



THE EMPLOYMENT TRIBUNALS

Claimant: Mrs S Barron

Respondent: Danshell Healthcare Limited

Heard at: North Shields Hearing Centre **On:** Thursday 10th January 2019

Before: Employment Judge Johnson

Members:

Representation:

Claimant: In Person

Respondent: Mr Morgan of Counsel

JUDGMENT

All the claimant's complaints against the respondent are dismissed upon withdrawal by the claimant.

REASONS

1. This matter came before me this morning by way of a private preliminary hearing, the purpose of which was to identify the claims being brought by the claimant, to identify the issues which the Employment Tribunal would be required to decide and to make such case management orders as were necessary to ensure that the case was fully prepared for final hearing. The claimant appeared in person and the respondent was represented by Mr Morgan of Counsel.
2. At an earlier hearing before Employment Judge Shepherd, orders were made by which claimant was required to provide further information about her various allegations of unfair constructive dismissal and discrimination. In response to that order, the claimant prepared a document headed "claimant response to request for further and better particulars", which document runs to 28 pages of closely-typed print. I spent some considerable time reading that document before today's hearing. I carefully took Mrs Barron through the document and

asked her to assist me by identifying those parts of the claims which related to unfair constructive dismissal and those which related to allegations of unlawful discrimination.

3. The claimant accepts that she did not have two years continuous service with the respondent and therefore could only bring a complaint of unfair dismissal or unfair constructive dismissal if the facts of her case brought her within one of the exceptions to the requirement to have two years continuous service. The claimant conceded that none of her allegations could bring her claim of unfair constructive dismissal within any of those exceptions. I was satisfied that Mrs Barron understood the two-year qualification period and further understood that none of her factual allegations could possibly bring her claim within any of the exceptions to the year qualification period. Mrs Barron informed me that she wished to withdraw the allegations of unfair dismissal and unfair constructive dismissal. I am satisfied that Mrs Barron made that decision knowingly and willingly and in the knowledge that the claims would be dismissed if they were withdrawn. Those claims are dismissed upon withdrawal.
4. I then carefully took Mrs Barron through her remaining allegations and invited her to identify which of those amounted to acts of unlawful sex discrimination. Whilst there were several incidents about which the claimant was quite entitled to complain, she accepted that none of those could properly be pursued as complaints of unlawful sex discrimination of any kind. Again, I was satisfied that Mrs Barron fully understood the explanations given to her about what was meant by the various kinds of discrimination. I am satisfied that Mrs Barron understood what I explained to her and that her decision to withdraw those claims was made knowingly and willingly. Mrs Barron informed me that she wished to withdraw the remaining allegations in the knowledge that they would be dismissed. Those claims are also dismissed.

CONSEQUENCES OF NON-COMPLIANCE

1. Failure to comply with an order for disclosure may result on summary conviction in a fine of up to £1,000 being imposed upon a person in default under s.7(4) of the Employment Tribunals Act 1996.
2. The Tribunal may also make a further order (an “unless order”) providing that unless it is complied with, the claim or, as the case may be, the response shall be struck out on the date of non-compliance without further consideration of the proceedings or the need to give notice or hold a preliminary hearing or a hearing.
3. An order may be varied or revoked upon application by a person affected by the order or by a judge on his/her own initiative.

EMPLOYMENT JUDGE

**JUDGMENT SIGNED BY EMPLOYMENT
JUDGE ON
11 January 2019**

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