



EMPLOYMENT TRIBUNALS

Claimant

Mr F Laing

Respondent

HF Trust Limited

v

Heard at: Bury St Edmunds

On: 10 October 2024

Before: Employment Judge Laidler (sitting alone)

Appearances

For the Claimant: Did not attend and was not represented

For the Respondent: Mr J Raizon, Counsel

JUDGMENT

1. The Claimant's application for Interim Relief is refused.
2. Further Case Management Orders are contained in a separate document.

REASONS

1. The Claimant issued proceedings on 30 August 2024 whilst still employed by the Respondent. He commenced employment on 27 May 2024 and it is the Respondent's case that his employment was terminated on the grounds of conduct with effect from 11 September 2024 and he was paid in lieu of notice.
2. The Claimant in his ET1 ticked the box that he was claiming whistleblowing and the information in the Claim Form at Section 8.2 was that he believed he had been treated unfairly because he had spoken to a manager and nothing happened about staff searching for a patient's family and girlfriend on Facebook from their mobile. The Respondent who had filed an ET3 and Grounds of Resistance submitted that there were no particulars in the ET1 that could possibly amount to a protected disclosure within the meaning of the Employment Rights Act 1996.
3. On 4 September 2024, the Employment Tribunal acknowledged the Claimant's application and by a separate email of the same date the Hearing for today was listed. The parties were advised it would be on the Cloud

Video Platform (CVP) and information was enclosed about hearings by video.

4. As is common practice the day before the Hearing the parties were sent a link to enable them to join this conference call. The Claimant did not join. The Judge was advised by Counsel for the Respondent that the Claimant had emailed the Employment Tribunal at 10:12pm the night before this Hearing. The Judge did not have sight of that email and a copy was sent to her. This stated:-

“Why you take that long to send me the ET1 form so I could send it to my Union RCN and I can’t even assess it. It is not opening. Why this happening now and the hearing is 10 in the morning”.

5. The Judge waited until 10:15 to start the Hearing, but the Claimant had still not attended.
6. Submissions were made that there were no adequate details in the ET1 form that showed that the Claimant made a protected disclosure within the meaning of s.43B of the Employment Rights Act 1996 and that the application for Interim Relief should be dismissed.
7. The Tribunal took into account that this is a summary process and it is to be looked at on the papers. There was nothing in the Claim Form to suggest that a protected disclosure within the statutory definition had been made. The Claimant did not attend and could not do so to explain his position, but chose not to.
8. It follows that the application for Interim Relief is without merit and is dismissed. Case Management Orders are made in a separate document.

Employment Judge Laidler

Date: 7 November 2024

Sent to the parties on: 05/12/2024

For the Tribunal Office.

Public access to Employment Tribunal decisions

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Recording and Transcription

Please note that if a Tribunal Hearing has been recorded you may request a transcript of the recording, for which a charge is likely to be payable in most but not all circumstances. 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/>