



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr P Palmer

**First Respondent:** Gap Organics Limited

**Second Respondent:** Gap Group North East Limited

## RECORD OF A PRELIMINARY HEARING

**Heard at:** Newcastle (in public; by video)

**On:** 27 September 2024

**Before:** Employment Judge Aspden

### Appearances

For the claimant: in person

For the respondents: Mr Anderson, counsel

## JUDGMENT

1. If and insofar as the claimant is asserting, at paragraph 39 of the grounds of claim, that he made protected disclosures (within the meaning of section 43A of the Employment Rights Act 1996) to persons other than Mr Moody, that part of the claimant's claim is struck out because it has no reasonable prospect of success.
2. If and in so far as the claim form contains the following complaints, those complaints are struck out because they have no reasonable prospect of success:
  - 2.1 Complaints that the respondent subjected the claimant to detriments, contrary to section 47B of the Employment Rights Act 1996, on the ground that the claimant made protected disclosures to 'other recipients' as alleged at paragraph 39 of the grounds of claim.
  - 2.2 Any complaints that the claimant's dismissal was automatically unfair by virtue of section 103A of the Employment Rights Act 1996 because the reason for dismissal was that he made protected disclosures to 'other recipients' as alleged at paragraph 39 of the grounds of claim.
3. The following complaints are not struck out:

- 3.1 The remainder of the claimant's complaints that the respondent subjected him to detriments contrary to section 47B of the Employment Rights Act 1996.
  - 3.2 The remainder of the complaint that the claimant's dismissal was automatically unfair by virtue of section 103A of the Employment Rights Act 1996.
  - 3.3 The complaint of 'ordinary' unfair dismissal ie the complaint that the claimant's dismissal was unfair applying section 98 of the Employment Rights Act 1996.
4. The claimant has not made a claim for notice pay.

Employment Judge Aspden

3 October 2024

### **Notes**

Reasons for any disputed decision 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.

### **Public access to employment tribunal decisions**

**Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.**

### **Recording and Transcription**

If a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>