EMPLOYMENT TRIBUNALS

Claimant: Mrs T Kostakopoulou

Respondents: (1) University of Warwick
(2) Rebecca Probert
(3) Stuart Croft
(4) Gillian McGrattan

JUDGMENT

(1) Further to the strike-out warning contained in the reserved judgment signed by Employment Judge Camp on 4 October 2018, the following are struck out pursuant to rule 37 on the grounds that they have no reasonable prospects of success:

a. all complaints against respondents (2), (3), and (4);

b. all complaints against respondent (1) apart from the three complaints listed in paragraph (2) below.

(2) The three complaints referred to in paragraph (1) b. above are complaints of victimisation relying on the following as the alleged detriments:

a. the fact that there was a relatively long period of time between the claimant appealing a final written warning imposed on her in November 2016 and the appeal hearing taking place;

b. the fact that that appeal, including what she calls her "*complaints about procedural irregularities and victimisation*", was dismissed and the final written warning confirmed;

c. the fact that (in her view) her appeal hearing was unfair and biased.

REASONS

1. I refer to the reserved judgment and reasons of 4 October 2018, in particular to the sections of them containing and explaining a proposal to strike out the complaints that I have, in the above judgment, struck out and summarising the relevant law.

2. I gave the claimant an opportunity to raise objections to the proposal. During October, at her request, I twice extended the deadline for doing so. The second time I did so (on 30 October 2018), I commented as follows:

> *… I note that I have not asked her* [the claimant] *to respond and raise objections to my whole decision. She has missed the deadline for applying for reconsideration and if she wishes to appeal, that is a matter for her. The thing she has been invited to raise objections to is very specific – I refer her to the Judgment. My provisional view is that what I am proposing follows logically from the rest of my decision. She can only now challenge the rest of my decision by appealing it. So if she wants to raise objections, what she needs to focus on is not the rest of the decision. Instead, it is whether my proposal to strike out does indeed follow logically for the rest of the decision; and if it doesn't, why it doesn't. …*

3. On 5 November 2018, within the extended deadline, the claimant emailed a letter to the tribunal stated to be "*in compliance with*" that extended deadline, and which I therefore assume was intended to constitute her objections to my proposal to strike out. Unfortunately, that letter appears to have been written without taking my comments of 30 October 2018 into account to any extent. In particular: most of the letter consists of submissions to the effect that the decision set out in my reserved judgment of 4 October 2018 was wrong and that the claimant has been unfairly dealt with by various Employment Judges sitting in Birmingham, including me; the claimant makes no submissions in the letter on what I specifically asked her to focus on, namely, "*whether my proposal to strike out does indeed follow logically for the rest of the decision; and if it doesn't, why it doesn't*".

4. It is neither necessary nor desirable for me to go through the claimant's letter of 5 November 2018 in these reasons. Suffice it to say that there is nothing in it that causes me to revise my provisional view to this effect: assuming the rest of my decision is correct (something I am entitled to assume unless and until an appellate tribunal or court tells me otherwise), the only complaints before the tribunal with any reasonable prospects of success are the three complaints against respondent (1) set out in paragraph (2) of the above judgment. There is no discernible good reason for permitting complaints with no reasonable prospects of success to continue, and accordingly I strike out all complaints that were not struck out in the reserved judgment of 4 October 2018 other than those three complaints pursuant to rule 37.

5. In addition, I note that had any of the claimant's correspondence with the tribunal since 4 October 2018 caused me to think that I might have made a significant error during or in relation to the preliminary hearing on 8 August 2018, in my decision-making process, or in that reserved judgment itself, I would in all likelihood have suggested to the parties that I reconsider my decision; and I would have made that suggestion even though the claimant did not apply for reconsideration. As it is, I don't just assume my decision is correct, I continue to believe it is correct; and there are no grounds for me to reconsider it, on my own initiative or otherwise.

6. Finally – and this is really no more than a footnote – re-reading the reserved judgment and reasons of 4 October 2018, I spotted one typographical error that, although it is a minor one, may not be immediately obvious to someone reading the decision for the first time: the first sentence of paragraph 116, which reads, "*Ideally, the specific disclosure application would be argued before me at a hearing*", should read, "*Ideally, the application for further information / further and better particulars would be argued before me at a hearing*". This error would fall within rule 69, but, subject to any observations the parties may wish to make on this, I don't think it is necessary for me to make a formal correction pursuant to that rule.

Employment Judge Camp
13 November 2018