



EMPLOYMENT TRIBUNALS

Claimant: J Luby

Respondent: Mersey Care NHS Foundation Trust

PRELIMINARY HEARING

Heard at: Manchester (by video platform) **On:** 4 April 2025

Before: Employment Judge Batten (sitting alone)

REPRESENTATION:

Claimant: In person

Respondent: A Gibson, Solicitor

JUDGMENT

Upon the applications of the respondent and upon hearing from the Solicitor for the respondent and from the claimant, the judgment of the Tribunal is that:

1. Claim number 2402693/2024 is struck out because the Tribunal considers that the complaints have no reasonable prospects of success. In addition, the complaints of race discrimination and victimisation were presented out of time and the Tribunal does not consider it just and equitable to extend time.
2. Claim number 2406665/2024 is struck out because it was presented out of time in circumstances where the Tribunal considers that it was reasonably practicable for the whistleblowing and wages complaints to be presented in time, and also the Tribunal does not consider it just and equitable to extend time for the discrimination complaints. In addition, the Tribunal considers that all the complaints have no reasonable prospects of success.

Employment Judge Batten
Date: 4 April 2025

JUDGMENT SENT TO THE PARTIES ON:
24 April 2025

FOR THE TRIBUNAL OFFICE

Note

Reasons for the Judgment 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 shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

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 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/>