



# THE EMPLOYMENT TRIBUNALS

**Claimant:** Miss L McKay

**First Respondent:** Mr David Widdowfield

**Second Respondent:** North of England Commissioning Support Unit

## PUBLIC PRELIMINARY HEARING BY CVP

**Heard at:** Newcastle upon Tyne Hearing Centre

**On:** Wednesday 4<sup>th</sup> August 2021

**Before:** Employment Judge Johnson

### *Representation:*

**Claimant:** In Person

**First Respondent:** No appearance

**Second Respondent:** Mr R Dunn of Counsel

## JUDGMENT ON PRELIMINARY ISSUE

1. The claimant was not an employee of the second respondent within the definition set out in Section 230 of the Employment Rights Act 1996.
2. The claimant was not a “worker” for the second respondent within the definition set out in Section 230 of the Employment Rights Act 1996.
3. The claimant was not a “worker” for the second respondent within the definition set out in Section 43K of the Employment Rights Act 1996.
4. The claimant’s complaints against the second respondent of being subjected to detriment for making protected disclosures therefore have no reasonable prospect of success and are struck out.
5. The claimant’s claims against the first respondent will proceed. The claimant and first respondent will be notified of the date and time of a private preliminary hearing by telephone at which further case management orders will be made to

ensure that the case is fully prepared for final hearing and a date will be fixed for that final hearing.

**EMPLOYMENT JUDGE JOHNSON**

**JUDGMENT SIGNED BY EMPLOYMENT  
JUDGE ON  
6 August 2021**

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