



EMPLOYMENT TRIBUNALS

Claimant: Miss D Bako

Respondent: Cygnet NW Limited (operating as Cygnet Hospital)

JUDGMENT

The claim is struck out.

REASONS

1. At a Preliminary Hearing at the London Central Employment Tribunal on 18 November 2021, Employment Judge Deol ordered the claimant at paragraph 10(b) of his Case Management Summary to set out to the respondent and the Tribunal by 4 January 2022 her arguments as to why her claim against the respondent should be allowed to proceed given that it was submitted outside of the normal statutory limitation period.
2. Paragraph 11 provided that if the claimant did not comply with this requirement, her claim would be struck out without further notice.
3. The claimant did not comply with the requirement at paragraph 10(b).
4. Following transfer of the case to the Leeds Employment Tribunal, I considered that because paragraph 10(b) was phrased as a strike-out warning, rather than as an Unless Order under rule 38 of the Employment Tribunals Rules of Procedure 2013, the parties should be invited to make representations as to whether it was in the interests of justice to strike out the claim, or to request a hearing on the matter, within 14 days. I caused a letter dated 12 January 2022 to be sent to the parties to that effect.
5. The claimant has not responded to the letter of 12 January 2022.
6. I have noted from the respondent's response form that the claimant's employment ended on 27 August 2020. The claimant's early conciliation certificate is dated 11 December 2020. The claim was presented to the Tribunal on 4 February 2021.

7. The time limit for the claimant's claim is in section 123 of the Equality Act 2010. The claim has been presented outside the primary period of three months from the date of the last act complained of. The claimant has not explained why any longer period to present the claim would be just and equitable, and although given two opportunities on 18 November 2021 and 12 January 2022 to explain why the claim should not be struck out, she has failed to respond. It is, therefore, in the interests of justice for me to decide now that the claimant has not presented the claim within the time-limit in section 123 of the 2010 Act, the Tribunal cannot consider the claim, and it should be struck out.

Regional Employment Judge Robertson

17 February 2022