



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss S Bernard

**Respondent:** Southwark Charities

## JUDGMENT

The complaints of notice pay, holiday pay and other payments are struck out.

## REASONS

1. By a letter dated 2/10/2019 following an in-person hearing on 27/9/2019 the Tribunal gave the claimant an opportunity to make representations why the complaints of notice pay, holiday pay and other payments should not be struck out because
  - they have not been actively pursued.
2. The claimant did make representations in writing on 28/9/2019, however she has failed to particularise those claims as she was requested to do.
3. The claimant said in her correspondence that she had not intended to bring a claims of race and age discrimination, but instead had wished to make a complaint of unfair dismissal. This is despite a preliminary hearing having taken place on 24/5/2018 at which the race and age discrimination claims were discussed. Those claims were then listed at an open preliminary hearing on 1/8/2018 for consideration of a strike out or deposit order. The claimant withdrew those claims on 11/6/2018 and a dismissal judgment was issued on 3/8/2018. The preliminary hearing listed for 1/8/2018 was postponed and the parties were informed that a 1-day hearing would be listed in due course to hear the remaining claims.
4. There was then no further communication from the claimant and the respondent wrote to the Tribunal on 2/8/2018 and 10/9/2018 enquiring why the postponed hearing would be listed for a day and suggested a two-hour hearing.

5. The judgment striking out the race and age discrimination claims was sent to the parties on 25/9/2018.
6. No further action was then taken by either party.
7. The Tribunal then wrote to the parties on 31/7/2019, notifying them of the hearing on 27/9/2019.
8. The last communication from the claimant, until she attended the hearing was therefore on 11/6/2018.
9. In her email of the 28/9/2019 the claimant now says she wishes to pursue a claim for unfair dismissal.
10. The Tribunal has had regard to the correspondence on the file. It has also considered the overriding objective. It has considered the prejudice to the respondent if the claimant was now, some 15 months after the claimant last contacted the Tribunal regarding her claim and in respect of events which took place in September and November 2017 (as referenced in the ET1), allowed to pursue an unfair dismissal claim. On balance, the Tribunal concludes that it would not be in the interests of justice to now allow the claimant to pursue a claim for unfair dismissal. For those reasons, the claim is struck out.

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Employment Judge **Wright**

Dated 17 October 2019