



EMPLOYMENT TRIBUNALS

Claimant: Miss Jordan Thomsin

Respondent: Cash Converters Limited

Heard at: Norwich (by CVP)

On: 29 August 2023

Before: Employment Judge Postle (sitting alone)

Appearances

For the Claimant: In person

For the Respondent: Mr Pettifer, Solicitor

APPLICATION for INTERIM RELIEF

JUDGMENT

The Claimant's Application for Interim Relief is dismissed as not being pursuant to s.128(1) of the Employment Rights Act 1996, namely it is not alleged that the reason, or principal reason, for dismissal was one of the accepted categories. The Claimant is in fact claiming under the Equality Act 2010 for the protected characteristic of disability.

REASONS

- (1) This morning's Hearing was to be a claim for Interim Relief, indeed the Claimant had indicated a box at 2.3 of the Claim Form that she did not require an ACAS Certificate as she was claiming Interim Relief.
- (2) Her employment commenced on 19 June 2023 and ended on 6 August 2023, working in the Respondent's Pawn Broking Shop in High Wycombe.
- (3) Having gone through the categories for which a claim could be made for Interim Relief under the Employment Rights Act 1996, the Claimant confirmed on each occasion that she was not claiming that the reason or principal reason for her dismissal came within any of the categories, including public interest disclosure.
- (4) Employment Judge Postle then discussed with the Claimant the nature of her claim, which turned out to be an allegation that she believed the reason for her

dismissal was because of her disability being Dyslexia and Gout and that she struggled to stand up for any period of time.

- (5) Having established that, it was explained to the Claimant that her claim for Interim Relief would have to be dismissed.
- (6) The matter could not then proceed with a Case Management Hearing as the Claimant has no ACAS Certificate. Without an ACAS Certificate the Claimant cannot at this stage pursue a claim under the Equality Act 2010 as it is mandatory to have gone through ACAS Early Conciliation prior to issuing a claim under the Equality Act 2010. The procedure was explained to the Claimant, what was required, namely, to go through ACAS and then once she has an ACAS Certificate and a number from ACAS she could then proceed to issue a new claim under the Equality Act 2010.
- (7) Mr Pettifer for the Respondents indicated at this stage there was no Application for Costs. The Claimant should be aware that if she decides to proceed with a further claim the Respondent's view is that it will be doomed to fail and at that stage they would then apply for their costs.

Employment Judge Postle

4 October 2023

Sent to the parties on:

10 October 2023.....

For the Tribunal:

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