



EMPLOYMENT TRIBUNALS

Claimant: Dr. C Oyediran

Respondent: Nottingham University Hospitals NHS Trust

Heard at: Nottingham & Via Cloud Video Platform (Midlands East Region)

On: 18th January 2023 (in person)
19th January 2023 (via Cloud Video Platform)

Before: Employment Judge Heap (Sitting alone)

Representation

Claimant: In person

Respondent: Mr. A Ross - Counsel

JUDGMENT AT AN OPEN PRELIMINARY HEARING

1. The Claimant was not an employee of the Respondent within the meaning of Section 230(1) Employment Rights Act 1996 at the material time with which his claim of constructive unfair dismissal, unpaid notice pay and for a redundancy payment are concerned. He therefore does not have standing to continue with those complaints and they are accordingly struck out under the provisions of Rule 37 Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013 because they have no reasonable prospect of success.
2. The complaint relating to a comment said to have been made by a Dr. Winter in October 2016 is struck out on the basis that it has no reasonable prospect of success because the Respondent cannot be liable for that act under the provisions of Section 109 Equality Act 2010.
3. The complaints of unauthorised deductions from wages, for “other payments” and for holiday pay are dismissed on withdrawal by the Claimant
4. The remaining complaints are unaffected by this decision.

5. Case Management Orders are attached.

Employment Judge Heap

Date: 19th January 2023

Notes:

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.

Reasons

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.