



EMPLOYMENT TRIBUNALS

Claimant: Ms J Lodge

Respondent: Chief Constable of West Yorkshire Police

JUDGMENT

1. The respondent's application to strike out the claimant's the First Harassment Allegation (relating to EC's email to the claimant of 9 April 2020) on the basis that the claimant's claim has no reasonable prospects of success is rejected.

REASONS

2. The claimant has brought two complaints of harassment related to her disability under s26 of the Equality Act 2010. These complaints are detailed in the summary of the Preliminary Hearings on 2 August and on 10 November 2021. The respondent applied for a strike out and/or a deposit order in relation to the First Harassment Allegation, which arose from EC's email to the claimant of 9 April 2020. The respondent's application for a deposit is dealt with in a separate Deposit Order.
3. The Tribunal must consider a number of factors in relation to a strike out application. I noted that:
 - 3.1. strike out is an order given only in exceptional circumstances;
 - 3.2. the Tribunal must take the claim at its highest; and
 - 3.3. the Tribunal should consider whether other case management directions would be appropriate instead of striking out the claim.
4. I have decided that it is not appropriate to strike out the First Harassment Allegation at this stage of proceedings. The key reasons for my decision are:
 - 4.1. I note that the wording of the email of 9 April 2020 does not, on the face of it, appear to meet the legal test for harassment under the Equality Act 2010. However, the claimant stated that the email had to be considered in the

context of the events leading up to that date, including her long term sickness absence;

- 4.2. I could not, therefore, reach a conclusion on whether the claimant's claim had no reasonable prospects of success at the Preliminary Hearing on 10 November 2021 because I did not have the benefit of either hearing oral evidence from both parties or reviewing any relevant documents.

Employment Judge Deeley

Employment Judge Deeley

18 November 2021

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