



EMPLOYMENT TRIBUNALS

Claimant:

V

Respondent:

Dr Musso

(1) Coastal Partnership

(2) NHS Confederation

Heard at: Watford Employment Tribunal

On: 21 April 2023

Before: Employment Judge Allen sitting alone

Appearances

For the Claimant: Dr Musso in person

For the Respondent: Ms Gould, Solicitor

JUDGMENT

The claimant's claim filed with the tribunal on 28 April 2022 is struck out.

REASONS

1. At an open preliminary hearing I considered the respondent's application that the claimant's claim be struck out in its entirety on the grounds that it stands no reasonable prospects of success
2. I heard representations from both the claimant and the respondent and concluded the claimant's claim had no reasonable prospect of success because:

The tribunal has no jurisdiction to hear the claimant's claim for unfair dismissal because she had not achieved 2 years qualifying employment in accordance with S108 Employment Rights Act 1996.

On her own account at paragraph 2 of her claim she was a worker.

3. The claimant applied for leave to amend her claim to breach of contract. In considering if I should exercise my discretion to grant leave to amend the claim out of time I considered if that claim had any reasonable prospect of success. I concluded it did not because:

There was no written contract on which to rely

The emails on which the claimant relied to demonstrate there was a contract show an 'invitation to treat' by the practice, an offer to work by the claimant but no acceptance by the respondent.

Consequently, there was no contract, and it would not therefore be in the interests of justice to exercise my discretion to allow the claimant to amend her claim because there was no reasonable prospect of success.

The claim is therefore struck out.

Employment Judge Allen

24th April 2023

JUDGMENT SENT TO THE PARTIES ON

24th May 2023

GDJ

FOR THE TRIBUNAL OFFICE