



EMPLOYMENT TRIBUNALS

Claimant: Mrs D Hughes

Respondent: Reach4 solutions Ltd

RESERVED JUDGMENT

1. The respondent's application to strike out the claimant's claim is refused
2. The respondent's application for a deposit order is refused

REASONS

1. The respondent set out two applications in their response – to strike out the claimant's claims on the grounds that they have no reasonable prospects of success and for a deposit order on the grounds that they have little reasonable prospects of success. The respondent's applications are made on the basis that, they say, the claimant is very unlikely to recover any losses even if her claim is successful.
2. The legal position as to whether a claimant can bring a claim that they have been unfairly dismissed even where no compensation is payable is not clear cut and, in any event, if the claimant is successful the tribunal will be considering the claimant's losses (if any) at the date of the hearing and in future. Although the claimant has indicated that she is claiming compensation only, the tribunal is obliged to consider, if the claimant's claim is successful, whether reinstatement or re-engagement are appropriate remedies under sections 112 – 115 of the Employment Rights Act 1996.
3. For these reasons it is not possible to say that the claimant's claim has no prospects of success or little reasonable prospects of success and the respondent's applications are refused.

Employment Judge **Miller**
Date: 30 November 2021

SENT TO THE PARTIES ON
1 December 2021

Olivia Vaughan
FOR EMPLOYMENT TRIBUNALS