



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr M Vella

**Respondents:** (1) Royal Automobile Club Ltd  
(2) Mr Anthony Spence

## JUDGMENT

1. The claim is struck out.
2. The claimant brought a claim for unfair dismissal. The claimant had less than the two years' continuous employment required to bring a complaint of "ordinary" unfair dismissal.
3. Although the claim form also includes at paragraph 8.1 the words "*Automatically unfair dismissal under probationary period and detriment*", none of the statutory provisions which relate to unlawful detriment or to "automatically" unfair dismissal (where the normal requirement for two years' continuous employment does not apply) are referenced, nor is there anything in the narrative in the attachment to the claim form which indicates that a particular unlawful detriment or "automatically" unfair dismissal complaint for which the tribunal has jurisdiction is being brought. To be clear, it is not automatically unfair dismissal to dismiss someone during their probationary period.
4. Accordingly, the only complaint before the tribunal is one of "ordinary" unfair dismissal, for which the requisite continuous employment is required. As the claimant does not have the requisite continuous employment, the tribunal does not have jurisdiction to hear his claim. The claim is therefore struck out.
5. The hearing listed for 7-8 April 2025 is vacated and will not take place.

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Employment Judge Baty

Date: 27 November 2024

JUDGMENT SENT TO THE PARTIES ON

.....28 November 2024.....

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FOR THE TRIBUNAL OFFICE