



EMPLOYMENT TRIBUNALS

Claimant: Mr M Daley

1st Respondent: The Nursery Kitchen Limited (In Administration)

2nd Respondent: Catherine Elliott

3rd Respondent: Jane Gordon

Heard at: Liverpool (in private; by video hearing) **On:** 9 December 2020

Before: Employment Judge Buzzard (sitting alone)

Representatives

For the claimant: Ms M Kponou (Solicitor)

For the 1st Respondent: No Appearance

For the 2nd & 3rd respondents: Mr Jones (Counsel)

JUDGMENT

1. The second respondent's application for an extension of time to submit her defence to the claims made against her is granted. The 2nd respondent did not initially have access to the 1st respondent's premises, where the claim was served, and then submitted a defence other than on the prescribed form. Balancing the prejudice to both parties the 2nd respondent's now correctly formatted defence was accepted.
2. The claimant's claims against the second and third respondent are struck out as having no reasonable prospect of success. The claimant was dismissed in response to allegations about his performance. The fact that the performance issues might have been prevented had the respondent made changes in the workplace, in response to concerns raised by the claimant, does not make the dismissal a response to the fact he raised those concerns. Accordingly, it does not appear there is any reasonable prospect of the claimant establishing his

dismissal was a detriment for making a public interest disclosure for which the second or third respondent could be liable.

Employment Judge Buzzard
27 December 2020

JUDGMENT SENT TO THE PARTIES ON
25 January 2021

FOR THE TRIBUNAL OFFICE

The "Code V" in the heading indicates that this was wholly or partly a remote hearing by video conference call, to which the parties have consented. A face to face hearing was not held because both parties are either professionally represented or able to deal with case management issues wholly or partly remotely.