



# EMPLOYMENT TRIBUNALS

**Claimant:** C1 Ms Costello  
C2 Mrs Kilner  
C3 Mrs Barton  
C4 Ms Caldwell

**Respondent:** Disclosure and Barring Service

**Heard at:** Liverpool

**On** 25 and 26 September 2023

**Before:** **Employment Judge Aspinall**  
Mrs Winter  
Mr Gill

**Representatives:**

**Claimants:** Mr Morgan, Counsel

**Respondent:** Miss Knowles, Counsel

## JUDGMENT

The first claimant's complaints of

ordinary constructive unfair dismissal,  
automatically unfair (protected disclosure) dismissal,  
protected disclosure detriment  
direct sex discrimination,  
harassment sex discrimination  
victimisation sex discrimination  
disability discrimination (arising from disability)  
disability discrimination failure to reasonably adjust  
disability discrimination harassment

and the second claimant's complaints of

ordinary constructive unfair dismissal,  
automatically unfair (protected disclosure) dismissal,  
protected disclosure detriment  
direct sex discrimination,  
harassment sex discrimination  
victimisation sex discrimination

and the third claimant's complaints of

ordinary constructive unfair dismissal,  
automatically unfair (protected disclosure) dismissal,  
protected disclosure detriment  
direct sex discrimination,  
harassment sex discrimination  
victimisation sex discrimination

and the fourth claimant's complaints of

ordinary unfair dismissal,  
automatically unfair (protected disclosure) dismissal,  
public interest disclosure detriment  
victimisation sex discrimination  
disability discrimination failure to reasonably adjust

any other complaint within the above case numbers

**are struck out** under Rule 37 (1)(b) and 1(e) Employment Tribunal (Constitution and Rules of Procedure) Regulations 2013 on the grounds that the claimants' conduct of the litigation has been unreasonable such that there cannot be a fair hearing of these complaints.

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Employment Judge Aspinall

Date 26 September 2023

JUDGMENT SENT TO THE PARTIES ON

2 October 2023

FOR THE TRIBUNAL OFFICE

Notes

Reasons for the judgment 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.

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**Case number 2405609-21 & others  
2414925-21 & others**

**Case Number**

2405609/2021  
2405611/2021  
2405612/2021  
2405613/2021  
2414925/2021  
2414926/2021  
2414927/2021  
2414928/2021

**Claimant Name**

Mrs S Barton  
Mrs F Kilner  
Ms C Caldwell  
Ms S Costello  
Mrs S Barton  
Ms S Costello  
Miss C Caldwell  
Mrs F Kilner