been inconsistency between the Grievance Appeal outcome and the HR response, rejecting the First Grievance at the first stage and obliging me to pursue an appeal in order to arrive at a fair outcome, and rejecting the Second Grievance, notwithstanding the investigation findings which supported my position.
134. I seek the recommendations set out in my Particulars of Claim with reference to page [55] of the Bundle to address the ongoing harm caused by the Respondents' actions. This is not just about me but also about securing protection for trans colleagues.

Summary

135. The Respondents deny that I was subjected to harassment and indirect discrimination. I disagree for the reasons I have already outlined.
136. In relation to my indirect discrimination claim, the Respondents have applied a policy of not directly or adequately moderating Yammer, at times not moderating it all, then they dabbled in it and later delegated the moderation of Yammer to individuals who were part of the relevant group, including in the case of SEEN, Andreas Mueller. This meant that in practice, the very individuals whose posts I was complaining about were responsible



for moderating the platform on which they posted. The impact was that offensive and discriminatory material was posted and remained visible, creating an unsafe workplace for transgender employees. This policy placed me at a particular disadvantage because I was directly exposed to harmful content that was not adequately controlled.

Second, the Respondents applied a policy that all colleagues who share a protected characteristic are entitled to form networks and engage with others. [760, 784] The Respondents used this policy to justify SEEN's continued existence. The impact was to permit a network whose uniting purpose denies the reality of transgender people's lived experience. This policy placed me at a particular disadvantage because it permitted and legitimised a network that was inherently hostile to employees with my protected characteristic.

Third, the Respondents implemented the new Principles of Communication policy, specifically the provision that *"it is not acceptable to characterise a lawfully held belief as inherently discriminatory or offensive."* This policy bars me and other transgender employees from stating that gender critical beliefs, as manifested in the workplace, cause offence or constitute discrimination. The policy denied me the ability to speak up about the harassment I was experiencing, and the overzealous deletion of my comments was a direct consequence of this policy. This placed me at a particular disadvantage as a transgender employee because, given the personal nature of the offence and the frequency of gender critical expressions in the workplace, the need to complain is greater for those who share my protected characteristic.

137. I am aware that the Respondents contend that SEEN's existence does not amount to harassment. Again I disagree. As I have made clear throughout, I respect the right of other employees to hold gender critical beliefs. My complaint has always been about the manifestation of those beliefs in the workplace and the Respondents' failure to protect me from the harm that has resulted. The existence of a network whose fundamental tenets deny the reality of transgender people's lived experience, operating with the formal support and recognition of my employer, creates an intimidating, hostile, degrading, humiliating and offensive environment for me and other transgender colleagues.

138. In relation to the Respondents' contention that moderation has been adequate, I refer to the numerous instances I have described in this statement where offensive content was not moderated, was moderated too late, or



where supportive comments from transgender allies were removed while SEEN-supportive content remained. The pattern of moderation, in my experience, has consistently favoured SEEN at the expense of transgender employees.

139. In relation to SEEN lanyards and badges, the Respondents contend that these do not put anyone at risk. My lived experience is that encountering colleagues wearing SEEN lanyards in the workplace makes me feel unsafe. I have altered my behaviour as a result, avoiding certain areas and being fearful of how SEEN members might behave towards me at work. This is a tangible and direct impact on my working life.
140. The Respondents assert that delays in the grievance process were partly caused by my rejections of the proposed appointment of CMP and the collective grievance proposal. I reject this characterisation. I had legitimate concerns about the impartiality of CMP, and I was entitled to have my individual complaint investigated on its own merits rather than being subsumed into a collective process. The substantive delays in the process were caused by the Respondents' own procedural failures, including the time taken to appoint a decision-maker and investigation officer.
141. In relation to any suggestion that my own posts breached policies, I do not accept this. My posts were legitimate expressions of concern about discrimination in the workplace and were made in response to content that I found offensive and harmful. The moderation panel's treatment of my posts, compared to the treatment of SEEN members' posts, demonstrates an uneven application of the Principles of Communication. My supportive comments were removed while SEEN posts containing demonstrably offensive and legally inaccurate content were permitted to remain or were merely amended.
142. I understand that the Respondents say that they are not responsible for the actions of Elspeth Duemmer-Wrigley and Andreas Mueller as they were not employees of either Respondent. I believe that the Respondents clearly showed they were responsible for their actions. First, they allowed them to interact with us on Yammer, for example in their roles as Group Owner and Information Asset Owner for SEEN. In that capacity, both Elspeth and Andreas were required to undertake Yammer moderation training overseen by Defra [932]. Second, the screenshots attached at **[page number to follow]** demonstrate that the Environment Agency intranet shows DEFRA HR as the content owner for the Employee Handbook, the Grievance and Appeals

process and there is a similar screenshot for Natural England. Third, the Respondents invited them into moderations groups and corresponded regularly with both individuals about complaints and moderation issues. Both Elspeth and Andreas were interacting with top people in Defra about these issues.

143. I understand that they also contend that, if I was subjected to harassment and discrimination, they took such steps as were reasonably practicable to prevent it. They rely on the steps set out at paragraphs 128 of the Grounds of Resistance [106-107]. However, I do not believe that the Respondents took all reasonable steps to prevent those involved from treating me in this way and what steps they did take were not effective.

144. The moderation panel, training, and policy reviews did not prevent the harassment. Indeed, the SEEN network continued to grow and to post offensive content throughout the period of my complaint. The key recommendation of my upheld Grievance Appeal — that Defra should not provide an open platform for gender critical views — was rejected. The steps that were taken were therefore inadequate to address the fundamental problem.

145. I am aware that the a:gender network organised a survey which found that 87% of respondents considered the statement “*sex is binary and immutable*” to create an intimidating, hostile, degrading, humiliating or offensive environment; 75% the statement about sex mattering in everyday life; and 80% the statement that sex must not be conflated with gender identity. These findings are consistent with my own experience [page number to follow].

146. The various acts of discrimination I have experienced are not isolated incidents but have continued over a period of time since 2022. I believe that I have presented my claim in time and I have acted promptly. I did what was expected of an employee and went through the grievance procedure while the harassing statements continued to be posted at work. If I’d went straight to tribunal and skipped this step, I’d have seemed to be over-reacting and unreasonable. I had applied to ACAS by early Sept 2023 despite having to go on sick because of the work environment and DEFRA refusing to uphold its own grievance policy. At the time, I presented my claim and to date, the Respondents’ have continued to fail to implement the First Grievance Appeal recommendations, SEEN continues to exist and be promoted with the Respondents’ support, there is a recurring pattern of offensive SEEN posts



followed by inadequate or uneven moderation, and there has been a consistent failure to take the steps necessary to provide a safe working environment for transgender employees.

Statement of Truth

I believe that the facts stated in this witness statement are true.



Samantha Tempest

Dated 02 June 2026