



# EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

and

Proposed Respondents

Ms Y Burris-Henderson

(1) Department for Work & Pensions

(2) Central & NW London NHST

(3) Department of Transport

(4) Skansa UK Plc

(5) Chartered Institute of Personnel & Development

## JUDGMENT AND ORDER ON RECONSIDERATION

HELD AT: London Central

ON: 26 January 2018

BEFORE: Employment Judge A M Snelson (sitting alone)

### JUDGMENT

On hearing the Claimant in person, the Tribunal adjudges that her application for reconsideration of the decision to reject her claim form be dismissed.

### REASONS

1. By a decision given orally on 26 January I refused the Claimant's application for reconsideration of Regional Employment Judge Potter's decision, conveyed by a letter from the Tribunal of 5 January 2018, to reject her claim on the ground that it was in a form which could not sensibly be responded to. My decision was given at the end of a hearing which was attended by the Claimant only, the putative Respondents not having been served. These reasons are given in writing pursuant to an oral request made by the Claimant at the hearing.
2. By the Employment Tribunals Rules of Procedure 2013, r12(1)(a) and (b) and (2) an Employment Judge is required to reject a claim if he or she considers that it is one which the Tribunal has no jurisdiction to consider or is in a form which cannot sensibly be responded to. By r13(1), an aggrieved

claimant can apply for reconsideration on the grounds that the decision to reject was wrong or the notified defect can be rectified.

3. The claim form, presented on 24 October 2017, includes complaints of unfair dismissal, discrimination on six of the nine possible grounds, claims for arrears of pay and 'other payments' and claims in relation to 'occupational pension scheme and non union membership'. The 'Employment details' (box 5) refer to an employment (the employer is not identified) as an 'Administrator/Buyer – Engineering Services, said to have spanned the period from June 2004 to January 2008. No particulars of any act of unlawful discrimination is supplied. Nor is there any detail explaining any money claim. In box 12 the Claimant states that she is disabled and refers to a history of depression. Accompanying the claim form are certain attachments, the first two of which are entitled 'ET1 Grounds of Application' apparently in support of a claim against the Law Society (which is not named in the claim form as a respondent), citing numerous statutory provisions, and 'Statement of Remedies and Service Level Agreement', apparently in support of the same claim, citing (among other legislation) the Supply of Goods and Services Act 1982, the Protection from Harassment Act 1997, the Defamation Act 2013 and the Human Rights Act 1998. Similar attachments appear to identify other proposed targets: the Chartered Institute of Legal Executives, the Metropolitan Police Authority and HM Courts and Tribunals Service, none of which is named as a respondent in these proceedings. No attachment offers any information in support of any claim against any of the five proposed Respondents identified in the title above.
4. Also on the Tribunal file are sundry documents which appear to arise out of County Court proceedings between a housing association and the Claimant, including an order of HH Judge Luba QC sitting in the Central London County Court on 9 November 2017, dismissing with costs an 'incoherent' application by the Claimant (Defendant in those proceedings) and certifying the application as being 'totally without merit'.
5. The application for reconsideration is set out in a one-page letter of 8 January this year. In it the Claimant makes three main points. First, she alleges that the first proposed Respondent, which I will refer to as the DWP, has been providing services to her which contravene the Equality Act 2010, s55 (concerned with discrimination by employment service-providers). The discrimination is explained as consisting of a failure to pay benefits despite a successful appeal (to the First-tier Tribunal, Social Entitlement Chamber) on 22 December 2017. Second, she prays in aid, and attaches, a reference dated 10 December 2014 supplied by Lord Boateng in support of an application made by her for employment at the Ministry of Transport or an 'affiliate' thereof. Thirdly, she draws attention to, and attaches, further copies of some of the attachments included with the claim form.
6. Also on the Tribunal file is a copy of the First-tier Tribunal's decision of 22 December 2017, which set aside a decision of the DWP to suspend benefit payments. The decision notice includes reference to the Claimant's medical

evidence, particularly relating to her mental health.

7. At the start of the hearing the Claimant handed up a copy document entitled 'My Claimant Commitment', which embodies a form of agreement between her and the DWP concerning her obligation to use her best endeavours to obtain employment. It appears to have been signed by her on 19 January this year. She also produced and read a two-page statement or submission. She did not have a spare copy for me and it was not appropriate to take a photocopy of hers as she had annotated it, so I made my own note of her main points and asked to email me a clean copy for the file, which she agreed to do.
8. I must say, with no disrespect to the Claimant, that her arguments were not easy to follow. She referred to the DWP prejudicing her prospects in the job market and her housing position. She told me of the support offered to her by Lord Boateng and that she had addressed complaints to him. She cited the Perjury Act and the Criminal Justice and Public Order Act, and numerous other pieces of legislation which do not confer any jurisdiction upon the Employment Tribunal ('the ET'). She also mentioned, apparently as part of her explanation of her proposed ET claims, industrial action affecting the public transport system and an issue which had arisen on the day of the hearing to do with a direct debit. Asked to state what allegations she sought to make against the second, third, fourth and fifth proposed respondents, she said that the second had on some unspecified occasion denied her medical treatment, the third had refused her a job because of a 'sanction' by DWP (this may or may not have been the job application supported by Lord Boateng in 2014) and the fourth (as I understood her) had failed to transfer a pension benefit to another provider. As to the latter, I noted on the file a copy email from Skansa UK Plc to the Claimant dated 7 June 2017 which began by referring to her recent correspondence and continued:

**We are somewhat confused by the content of your letter as it refers to a WorkSave Buy-out Plan which has nothing to do with the Skansa Pension Fund and a transfer request which does not make any sense ...**

I was told nothing about the intended claim against the fifth proposed respondent. When I made the general point that the ET has no inherent jurisdiction and can only deal with cases which Parliament has given it power to handle, the Claimant's reply (as I understood it) was to the effect that the DWP and the benefits system which it administers are all concerned with work and employment and accordingly the ET is the proper forum for all related complaints.

9. I asked the Claimant if she had obtained legal advice in connection with her proposed claims. She did not offer a direct answer, but stated that she was fully legally qualified.
10. Having given the Claimant ample opportunity to put before me an intelligible and at least theoretically sustainable case, I was satisfied that she had entirely failed to do so. The proposed claims are, in my view, plainly and

obviously utterly misconceived and totally without merit. They are, equally obviously, not capable of being sensibly responded to. There is in the claim form no discernible complaint within the ET's jurisdiction and nothing said in argument suggested the faintest possibility that such a claim might exist. No ground was shown for reconsidering the decision of Regional Employment Judge Potter to reject the claim form. Moreover, it would be quite unjust to put the proposed respondents to the trouble and expense of requiring them to respond to the proceedings. Accordingly, the only proper course was to reject the Claimant's application.

11. Subject to any appeal, this litigation is now at an end.

EMPLOYMENT JUDGE on Snelson on 31 January 2018

**Judgment entered in the Register and copies sent to the parties on .....**  
**..... for Office of the Tribunals**