



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr H Buttery

**Respondent:** Instaloft Ltd

**Heard at:** Leeds by CVP

**On:** 23 April 2024

**Before:** Employment Judge Maidment

## Representation

**Claimant:** Did not attend

**Respondent:** Ms K Henson, Solicitor

# JUDGMENT

The claimant's complaint of unfair dismissal is hereby struck out, the tribunal having no jurisdiction to hear it.

# REASONS

The claimant did not attend today's hearing. At just after 2:00pm, a member of the tribunal's staff telephoned the claimant. The call was picked up, but once the member of staff introduced himself, the recipient appeared to hang up. On commencing the hearing in the claimant's absence, Ms Henson, on behalf of the respondent, informed the tribunal that an email had been sent at 1:58pm to her and the tribunal from the claimant saying that he would not be able to attend today's hearing referring to family problems. The tribunal did not consider this to be an application for a postponement of the hearing.

The claimant was employed by the respondent from 8 February until 13 November 2023. As such, he had less than the requisite two years of continuous employment in order to be able to bring a claim of ordinary unfair dismissal. The claimant had ticked a box on the claim form to indicate that he was bringing a whistleblowing complaint. The tribunal, in correspondence prior to this hearing, had raised with the claimant that no act of whistleblowing was clearly articulated by him giving him

the opportunity to make representations in writing. The claimant has emailed the tribunal on several occasions with additional information which the tribunal has considered. He also referred to himself as having difficulty in expressing himself, hence the reason why today's hearing had been listed to give the claimant a final opportunity to clarify any complaint of automatic unfair dismissal.

The tribunal has reviewed the claim form and subsequent correspondence from the claimant. In none of that is it discernible that any protected qualifying disclosure was being made. The claimant does not, for instance, provide any information to the respondent where he is raising a breach of a legal obligation. He refers to complaining about his treatment, but not in a way which would result in him acquiring protection as a whistleblower.

In such circumstances, the tribunal has no jurisdiction to hear any complaint of unfair dismissal. The claimant may believe that he has been unfairly treated, but Parliament has given to Employment Tribunals the power to hear claims of unfair dismissal only if certain conditions are met. It has no general discretion in this regard. It has no jurisdiction to hear the claimant's complaint in the aforementioned circumstances.

Employment Judge Maidment

Date 23 April 2024

JUDGMENT SENT TO THE PARTIES ON

Date: 14<sup>th</sup> November 2024

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FOR THE TRIBUNAL OFFICE

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