EMPLOYMENT TRIBUNALS

Claimant: **A CORD**

Respondent: **LONDON METROPOLITAN UNIVERSITY**

Heard at: Watford Employment Tribunal (by video)

On: 26 April 2023

Before: Employment Judge Din (sitting alone)

Appearances

For the Claimant: Represented themselves

For the Respondent: Mr M Salter, counsel (instructed by VWV LLP)

JUDGMENT

The complaint of **a failure to provide terms and conditions** is struck out.

REASONS

1.   At a hearing on 26 April 2023, the Respondent made an application that the Claimant's complaint of **a failure to provide terms and conditions** had no, or little, reasonable prospect of success and, accordingly, should be struck out or become the subject of deposit orders under the Employment Tribunals Rules of Procedure 2013.

2.   The Tribunal gave the Claimant an opportunity to make representations in this regard.

3.   The claim was initially made as a breach of contract claim. The Claimant then applied for it to be based on section 1 of the Employment Rights Act 1996.

4.   On either ground, I find that the complaint has no prospects of success and should be struck out .

5.   A breach of contract claim in this regard has no prospects of success, as there are no grounds for such a claim.

6.   With respect to a claim under section 1 of the Employment Rights Act 1996, in accordance with the decision of *Govdata v Denton* UKEAT/0237/18 (28 January 2019, unreported), although the Respondent may have in been breach of the relevant statutory requirement, it had complied and had done so before the relevant proceedings had been commenced. Accordingly, the Tribunal has no power to make the additional award under this heading. In these circumstances, this aspect of the Claimant's claim is struck out as having no prospects of success.

7.   The claimant's remaining claims remain listed for hearing on 6 September 2024.

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Employment Judge Din

5/6/2023

JUDGMENT SENT TO THE PARTIES ON

 6/6/2023

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FOR THE TRIBUNAL OFFICE