



EMPLOYMENT TRIBUNALS

Claimant: Mr P McCrory

Respondent 1: NHS England

Respondent 2: Greater Manchester Combined Authority

Respondent 3: Greater Manchester Health and social care Partnership

Heard at: Liverpool (in private by telephone) **On:** 1 July 2020

Before: Employment Judge Shotter (sitting alone)

JUDGMENT

The Judgment of the Tribunal is that all claims brought against the first, second and third respondent are withdrawn by the claimant but not dismissed on withdrawal.

REASONS

1. By an email received today from Gunner Cooke LLP, the claimant's legal representatives, the claimant withdrew his claims against all respondents and requested it was not dismissed in order to prevent the claimant from being estopped to pursue complaints and/or claims in other courts, tribunals or competent bodies i.e. date protection concerns before the Information Commissioner's Office, that arise from the facts set out in the ET1 claim form.
2. The claimant's legal representatives complied with rule 92 of the Employment Tribunal Rules of Procedure and there has been no response by the respondents to this application made before a preliminary hearing listed for 2.15pm this afternoon.
3. The claimant submits that it would not be in the interests of justice to dismiss his claim, and taking into account the contents of the 1 July 2020 letter the claim is treated as withdrawn but not dismissed.

4. When a claimant informs the employment tribunal that a claim is withdrawn, the claim is discontinued under rule 51 of the Employment Tribunals Rules of Procedure ('the Tribunal Rules'), which are contained in Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 SI 2013/1237 . Under rule 52, the tribunal will automatically issue a judgment dismissing the claim that has been withdrawn, unless the claimant expresses, at the time of withdrawal, a wish to reserve the right to bring a further claim against the respondent raising the same, or substantially the same, complaint and the tribunal is satisfied that there would be legitimate reason for the claimant to do so, or the tribunal believes that to issue such a judgment would not be in the interests of justice.

5. In conclusion, the Tribunal accepts the claimant has a legitimate reason to reserve the right to bring a claim against the respondents raising complaints in other jurisdictions arising from the same or similar facts pleaded in the ET1 and Grounds of Complaint, and it is in the interests of justice not to dismiss the claim. For the avoidance of doubt the claimant cannot reactivate his claim for whistleblowing in the Employment Tribunal on the same facts as those pleaded.

Employment Judge Shotter

DATE:1.07.2020

JUDGMENT SENT TO THE PARTIES ON
3 July 2020

FOR THE TRIBUNAL OFFICE