



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr D Gould

**Respondents:** (1) The Corsham School Academy Group  
(2) Protocol Education Ltd

## PRELIMINARY HEARING

**Heard at:** Southampton

**On:** 30 July 2019

**Before:** Employment Judge Siddall

**Appearances:**

**Claimant:** In person

**First Respondent:** Mr B Large, counsel

**Second Respondent:** Mrs C Greenway, solicitor

## JUDGMENT

It is the decision of the tribunal that:

1. The claims for breach of contract against the second respondent in relation to a) pay for the period from 4 May 2018 to 25 July 2018 and b) pay for a parent's evening attended by the claimant on 29 March 2018 may proceed.
2. All other claims for breach of contract are dismissed upon withdrawal.
3. The claim for pay from 4 May 2018 to 31 August 2018 brought under regulation 6 of the Agency Worker Regulations is struck out as having no reasonable prospect of success
4. The claim against the first respondent that the claimant was refused access to collective facilities and amenities in breach of regulation 12 of the Agency Worker regulations can proceed.
5. The claims for failure to consult over redundancy and failure to consult over the financial arrangements between the first and second respondents are dismissed upon withdrawal.
6. The claim for breach of contract and/or breach of the Working Time Regulations in relation to holiday pay is dismissed upon

withdrawal.

7. The claimant can proceed with his claims against the first and second respondents that he was subjected to detriments for making protected disclosures under section 47B of the Employment Rights Act 1996 in relation to the five disclosures identified in the schedule below. Claims in relation to any other alleged protected disclosures are dismissed upon withdrawal.
8. The claimant is given leave to amend his claim to include a claim that he suffered additional detriments following the termination of his assignment in that a) he was not offered the opportunity of any further work with the first respondent and b) he was not offered any further work by the second respondent save for one day's teaching.

### **SCHEDULE OF PROTECTED DISCLOSURES**

- a. An email sent to Mr Davis of the first respondent on 16 January 2018
- b. An email sent to Rachel Coleman of the second respondent on 28 February 2018
- c. An oral statement to Mr Davis on 28 February 2018
- d. An email sent to Mr Davis on 25 April 2018
- e. An oral statement to Mr Davis on 26 April 2018.

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Employment Judge Siddall

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Date 30 JULY 2019.