

Case Number: 1801434/2024  
1801435/2024  
1801436/2024



# EMPLOYMENT TRIBUNALS

**Claimants:** Ms L Butters (First Claimant)  
Mr S Halifax (Second Claimant)  
Mr A Smith (Third Claimant)

**Respondent:** Leeds City Council

**HELD at Leeds Employment Tribunal**

**ON: 20 August 2024**

**BEFORE:** Employment Judge Shulman

## REPRESENTATION:

**Claimants:** All three claimants appeared in person  
**Respondent:** Mr Q Khan, Solicitor

# JUDGMENT

1. The correct title of the respondent is Leeds City Council.
2. The claim of the first claimant is struck out on the grounds that her claim has no reasonable prospect of success.
3. The claims of the second and third claimants are struck out on the grounds that they did not enter early conciliation as required and they were not exempted from so doing.

# REASONS

## 1. Claims

None of the claimants satisfied the Tribunal that they had any claim.

## 2. Circumstances Relating To The Position Of The Claimants

- 2.1. The first claimant was the only one of the three who specified grounds in the claim form and also in a long letter hand delivered to the Tribunal five

days before the hearing. The Tribunal asked the first claimant what was the nature of her claim. She said it related to how she was treated towards the end of her employment maintaining that it was not safe to do her job. The Tribunal asked the respondent if they had received a letter of resignation from the claimant and this they had dated 17 October 2023. This letter stated “can I give two weeks’ notice in from 16 October 2023. This is my resignation. Thank you for the years spent at Leeds Building Services.” It was signed by the claimant. It gave no reasons whatsoever for that resignation and the Tribunal explained to the claimant the nature of a constructive dismissal and what was required to prove it.

- 2.2. In relation to the first claimant the Tribunal also pointed out that the claim form was out of time being presented on 28 February 2024. The effective date of termination was 27 October 2023. The claimant did not enter early conciliation until 15 February 2024 and obtained her certificate on 19 February 2024. The Tribunal asked the first claimant if she had any help in relation to her claim. The claimant said that she was a member of the union but she had lost faith with the union although she did go back to consult them. In or about January 2024 she went to the job centre where she was asked why she had left her employment and she was advised to contact ACAS. She also went on Google. It is clear that she did not do anything for approximately one month after her visit to the Job Centre. She said part of her wanted to make the claim and part did not.
- 2.3. So far as the second and third claimants are concerned they informed the Tribunal that their claims were quite separate from that of the first claimant. Therefore, although they were joined to the claim form they were not involved in the same dispute as the first claimant and they said they knew nothing about it. By Regulation 3(1)(a) of the Employment Tribunals (Early Conciliation: Exemption and Rules of Procedure) Regulations 2014 it provides that a person (“A”) may institute relevant proceedings without complying with the requirement for early conciliation where:

*“(a) another person (B) has complied with that requirement in relation to the same dispute and A wishes to institute proceedings on the same claim form as B; ...”*

As the dispute of the second and third claimants is not the same dispute as that of the first claimant there is no exemption from early conciliation. Furthermore by Rule 9 of the Employment Tribunal Rules where two or more claimants wrongly include claims on the same claim form this shall be treated as an irregularity falling under Rule 6. Rule 6 says that “a failure to comply with any provision of these Rules does not of itself render void the proceedings or any step taken in the proceedings. In the case of such non-compliance, the Tribunal may take such action as it considers just, which may include all or any of the following –

- (a) waiving or varying the requirement;
- (b) striking out the claim or the response, in whole or in part, in accordance with Rule 37;
- (c) barring or restricting a party’s participation in the proceedings;

**Case Number: 1801434/2024**  
**1801435/2024**  
**1801436/2024**

(d) awarding costs in accordance with Rules 74 to 80.

2.4. In the case of the second and third claimants neither of them presented any facts relating to their case or any indication of what the claim might be. In the circumstances the Tribunal is of the view that it considers it just to strike out the claims of the second and third claimants.

**3. Reasons Set Out In Paragraph 2.1 and 2.2 above**

3.1. The claim of the first claimant is struck out on the grounds that her claim has no reasonable prospect of success.

J Shulman

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**Employment Judge Shulman**

Date: 27 August 2024

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