



EMPLOYMENT TRIBUNALS

Claimant: Ms A Baird

Respondent: Cumberland Council

HELD AT: Liverpool (by CVP)

ON: 26 March 2024

BEFORE: Employment Judge Johnson

REPRESENTATION:

Claimant: Unrepresented

Respondent: Mr K McNerney (counsel)

JUDGMENT

The judgment of the Tribunal is that:

The preliminary issue

- (1) The claimant was not a worker within the meaning of section 43K Employment Rights Act 1996. This means that the complaint of detriments arising from the making of protected disclosures under Part IVA of the Employment Rights Act 1996 (commonly known as whistleblowing) and made against the respondent cannot proceed and are dismissed.

Remaining matters

- (2) Although it appears that the Note of Preliminary Hearing made by Employment Judge Serr on 8 November 2023 indicates in paragraph 8 that the claim is limited to whistleblowing only, it is not possible to dismiss the entire claim in this judgment.
- (3) This cannot happen until there is clarity concerning the dismissal of the complaints of unfair dismissal and discrimination on grounds of religion or belief.

- (4) The parties will be contacted in separate correspondence by Judge Johnson in order that this remaining matter can be clarified.

Employment Judge Johnson

Date: 26 March 2024

JUDGMENT SENT TO THE PARTIES ON

9 April 2024

FOR THE TRIBUNAL OFFICE

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or 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

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>