



# EMPLOYMENT TRIBUNALS

**Claimant** Ms Thurdy Campbell  
**Respondent** Lewisham And Greenwich Nhs Trust  
**Heard at** Croydon (by video) **On** 10 December 2024  
**Before** Employment Judge Fowell  
**Representation**  
**Claimant** In Person  
**Respondent** Ms H Patterson of counsel

## JUDGMENT

1. The complaints of automatically unfair dismissal under section 103A Employment Rights Act 1996 (protected disclosures) and to have suffered a detriment on grounds of having made a protected disclosure under section 47B of that Act are struck out as having no reasonable prospect of success.
2. The claimant's remaining claim(s) will proceed to hearing on 6 July 2026

## REASONS

1. This is the claimant's ninth claim and the only one which concerns her dismissal. The first eight claims concerned events during her employment and were heard by the Tribunal at a hearing from 13 to 29 March 2023.
2. Findings of fact were made at that hearing which are relevant to this claim. In particular the tribunal found the claimant did not make any protected disclosures (§298).
3. The present claim does not rely on any different or alternative disclosures and so there is no basis for these complaints of automatically unfair dismissal and whistleblowing detriment to continue.
4. Such an order concerns a preliminary issue, as defined by Rule 53 Employment Tribunal Rules of Procedure. As such, it should be decided at a preliminary hearing on at least 14 days notice to the claimant. However:

- a. The findings in relation to the protected disclosures were made at a final hearing in public;
- b. This hearing was listed to determine the remaining issues in connection with this claim following that public hearing;
- c. There can be no room for doubt about the impact of the Tribunal's previous conclusions in relation to the protected disclosure claims;
- d. By Rule 41 the Tribunal may regulate its own procedure and shall conduct the hearing in the manner it considers fair, having regard to the principles contained in the overriding objective;
- e. It would not be in accordance with the overriding objective to list a further hearing in the circumstances to consider whether to strike out these claims; and
- f. By Rule 6, a failure to comply with any of the Rules does not of itself render void any step taken in the proceedings. In particular the Tribunal may take such action as it considers just including striking out the claim in whole or in part in accordance with rule 37

Employment Judge Fowell

Date 10 December 2024