



EMPLOYMENT TRIBUNALS

London South Employment Tribunal on 22nd February 2023

Claimant

Between

Respondent

Mr Theodosios Theodosiou

&

Kindred (London) Limited

Before

Judge M Aspinall (sitting as an Employment Judge)

Appearances

Mr T Theodosiou (in person)
Miss A Greenley (Counsel for the Respondent)

OPEN PRELIMINARY HEARING Judgment

Having heard from the Claimant, from Counsel for the Respondent and on considering the written submissions and history of the claims, I find:

1. That all claims, howsoever described by the Claimant, are struck out as they have no reasonable prospect of success (pursuant to Rule 37(1)(a)). For the avoidance of doubt, this includes claims described by the Claimant as relating to:
 - 1.1. Whistleblowing or Public Interest Disclosure in relation to:
 - 1.1.1. Matters related to Health and Safety.
 - 1.1.2. Matters related to bullying and/or harassment.
2. These claims have no reasonable prospect of success as it is, from all the pleadings and despite all attempts by the Respondent, injunctions, exhortations, and orders of the Tribunal (and despite being given every opportunity to explain them to me today) neither explained nor clear on what basis the Claimant says any disclosures that he made would fall within section 43B of The Employment Rights Act 1996.
3. The newly intimated claim of disclosures in relation to the promotion of unhealthy gambling are, similarly, without reasonable prospect of success:
 - 3.1. They have only been raised recently and were not pleaded at any earlier stage.
 - 3.2. They, like the other claims, do not exhibit characteristics that would place them within the ambit of section 43B of the Act.
4. Counsel for the Respondent confirmed that there is no application for costs.
5. The additional preliminary hearing listed on 6 June 2023 (by CVP/video) is vacated.

Judge M Aspinall on Wednesday, 22nd February 2023