



EMPLOYMENT TRIBUNALS

Claimant Ms C. Ramsay

Respondent Enfield Mencap

OPEN PRELIMINARY HEARING

Heard at: Watford by CVP

On: 19 and 20 April 2023

Before: Employment Judge McNeill KC

Appearances

For the Claimant: Mr E. Stenson, counsel

For the Respondent: Mr L. Jegede, solicitor

JUDGMENT

1. The claimant was not an employee of the respondent within the meaning of section 230 of the Employment Rights Act 1996 (the ERA) at the times material to her claim. The tribunal therefore has no jurisdiction to hear her claim for unfair dismissal and that claim is dismissed.
2. The claimant complied with the ACAS early conciliation requirements in relation to her second claim (3307112/2002). That claim was therefore brought in time and proceeds together with her first claim under number 3305451/2022.
3. The respondent has not persuaded the tribunal that the claimant's claims have no or little reasonable prospect of success. The claims for detriment and holiday pay are therefore not struck out and will therefore proceed to a full hearing. No deposit order is made.
4. Case management orders in relation to the full merits hearing are recorded in a separate document containing a list of issues and various directions orders.
5. The claimant's application for the costs of this hearing is refused.

Employment Judge McNeill KC

Date: 20 April 2023

Sent to the parties on: 27.4.2023

GDJ
For the Tribunal

Notes

Reasons for the judgment having been given orally at the hearing, 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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