



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss Sandra Messi  
**Respondent:** Nomad Foods Europe Limited

## RECORD OF A PUBLIC PRELIMINARY HEARING

**Heard at:** Watford Employment Tribunal by CVP  
**On:** 30 June 2025  
**Before:** Employment Judge Alliott

### Representation

**Claimant:** Mr John Robertson (lay representative)  
**Respondent:** Mr Piers Chadwick (consultant)

## JUDGMENT

The judgment of the tribunal is that:

1. The claimant is ordered to pay the respondent costs in the sum of £740.52.
2. The claimant's claim is struck out as it has no reasonable prospects of success.

## REASONS

1. This public preliminary hearing was ordered by Employment Judge Warren on 14 March 2025 following the dismissal of the claimant's application for interim relief.
2. Having analysed the timings of the notification to the claimant that her contract was not going to be extended and the first alleged protected disclosure relied upon, Employment Judge Warren found at paragraph 27:-

"It follows that the protected disclosure relied upon comes after the decision and notification of dismissal. The protected disclosure cannot therefore have been the reason for dismissal."

3. His conclusions were as follows:-

“32 Without even considering the employment status of Ms Messi, (although I have to say on the documents it rather looks as if she was a worker not an employee) not only can I say that it is not likely that she will succeed in her automatic unfair dismissal claim for having made protected disclosures, it is very likely that she will fail.”

4. As far as the application for costs is concerned, Employment Judge Warren found as follows:-

“The application for interim relief had no reasonable prospects of success. That is plain. The threshold for an order for costs as set out at Rule 74(2) has been met.”

5. Employment Judge Warren did not deal with the costs of that hearing at the hearing. I have indicated to the parties that Regional Employment Judge Foxwell has authorised me to deal with this application nevertheless.

6. Employment Judge Warren made the following orders:-

“The way that I’m going to resolve these matters is that I will list this case for a public preliminary hearing, with a time estimate of 1 day, to deal with,

40.1 Firstly, the respondent’s application for costs;

40.2, Secondly, Ms Messi’s application for the response to be struck out; and

40.3, Thirdly, the respondent’s application for the claim to be struck out.”

7. In addition, Employment Judge Warren ordered:-

“43. No later than 72 hours before the preliminary hearing Ms Messi must send to the tribunal and to the respondent, evidence of her financial circumstances, including her income, her outgoings, her capital assets and her liabilities. If she does not provide adequate comprehensive evidence, the tribunal is likely to assume that her means are no obstacle to her being able to pay any costs that may be ordered.”

8. As already found, the claimant’s claim for interim relief had no reasonable prospect of success so I must consider whether to make a costs order and have a discretion to make one. In addition I have found that this claim has no reasonable prospects of success.

9. I take into account the following factors:

10. Costs are the exception and not the rule in the employment tribunal.

11. Costs are intended to be compensatory and not punitive.

12. I have considered the available evidence. The claimant was ordered twice to provide details of her alleged protected disclosures and did so on the second opportunity. It was clear beyond any doubt that the decision not to renew the claimant’s contract was made before any alleged protected disclosure. Today the claimant sought to advance, through Mr Robertson, that she thought she had made a protected disclosure on the morning of the 7<sup>th</sup> January 2025. No such

email could be produced before me, and this is the first time that this has been suggested. I reject the suggestion that that email exists.

