



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

Mr T Reeder

Respondents

AND

(1) North Tees & Hartlepool
NHS Foundation Trust

(2) Vocare Limited

(3) South Tees
NHS Foundation Trust

(4) North East Ambulance
Service NHS Foundation
Trust

(5) ELM Alliance Limited

PUBLIC PRELIMINARY HEARING

Heard at: Teesside

On: 11 December 2017

Before: Employment Judge A M Buchanan

Appearances

For the Claimant:

Mr B Frew of Counsel

For the Third Respondent:

Mr M Foster - Solicitor

JUDGMENT

It is the judgment of the Tribunal that the claim against the third respondent has no reasonable prospect of success and it is struck out pursuant to Rule 37(1)(a) of Schedule I to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 ("the 2013 Rules").

REASONS

1. There came before me this afternoon an application by the third respondent for the claim against it to be struck out on the basis that it has no reasonable prospect of success. I considered the matter pursuant to Rules 37(1)(a) of the 2013 Rules.

2. The question of the involvement of the third respondent was heralded in my orders of 29 September 2017 when I set out at order 11.1.1 that any question of joinder or removal of parties from these combined proceedings would be considered today. Furthermore at the hearing on 29 September 2017, it was made clear that the third respondent considered it had no involvement in these matters and that its only involvement had been through the giving of some HR advice to one of the other respondents.

3. The only claimant with a claim against the third respondent is Thomas Reeder from whom his solicitors have been unable to obtain up to date instructions by reason of his absence abroad. On behalf of the third respondent, Mr Foster had given clear notice of his intention to apply for the claim against his client to be struck out on the basis that such claim had no reasonable prospect of success. Given the absence of the claimant, Mr Frew could not consent to the application but he did not actively oppose it.

4. This morning I have had the opportunity to read unchallenged evidence of a witness Mark Hudson who is an HR Officer employed by the third respondent and I have also had the opportunity to look at the documents to which Mr Hudson refers in his witness statement dated 11 December 2017. I have considered the letter marked MH1 of 29 November 2016 making it plain that a contract had been awarded to the North Tees and Hartlepool NHS Foundation Trust and I have also seen documentation MH2 to MH4 inclusive which shows details of a contract being awarded to the North Tees and Hartlepool NHS Foundation Trust and a subcontract to the North East Ambulance Service NHS Foundation Trust both of whom are parties in this litigation. I have noted that of the 11 claimants in the combined proceedings of which this claim is part, only the claimant Thomas Reeder had advanced a claim against the third respondent. I note that the solicitors for Thomas Reeder also represent the claimant Adrian Anton and they wrote to the Tribunal on 7 December 2017 seeking to withdraw the claim of Adrian Anton against the third respondent. In fact it is clear that that was an incorrect application for Adrian Anton had at no time intimated a claim against the third respondent.

5. Having reviewed the documentation before me and having considered the unchallenged evidence of Mr Hudson, I am satisfied that the claim of the claimant against South Tees NHS Foundation Trust has no reasonable prospect of success. I therefore strike out that claim pursuant to Rule 37(1)(a) of the 2013 Rules. The effect of this Judgment is that the third respondent no longer has involvement in the proceedings with which this claim was previously combined (Jackson 2500640/2017 and others).

6. For the avoidance of doubt, the claims of the claimant against the first, second, fourth and fifth respondents continue unaffected.

Case Number: 2500660/2017

Employment Judge A M Buchanan

Date: 4 January 2018