



# EMPLOYMENT TRIBUNALS

**Heard at:** Croydon (by video) **On:** 18 July 2023

**Claimant:** Ms Josephine Martin

**Respondent:** Prestige Nursing & Care Limited

**Before:** Employment Judge E Fowell

**Representation:**

**Claimant** Sophia Costello, daughter

**Respondent** Piers Chadwick, Consultant

## JUDGMENT ON A PRELIMINARY ISSUE

1. At no point was the claimant an employee of the respondent and so the claims of unfair dismissal / automatically unfair dismissal are dismissed.
2. The claim to have suffered a detriment for making a protected disclosure was made outside the normal time limit, but, on the basis that the acts or failures in question were part of a series of similar acts or failures ending on 20 November 2020, it was not reasonably practicable for the claim to have been presented in time, and it was presented within a further reasonable period of time.
3. The claim of victimisation was also made outside the normal time limit, but, on the basis that the alleged acts amounted to conduct continuing over a period, ending on 20 November 2020, it is just and equitable to extend time.
4. It was not possible at this hearing, in the time available, to consider whether there was such a series of acts or whether this was conduct extending over a period. On that point the claimant's case was taken at its highest. It is open to the Tribunal to revisit this aspect at the final hearing if it concludes otherwise.
5. It was accepted that the claimant was unaware of any applicable time limits until after her resignation on 26 July 2021, and that this lack of awareness on her part was reasonable in the circumstances.

6. The claims of detriment and victimisation will proceed to a hearing on **18 December 2023**.

Employment Judge Fowell  
Date 18 July 2023

Note: Reasons for the judgments on these issues 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.