



EMPLOYMENT TRIBUNALS

Claimant: Miss K Coleman

Respondent: Windsar Care Limited

JUDGMENT

1. The claim of unfair dismissal is struck out pursuant to rule 38(1)(a) Employment Tribunal Rules 2024.

REASONS

2. The claimant was employed for less than two years.
3. Section 108 Employment Rights Act 1996 requires a claimant to be employed for at least two years be eligible to make a claim for ordinary unfair dismissal.
4. The Tribunal sent the claimant a strike out warning on 19 December 2025 about this issue. The claimant replied on 2 January 2026. The claimant stated in the reply that she understood that she needed to be employed for two years or more to make a claim of unfair dismissal. The claimant's claim appears to have been pursued on the misunderstanding that a claim of constructive unfair dismissal does not have the same two-year service requirement. This is incorrect. A claim of constructive unfair dismissal has the same service requirement.
5. The claimant's claim of constructive unfair dismissal therefore has no reasonable prospects of success.
6. The claimant's claim of breach of contract, about her notice pay, does not have the same service requirement and will therefore proceed to a final hearing for determination.

Approved by:

Employment Judge Gordon Walker

Date 6 March 2026

JUDGMENT SENT TO THE PARTIES ON

8 May 2026

FOR THE TRIBUNAL OFFICE

Notes

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.

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