



EMPLOYMENT TRIBUNALS

Claimant: Mrs B Karagil

Respondent: Alliance Dental Care Limited

Heard at: London South Employment Tribunal

On: 3 March 2025

Before: Employment Judge Evans

Representation
Claimant: Ms Sahi, solicitor
Respondent: Dr E Morgan KC

JUDGMENT

The claim is dismissed because the Tribunal has no jurisdiction to hear it following the judgment on the preliminary issues of employee and worker status sent to the parties on 18 February 2025.

REASONS

1. In a judgment sent to the parties on 18 February 2025 ("the Judgment") EJ Atkins concluded that the claimant was not an employee of the respondent nor a worker within the meaning of section 230(3)(b) of the Employment Rights Act 1996.
2. The claimant has indicated an intention to appeal the Judgment. In light of that, the claimant made an application on 27 January 2025 for the claim to be stayed until the conclusion of any appeal.
3. At the hearing before me today in the claim of Mr David brought against the respondent, Ms Sahi for the claimant agreed that I should deal also with the claimant's claim rather than that being left to a further preliminary hearing listed for 1 April 2025.
4. Ms Sahi also agreed that, subject to any successful appeal, the effect of the Judgment was to bring the claim to an end because the Tribunal had no jurisdiction to hear it. Ms Sahi confirmed that the claimant had not made any application for the Judgment to be reconsidered.

5. Ms Sahi was concerned, however, that, if the claim were dismissed, that would either affect the claimant's ability to pursue the claim if any appeal were successful and/or affect the remedy to which they would be entitled if the claim were remitted to be heard again following a successful appeal.
6. After some discussion, Ms Sahi accepted that these concerns had arisen because the respondent had in correspondence been inviting the claimant to withdraw their claim. In the discussion I had explained that in my view the claim being dismissed by the Tribunal at this stage would make no difference to the claimant's ability to pursue the claim (or the remedy to which they would be entitled if the claim were successful) following a successful appeal. Mr Morgan for the respondent confirmed that was also his view.
7. In light of this, and following an oral application by Mr Morgan for the claim to be dismissed, the parties agreed that the appropriate course of action was for me to:
 - a. Dismiss the claim on the basis that, following the Judgment the Tribunal has no jurisdiction to hear it (unless and until a successful appeal is brought against the Judgment);
 - b. Vacate the preliminary hearing listed for 1 April 2025;
 - c. Vacate the final hearing listed for 6,7,8,9,10,13,14 and 15 May 2025.
8. That is therefore what I have done.

Employment Judge Evans

Approved on: 3 March 2025

JUDGMENT SENT TO THE PARTIES ON

Shiraham Hassan

4 March 2025

FOR THE TRIBUNAL OFFICE

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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/>