



EMPLOYMENT TRIBUNALS

Claimant: Ms A Ambili

Respondent: Sonder Hospitality UK Ltd

JUDGMENT ON RECONSIDERATION

UPON APPLICATION made by the Claimant in a letter dated 29 March 2025 to reconsider the judgment dated 27 March 2025 under rule 68 of the Employment Tribunal Procedure Rules 2024, and without a hearing,

JUDGMENT

The Claimant's request dated 29 March 2025 to reconsider the judgment dated 27 March (in which her complaint of unfair dismissal was dismissed on withdrawal) is refused.

REASONS

1. This is an application to reconsider my judgment to dismiss the Claimant's complaint of unfair dismissal, following her oral agreement to withdraw it at a case management hearing on 27 March 2025.

The decision in question

2. At that case management hearing, we discussed the Claimant's unfair dismissal claim and her period of service. The claimant was unrepresented at the hearing. It was agreed by all parties that she had less than 6 months' service with the Respondent. I explained that an unfair dismissal claim could not succeed if she had

less than 2 years' service unless it fell within the small number of categories for which "automatic unfair dismissal" was available.

3. Having looked at the documents, and discussed her claim with both parties, I explained that her claim did not disclose any of the reasons for automatic unfair dismissal. I asked her if she was therefore willing to withdraw her unfair dismissal claim and focus her efforts on her direct discrimination, harassment and victimisation claims. I explained that, within those remaining claims, she could still challenge her dismissal on grounds that it constituted a discriminatory act.
4. The claimant agreed orally to withdraw her unfair dismissal complaint, and I dismissed it on that basis.

Request for reconsideration and process followed

5. On 29 March, the claimant wrote to the Tribunal asking it to reconsider the dismissal, stating, asserting that her dismissal fell within one of the exceptions to the rule that requires two years' service, namely sections 100 (health and safety cases) and 103A (protected disclosures) of the Employment Rights Act 1996
6. On 28 April, the Tribunal wrote to the parties asking the Respondent for any observations on the request, and for both parties to give their view on whether a hearing was required.
7. Both parties responded. The Claimant replied stating that reconsideration would be appropriate taking into account fairness for her as an unrepresented party; that due to health reasons she was unable to refer to whistleblowing at the case management hearing; that protected disclosures were referred to in her original claim and that there would be no prejudice to the Respondent. The Respondent replied, pointing out that the Claimant agreed to withdraw following an accurate explanation from the Judge, and that the introduction of whistleblowing would be an expansion of her claim.
8. The Respondent said that the matter could be decided on the papers and did not require a hearing. The Claimant said that she believed a short hearing would assist in resolving this issue, but she was content for the Tribunal to make a determination on the papers should that be considered appropriate.
9. Having considered those, I decided that it was not in the interests of justice to have a hearing because the reconsideration turned on a relatively narrow point which could be dealt with adequately by written submissions, and it would be proportionate and would save expense to deal with it on the papers.
10. The Tribunal subsequently wrote again to the parties to inform them of the fact that I intended to decide the question without a hearing, and giving both of them until 11 September 2025 to make any additional written representations that they wish to make, following which I would carry out my reconsideration. I informed them that if

they did not wish to add any additional written representations, they were not obliged to do so, I would take into account the written representations which had already been received.

11. Both parties made further written submissions to the Tribunal on 11 September.
12. The Claimant's further submissions amounted to revised particulars of claim, effectively setting out in full her pleading of protected disclosure as a new head of claim. The Respondent referred to its previous reasons, but stating that if the decision were reversed it would unfairly prejudice the respondent, and that even if a claim of automatic unfair dismissal were permitted to proceed, it would have no reasonable prospects of success.

Reconsideration

13. Although she voluntarily withdrew the claim at the hearing, I accept that the Claimant was unrepresented, that in the time available she may not have been able to think of the reasons at the time as to why she should not withdraw; and that and may have felt under pressure to withdraw.
14. Therefore, I have considered the merits of the points she puts forward, that is, whether the claim of unfair dismissal could properly proceed as a claim of automatic unfair dismissal based on either s100 or s103A ERA 1996.

Health and safety

15. It is true that the claim makes reference to health and safety concerns. However, section 100 ERA is not a general catch-all for people who are dismissed where health and safety is in issue. It arises only in one of a small number of tightly drawn circumstances. There is nothing in the Claimant's case that suggests that it falls within any one of those.

Protected disclosures

16. It is true that the claim involves an assertion of facts that the Claimant complained to her employer about unsafe working practices. However, the original case is very clearly based on discrimination (direct discrimination, harassment and victimisation). She clearly argues that the unfavourable treatment she says was subjected to was because of discrimination, not because she made protected disclosures. To allow her to pursue a claim of automatic unfair dismissal based on protected disclosures, as set out in her most recent correspondence would be a significant amendment and expansion of her case.

Conclusion

17. For those reasons, I refuse the request for reconsideration, and confirm the previous judgment, dismissing the complaint of unfair dismissal on its withdrawal.

Employment Judge Heydon
27 September 2025

Judgment sent to the parties on:

6 October 2025

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For the Tribunal:

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