



EMPLOYMENT TRIBUNALS

Claimant: Miss Z Carter

Respondent: Shield Safety Group Ltd

JUDGMENT

1. This judgment affects the claimant's claim for damages for breach of contract, so far as it consists of the 18 allegations in the document headed "Particularising Claims" and in the table headed, "Failure of Process".
2. That part of the claim is struck out.
3. This judgment does not affect the claimant's ability to pursue the remainder of her claim, or to argue that her compensation should be increased for alleged failures to comply with the ACAS Code of Practice.

REASONS

1. Rule 37 of the Employment Tribunal Rules of Procedure gives the tribunal the power to strike out part of a claim on the ground that it has no reasonable prospect of success and/or that it has not been actively pursued.
2. A case management order was sent to the parties on 27 September 2022.
3. The case management order contained a case management summary. Paragraph 31 of the case management summary set out the alleged breaches of contract and explained the difficulty that the claimant would face in establishing that the alleged breaches caused any recoverable loss.
4. Under the heading, "Strike-out warning", the claimant was given an opportunity to make representations as to why that part of the claim should not be struck out. She was also given the opportunity to request a hearing at which the question of striking out could be decided.
5. On 8 October 2022, the claimant e-mailed the tribunal to indicate that she would not be making any representations to prevent this part of her claim being struck out.
6. It therefore appears that this part of the claim is not actively pursued. In any case the claimant has not put forward any representation that this part of the

claim has a reasonable prospect of success. This part of the claim is therefore struck out.

7. The claimant's e-mail added that she would still wish to refer to the matters complained of as evidence of "how that particular incident affected me with regard to the discrimination claim". This judgment will not prevent her from doing that. Nor will it affect the ability of the tribunal at the final hearing to decide what evidence is sufficiently relevant to the issues that it has to determine.
8. This judgment does not affect the dates of any hearings.

Employment Judge Horne
6 December 2022

SENT TO THE PARTIES ON
19 December 2022

FOR THE TRIBUNAL OFFICE