



EMPLOYMENT TRIBUNALS

Claimant: Ingrid Susana Lidberg

Respondent: Michael Hall School

JUDGMENT

The complaints of (1) unfair dismissal and (2) breach of contract are struck out.

REASONS

1. In order to bring a complaint of unfair dismissal under Part X of the Employment Rights Act 1996, a claimant must have been dismissed in one of the circumstances described in section 95 of the Act.
2. Regulation 3 of the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994 grants the Tribunal jurisdiction only over breach of contract complaints where the claim arises or is outstanding on the termination of the employee's employment.
3. At the time of presenting her claim, the claimant was still employed by the respondent. Accordingly, on the face of the claim, the unfair dismissal and breach of contract complaints could not properly have been brought at the time of the claim.
4. A warning letter was sent on 28 March 2026 pointing out this issue. In her response of 31 March 2026, the claimant confirmed that, at that time, she remained employed by the respondent. She has subsequently notified the Tribunal on 29 August 2026 that her employment was terminated on 1 May 2026.
5. I am satisfied it is in the interests of justice in the circumstances to strike out these complaints. They suffered from a fatal flaw at the time of presentation, being that the claimant had not (yet) been dismissed. That she has since been dismissed cannot repair that fundamental jurisdictional problem. Accordingly, the complaints of (1) unfair dismissal and (2) breach of contract are struck out.
6. This judgment does not preclude the claimant presenting a new claim in respect of complaints that arose after the presentation of the present claim, or applying for permission to amend this claim to rely upon facts that have arisen after presentation of this claim. Either way, she should do so at the earliest opportunity so that proper consideration can be given to how best to manage her claim(s) going forward.

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Approved by:

Employment Judge Abbott

Date: 23rd September 2026

Judgment sent to parties on:
1st October 2026

For the Tribunal Office

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