



EMPLOYMENT TRIBUNALS

Claimant

Mrs H Woods

v

Respondent

Royal College Of Nursing

Heard at: Bury St Edmunds

On: 13 March 2020

Before: Employment Judge S Moore

Appearances

For the Claimant: In person.

For the Respondent: Mr T Perry (Counsel).

JUDGMENT

The claim form must be returned to the claimant with a notice of rejection explaining that it has been rejected because it does not contain her address.

REASONS

1. On 24 January 2019 Mrs Helen Chittock submitted a claim alleging indirect discrimination on grounds of disability against the Royal College of Nursing. The claim was given claim number 3303302/2019. In box 8 Mrs Chittock set out the fact that the claim was being brought by both herself and Mrs Hayley Woods.
2. On 10 March 2020 the respondent's solicitors wrote to the Tribunal expressing surprise that a case management agenda sent to them by Mrs Chittock identified Mrs Woods as a second claimant in the matter and that Mrs Woods had a case number of 3303303/2019. The respondent noted that the notice of claim from the Employment Tribunal had only made reference to Mrs Chittock's claim and had only provided a single case number i.e. 3303302/2019.
3. In a telephone call of the same date between the respondent's solicitor and the Watford Employment Tribunal the respondent's solicitor also indicated that the claim had not been served correctly; the claim had not been completed correctly in relation to Mrs Woods because it did not contain her address. An email communication from Watford Employment Tribunal to the respondent's solicitor, also dated 10 March 2020, stated

that the Tribunal could not confirm whether or not the claim has been served correctly as the file had already been sent to Bury St Edmunds but attached a “Journal text file” that showed that the claim had been entered on the system as a multiple claim with case numbers 3303302 and 3303303.

4. At the hearing today Mr Perry submitted that the claim in relation to Mrs Woods must be rejected because rule 10 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 requires the claim form to include each claimant’s address and the claim form in question only contains Mrs Chittock’s address.

5. I am bound to accept the submission. Rule 10 provides:

“(1) The Tribunal shall reject a claim if—
(a) it is not made on a prescribed form; or
(b) it does not contain all of the following information—
(i) each claimant’s name;
(ii) each claimant’s address;
.....”

6. The claim form did contain Mrs Woods name, but it only contains Mrs Chittock’s address and there is no discretion under the rules for me to waive the requirement that it must also contain Mrs Woods’ address. It follows that the claim form must be returned to Mrs Woods with a notice of rejection explaining that it has been rejected because it does not contain her address. That notice will also contain information about how she may apply for a reconsideration of the rejection under rule 13 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 on the basis that the notified defect can be rectified.

Employment Judge S Moore

Date: 03 April 2020

Sent to the parties on:

.....17.04.20.....

For the Tribunal Office