



EMPLOYMENT TRIBUNALS

Claimant: Miss R Devito

Respondent: Oxleas NHS Foundation Trust

Heard at: London South

On: 08/08/23

Before: EJ England

Representation

Claimant: Miss M Devito, Mother

Respondent: Mr A Ross, Counsel

JUDGMENT

1. The second Respondent, "Oxleas NHS Foundation Trust NHS" is removed as a Respondent.
2. The claim for Constructive Unfair Dismissal is dismissed because the Claimant does not have two years' service (see section 108 of the Employment Rights Act 1996).
3. The claim of 'disability discrimination' (understood as a claim relying on s.13 of the Equality Act 2010) is struck out because it has no reasonable prospects of success.
4. The claim of Victimisation is struck out because it has no reasonable prospects of success.
5. The Breach of Contract claim (underpayment of wages) is dismissed because it was issued out of time.
6. The Unlawful Deduction of Wages claim (underpayment of wages, replicating the Breach of Contract claim) is dismissed because it was issued out of time.

Employment Judge England

Date 08 August 2023