



EMPLOYMENT TRIBUNALS

Claimant: Mr I E Savage

Respondent: Warrington and Halton Teaching Hospitals Foundation Trust

Heard at: Liverpool (in private)

On: 19 January 2023

Before: Employment Judge Buzzard (sitting alone)

REPRESENTATION:

Claimant: In Person

Respondent: Mr M Smith (Solicitor)

STRIKE OUT JUDGMENT

1. The claimant's claim of unfair dismissal was presented to the Tribunal in circumstances where it was reasonably practicable for it to have been presented in time. For this reason, the claim is struck out as being outside the jurisdiction of the Tribunal to consider.
2. The claimant's claim of victimisation is struck out because it has no reasonable prospect of success. Undisputed documentary evidence shows that the decision to do the alleged victimising act was reached before the alleged protected act occurred.
3. The claimant's claims of direct discrimination are struck out on the basis that they were presented approximately seven weeks out of time in circumstances where it would not be just and equitable to extend time. In determining if an extension of time would be just and equitable, it was found that the claims presented had no reasonable prospect of success in any event. The claimant has failed to give any cogent explanation of how he will argue that the alleged acts of direct discrimination complained of were '*because of*' any disability. This is despite the need for the claimant to clarify this point being explicitly raised him at a

preliminary hearing on 29 September 2022, such need then being documented in the note produced following that hearing.

Employment Judge Buzzard
19 January 2023

JUDGMENT SENT TO THE PARTIES ON
31 January 2023

FOR THE TRIBUNAL OFFICE

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.