



## EMPLOYMENT TRIBUNALS

### Claimant

Ms L Ghanie

v

### Respondents

Reading Borough Council

**HELD AT:** Reading

**ON:** 11 December 2020

**BEFORE:** Employment Judge Pearl

This was a hearing heard by full CVP video to which the parties consented.

### Representation:

**For Claimant:** In person

**For Respondent:** Ms J Williams (Counsel)

## JUDGMENT

The Judgment of the tribunal is that:

1. The claim is struck out as having no reasonable prospect of success.

## REASONS

1. This is the strike out application in a claim with a considerable procedural history. It was presented on 9 November 2018 against this Respondent and the White Horse Federation (“WHF”). On 23 September 2019 the claim against WHF was dismissed following the Claimant's withdrawal and I gather that she reached terms with that respondent. WHF is a multi-academy trust that became the Claimant's employer following a transfer of undertaking in about November 2018.
2. On 26 September 2019 at the first preliminary hearing the strike out of the claim against this Respondent was raised. The EJ identified possible difficulties with this claim and posed certain questions of the Claimant; and gave her time to take advice.

3. The second hearing was on 25 March 2020 and the EJ considered the case in detail. She set out the various claims (including associative disability discrimination) in paragraph 6. It was recorded that the Claimant had accepted that WHF was her employer. In paragraph 11, the Claimant's stance was set out and this included her claim that this Respondent should be liable, among other things, for the way it conducted her grievance. The Respondent maintained that it provides HR and payroll services to the Claimant's primary school under a service level agreement, but could not be liable in law for any of these claims.
4. The EJ then set out her provisional views. On the date of transfer any liabilities would have transferred to WHF. She had settled her claim against WHF. It was not clear how any claim could be maintained against this Respondent. The claim for failing to inform and consult under the Tupe regulations could not be brought against them; and in any event it seemed that the Claimant lacked standing to do so as there was a recognised union involved.
5. At the hearing today, the Claimant adopted a realistic stance. She accepts the legal position and also tells me that she is pursuing one of the complaints raised in this litigation through another legal forum. She did not suggest that there was any legal basis for a claim against the Council. I have therefore determined today's issue by striking out the claim as it has no reasonable prospect of success.

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Employment Judge Pearl

Dated: 6/1/21

Reasons sent to the parties on:

.....6/1/21.....

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For the Tribunal Office