



EMPLOYMENT TRIBUNALS

Claimant: N
Respondent: F (1)
K (2)
Heard at: Leicester Hearing Centre, Kings Court, 5A New Walk,
Leicester, LE1 6TE
On: 16 September 2020

JUDGMENT ON STRIKE OUT

1. The whole of the respondent's counterclaim is **struck out**.
2. This does not affect the claimant's claim or respondent's response, or any orders made in respect of them. The claim and response shall be heard and decided in the normal way.
3. The reasons for the strike out are as follows:
 - 3.1. On 18 August 2020 The Tribunal wrote to the respondent indicating that it proposed to strike out the counterclaim because it had no reasonable prospect of success. This was because the Tribunal did not appear to have jurisdiction to consider it.
 - 3.2. Though the respondent replied to that warning in good time, the reply did not overcome the issue that the Tribunal lacked jurisdiction to hear the counterclaim.
 - 3.3. The counterclaim does not fall within one that the respondent may pursue under **Employment Tribunals (Extension of Jurisdiction) Order 1994** because the claimant herself has not made a claim for breach of contract and the Tribunal cannot deal with claims for breach of confidence in any event.

Employment Judge Adkinson

Date: 17 September 2020

JUDGMENT SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.