



EMPLOYMENT TRIBUNALS

Claimant: Ms A Baird
Respondent: Cumberland Council

JUDGMENT

- (1) The case was considered by Judge Serr at a preliminary hearing on 8 November 2023 and in his Note of Preliminary Hearing which was sent to the parties, he confirmed that the claims and issues were limited to public interest disclosure detriment under the Employment Rights Act 1996. In this Note he invited the parties to write to the Tribunal by 29 November 2023 if they believed the list was wrong or incomplete. He added that if the parties did not reply, the list would be treated as final unless the Tribunal decides otherwise.
- (2) The complaints of unfair dismissal and discrimination on grounds of religion or belief which had been originally identified as possible complaints in the claim form but which were excluded from the list of claims and issues, were not formally dismissed when Judge Serr completed his Note of Preliminary Hearing, and a dismissal judgment has not been issued since.
- (3) Judge Johnson considered the case at a further Preliminary Hearing on 26 March 2024 when it was determined that the complaint relating to public interest disclosure detriments was dismissed. The parties were ordered to confirm by 16 April 2024 whether they objected to the complaints of unfair dismissal and discrimination being dismissed and if not, why not.
- (4) The respondent confirmed that it had no objection to this judgment being entered on 5 April and restated its position on 18 April 2024.
- (5) Despite having been warned verbally of this case management order at the preliminary hearing on 26 March 2024, having received the respondent's correspondence on 5 and 18 April 2024, having received the typed order of the preliminary hearing on 9 April 2024 and having failed to respond to the Tribunal's further correspondence on 9 May 2024, the claimant had failed to confirm whether she objects to the dismissal judgment being made and if so, why.

(6) Consequently, considering:

- a) the overriding objective under Rule 2 and the need to deal with this case proportionately and without delay; and,
- b) in accordance with Rule 27 and having ensured that the parties have had sufficient time to respond and taking into account the outcome of the preliminary hearing before Judge Serr,

these two complaints have no reasonable prospects of success and it is in the interests of justice for the complaints of unfair dismissal and discrimination on grounds of religion and belief.

Employment Judge **Johnson**

Date 16 May 2024

JUDGMENT SENT TO THE PARTIES ON

30 May 2024

FOR THE TRIBUNAL OFFICE