



EMPLOYMENT TRIBUNALS

Claimant: C Vau
Respondent: Assini Limited
Considered at: London South
On: 7th July 2026
By: Employment Judge Sudra

JUDGMENT on RECONSIDERATION

Upon the Tribunal's own initiative, the reconsideration judgment dated 4th December 2025 has been reconsidered and is revoked as it is in the interests of justice to do so (r.68).

REASONS

1. On 22nd July 2025, the Claimant's claim of unfair dismissal was struck out as she had less than two-years qualifying service as per s.108 of the Employment Rights Act 1996. That judgment recorded that:
'Accordingly, the complaint of unfair dismissal is struck out. The claimant's other complaints are not affected by this judgment.'
2. The Claimant applied for that judgment to be reconsidered stating that:
'The claim relates to **automatic unfair dismissal for health and safety activity**, namely that I was dismissed because I raised concerns about serious and imminent danger to clients under s.100(1)(c) and (d) ERA 1996. These claims **do not require two years' continuous employment.**
3. On 4th December 2025, the Tribunal refused the Claimant's application for reconsideration because:

‘The Claimant’s application for reconsideration of the Tribunal’s decision to strike out her unfair dismissal claim (as she did not have two-years qualifying service) is refused. The Claimant’s pleaded case is of ‘ordinary’ unfair dismissal. She has failed to explain why the statutory requirement of s.108 of the Employment Rights Act 1996 does not apply in her case.’

4. Upon reviewing the Claimant’s ET1, it is clear that she had pleaded a complaint of automatic unfair dismissal for having made protected disclosures. Indeed, the Respondent were also alert to this complaint as it responded to it in the Grounds of Response under the heading, *‘Claimant claims she is making a whistleblowing claim, including dismissal or any other unfair treatment after whistleblowing.’*
5. The Tribunal erred in its strike out judgment of 22nd July 2025 by not making it sufficiently clear that it was only the Claimant’s *‘ordinary’* unfair dismissal complaint which had been struck out. Therefore, the Tribunal’s reconsideration judgment wrongly stated that the *‘...statutory requirement of s.108 of the Employment Rights Act 1996 does not apply...’* as the exemption at s.108(3)(ff) ERA 1996 does apply.
6. It would be an injustice to the Claimant if she was not allowed to pursue her pleaded complaint of automatic unfair dismissal and the Respondent is not prejudiced as they responded to that very complaint in its response.
7. For all of the above reasons, the reconsideration judgment dated 4th December 2025 is revoked. The Claimant’s complaint of automatic unfair dismissal for having made protected disclosures remains live and will be determined at a Final Hearing.

Employment Judge Sudra
Date: 7 July 2026

Sent to the parties on:
Date: 9 July 2026