13. I take into account the claimant's involvement in previous cases. The information obtained by the respondent indicates that the claimant has brought no less than 63 previous claims before the employment tribunal. The data suggests that that includes at least 11 previous interim relief applications. Hence, whilst I take into account that the claimant is a litigant in person, it would appear that she is extremely experienced in bringing employment cases before the employment tribunal and in my assessment her knowledge of employment law and procedure must be considerable.
14. I take into account the claimant's ability to pay. Firstly, the claimant has failed to comply with the order of Employment Judge Warren to disclose evidence of her means. The claimant suggested that she had provided sufficient evidence with a screenshot of the outcome of her application for Universal Credit dated 8 October 2024. The claimant was not working for the respondent at the time. The outcome states that the claimant had a limited capability to work and that she would be paid three months after the condition set out. Despite being assessed with a limited capability to work the claimant was employed by the respondent on 26 October 2024
15. Notwithstanding the fact that the claimant had not provided in advance evidence of her means, I decided to hear evidence from the claimant on this issue. I have to say I found the claimant's evidence to be unreliable. She began her evidence by challenging the cross examination, suggesting it was not appropriate for Mr Chadwick to ask her questions and that she did not want to give sensitive information. I make quite clear that Mr Chadwick asked entirely appropriate questions.
16. In answer to myself the claimant told me that she was in receipt of £1,500 Universal Credit per month.
17. The claimant told me that she lived with her auntie and that their rent was £2,000. There was some suggestion that they had a Notice of Eviction.
18. As far as outgoings are concerned, the claimant told me that she had the following outgoings:-
  - 18.1 Rent: £1,000 per month.
  - 18.2 Food: £100 per month.
  - 18.3 Utilities: £100 per month.
  - 18.4 Mobile: £50 per month.
19. The claimant told me she had a bank account but did not have a credit card or a car. The claimant said she had no capital or savings.
20. I take into account that anyone on limited means is likely to exhaust their income each month.

21. However, I approach the claimant's evidence with some scepticism as she has not provided the evidence required despite being given an opportunity to do so. I found her defensiveness about answering questions about her means could well suggest that she has access to more money than she was suggesting to myself. In addition, her circumstances may improve.
22. In my judgment it would be fair to make a costs order.
23. In assessing the costs I have taken into account the claimant's ability to pay. The respondent's representative is limited to the £44 per hour figure. In my judgment 12.83 hours dealing with the interim relief hearing was justified. That gives a figure of £564.52
24. In addition, the respondent had preparation time of one and a half hours for this hearing, and I have allowed two and a half hours hearing time. An extra four hours adds £176.
25. Accordingly, The claimant will be ordered to pay the respondent costs assessed in the sum of £740.52.

Prospects of success

26. The respondent makes an application to strike out the claimant's claim on the basis that the claim has no reasonable prospects of success, Rule 38(1)(a) of the Employment Tribunal Procedure Rules 2024.
27. Whilst there is no formal list of issues it is clear what the claim is. It is a claim for automatically unfair dismissal for making a protected disclosure (whistleblowing).
28. The protected disclosure relied upon was made at 7.16pm on 7 January 2025.
29. For the purposes of this application I take the claimant's claim at its highest. I assume that the claimant will establish the following:-
  - 29.1 That she did make a protected disclosure at 7.16pm on 7 January 2025.
  - 29.2 That she was an employee.
  - 29.3 That there is evidence that would show performance was not the real reason for the non-renewal of her contract.
30. Nevertheless, the fact remains that the decision not to renew her contract was taken prior to her first protected disclosure. As such, her claim cannot succeed, and it is doomed to failure.
31. Mr Robertson, on behalf of the claimant, once again asserted that she sent an email on the morning of the 7 January 2025 at a time before the decision not to renew her contract had been communicated to her. I am very dubious that such an email exists. The claimant has had three months since Employment Judge Warren's decision to retrieve it. During that time the claimant made an application to Employment Judge Warren to reconsider his judgment and this alleged email is not referenced or produced.

32. Even if this email does exist, the fact remains that, as recorded in the judgment of Employment Judge Warren:-

“28 I note emails dated 12 December 2024 in the bundle at pages 53 and 54, which show correspondence between members of the respondent’s management, recording a decision that of eight people supplied by the agency, including Ms Messi, the contracts of five were to be renewed and three, (including Ms Messi) were not. Therefore, the decision actually appears to have been made as early as December 2024. Ms Messi says that is all terribly unfair and she may be right, but for today’s purposes, the issue is whether the disclosure of 7 January 2025 was likely to have been the reason for dismissal. It can’t have been.”

33. For the above reasons the claimant’s claim has no reasonable prospect of success and must be struck out.
34. I have considered whether the claimant should be ordered to pay the costs of today and I have decided that she should. The reasons are contained in the costs section above.

**Approved by:**

**Employment Judge Alliott**

**Date: 1 August 2025**

JUDGMENT SENT TO THE PARTIES ON

12 August 2025

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FOR THE TRIBUNAL OFFICE

## **Notes**

If written reasons are provided they will be placed online.

All judgments (apart from judgments under Rule 51) and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.

If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. 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:

[www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/](http://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/)