



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr D Mason

**Respondent:** Staffordshire county Council

**Heard at:** Birmingham (by video)

**On:** 16 & 17 January 2023

**Before:** Employment Judge V Jones

## **Representation**

For the claimant: In person

For the respondent: Mr L Rogers, solicitor

## **JUDGMENT AT AN OPEN PRELIMINARY HEARING**

1. The claimant was an employee of the respondent within the definition contained in section 230(1) Employment Rights Act 1996 ("ERA") between 1 November 2017 and 25 May 2019 inclusive.
2. The claimant was not an employee of the respondent as defined by s230(1) ERA at any time prior to 1 November 2017.
3. The claimant therefore lacks the length of continuous service (2 years) required by s108 ERA to bring a claim of unfair dismissal.
4. Accordingly, the tribunal has no jurisdiction to hear the claimant's claim for unfair dismissal and that claim is struck out.
5. The claimant's claim for damages for breach of contract is not affected by this judgment.

Employment Judge V. Jones  
2 February 2023

**Note**

Written reasons will not be provided unless a written request is presented by either party within 14 days of the sending of this written record of the decision.

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