



EMPLOYMENT TRIBUNALS

Claimant: Helen Pearce

Respondent: Charlotte Hout

JUDGMENT

The Employer's Contract Claim is struck out.

REASONS

1. By an email dated 30 August 2022 the Tribunal gave the Respondent an opportunity to make representations or to request a hearing, as to why the Employer's Contract Claim should not be struck out because
 - The Tribunal does not have jurisdiction to hear an Employer's Contract Claim unless the employee's employment has ended and they have brought a claim of breach of contract under the Employment Tribunals Extension of Jurisdiction (England & Wales) Order 1994 (see articles 3 and 4).
 - The Claimant did not allege that she was bringing a claim for breach of contract.
 - As such it does not appear that the Claimant has brought a claim of breach of contract and therefore the Tribunal does not have jurisdiction to hear a claim of breach of contract by the Respondent. Further the Respondent did not tick box 7 in the Response form seeking to bring an employer's counterclaim and therefore had not sought to bring such a claim before the Tribunal.
2. The Respondent has failed to make representations in writing, or has failed to make any sufficient representations, why this should not be done or to request a hearing. The Employer's Contract Claim is therefore struck out.
3. The claim remains listed for hearing on 23 December 2022.

Employment Judge Midgley
Date: 8 December 2022

Judgment sent to the parties: 14 December 2022
FOR THE TRIBUNAL OFFICE