



EMPLOYMENT TRIBUNALS

Claimant: Mr L Blake-White

Respondents:

- (1) Govia Thameslink Railway Limited
- (2) Mrs G Campbell
- (3) Mrs A Toase
- (4) Mr S Bott
- (5) Mrs J Cockerill

JUDGMENT

The claim is struck out.

REASONS

1. By their Response to the Claimant's Claim dated **9 January 2024** the Respondents applied to the Tribunal to strike-out the Claimant's claim because they averred:
 - it is scandalous or vexatious (in the sense that it is being pursued for some improper motive, to cause disruption or without any expectation of success), and/or
 - it has no reasonable prospect of success – as:
 - the complaint that a criminal offence has been committed, and the complaint concerning non-compliance with the Data Protection Act 2018, are not within the jurisdiction of the Employment Tribunal; and
 - in relation to the protected disclosure detriment complaints and the victimisation complaints, the Claimant has not shown any causal link between the alleged detriments and either the protected acts or the alleged protected disclosures.
2. An opportunity was afforded to the Claimant to make representations as to why the claim should not be struck out in a hearing dated 11 and 12 March 2024, and he took that opportunity. Those representations centred upon the merits of his claim.
3. It became clear that the Tribunal does not have jurisdiction to consider:

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- a. the complaints that a criminal offence has been committed, and the complaints concerning compliance or otherwise with the Data Protection Act 2018, as these matters are not within the jurisdiction of the Employment Tribunal. The Claimant confirmed that those were not part of his Claim, but were included by way of background; and
 - b. as regards the complaints the Claimant is making of detriment on the ground that he has made protected disclosures pursuant to section 47B of the Employment Rights Act 1996, that claim can only be brought against a person's employer, and so the Tribunal has no jurisdiction to consider that complaint against any of the Second to Fifth Respondents (inclusive).
4. As regards the victimisation complaint (brought against only the First and Fifth Respondents), the Tribunal concluded that the Claimant had no reasonable prospect of succeeding in that complaint. The Claimant's complaint is that the Fifth Respondent, on behalf of the First Respondent, was asked by the Claimant to advise him on how to fill in a form that was for the Claimant to complete. The response given by the Fifth Respondent (which is not a matter of dispute) was an appropriate response to that query.
 5. As regards the protected disclosure detriment complaint against the First Respondent, the detriment the Claimant alleges is that personnel within its organisation viewed the Claimant as a problem and not part of the solution. That is far too vague to be tested before the Tribunal. The Claimant has no reasonable prospect of succeeding in discharging the burden of proof as regards that allegation.
 6. The hearing fixed for **24 April 2024** will not take place.

Employment Judge Ramsden
27 March 2024

JUDGMENT SENT TO THE PARTIES

28 March 2024

P Wing

FOR THE TRIBUNAL OFFICE