



EMPLOYMENT TRIBUNALS

Claimant: Mr O Whawell
Respondent: The Governing Body of Hutton Rudby Primary School

AT A PRELIMINARY HEARING

Heard at: Leeds **On:** 13th January 2023
Before: Employment Judge Lancaster

Representation

Claimant: In person
Respondent: Mr A Webster, counsel

JUDGMENT

1. The Claimant was not an employee within the meaning of the Employment Rights Act 1996.
2. The Tribunal therefore has no jurisdiction to hear complaints of unfair dismissal or for a redundancy payment and they are struck out.
3. Further the claim of unfair dismissal, dated 12th September 2022, was not brought within 3 months of the date of termination, 1st October 2021, when it would have been reasonably practicable to have done so, nor within such further time as would have been reasonable, and would be out of time.
4. Further the complaint in respect of redundancy was not the subject of a claim for the payment by notice in writing to the employer within 6 months of the date of termination, and it would not be just and equitable for the Claimant to receive a redundancy payment under a claim to the Tribunal dated 12th September 2022. This claim would in any event have had little reasonable prospect of success.
5. The complaint of sex discrimination (namely that it was unfavourable treatment not to permit the Claimant to respond to allegations made by female colleagues prior to the termination of his engagement as a worker on 1st October 2021) was not presented

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within 3 months and it is not just and equitable to extend time for presentation to 12th September 2022, so that the claim might continue. It is therefore struck out . This claim would in any event have had little reasonable prospect of success.

6. The claim is accordingly dismissed in its entirety

EMPLOYMENT JU DGE LANCASTER

DATE 13th January 2023

JUDGMENT SENT TO THE PARTIES ON

.....16 January 2023.....

AND ENTERED IN THE REGISTER

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FOR SECRETARY OF THE TRIBUNALS

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

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