



# EMPLOYMENT TRIBUNALS

**Claimant**

**Respondent**

**Ms C Wright v London Fire and Emergency Planning Authority**

**Heard at:** Watford

**On:** 16 February 2017

**Before:** Employment Judge Skehan

## Appearances

**For the Claimant:** Mr B Perez – Union Representative  
Mr J Hunter – Union Representative

**For the Respondent:** Miss N Joffe - Counsel

## JUDGMENT

1. The claimant's application for an order for specific disclosure in relation to StARs reports is refused.
2. The order from Employment Judge Southam dated 21 November 2016 in respect of the disclosure of the StARs reports remains in force.
3. In preparation for the employment tribunal final hearing, the respondent is ordered to prepare a first draft of a single document containing the complete list of issues by **Friday 24 February 2016**. This document is thereafter to be agreed between the parties if possible, or, alternatively, the disputed parts to be highlighted. Thereafter a copy of this final document was also to be supplied in soft copy to the employment tribunal for use at the final hearing.

## REASONS

1. The claimant's representative submitted that the specific request was in relation to:
  - 1.1 copies of individual StAR reports between 28 September 2013 and 24 April 2014 in respect of the Red Watch Team; and
  - 1.2 further reports from the respondent's StARs system.

2. The claimant had requested this further information as the claimant had noted inconsistencies or inaccuracies in the information provided by the respondent to date. The claimant believed that the leave records, as provided by the respondent to date, had been tampered with or incorrectly exported from the original source.
3. I had submissions from the respondent questioning the relevance of the requested information. It was difficult in the time allowed and in light of the nature of the claimant's claim to ascertain the relevance of the StARs information requested.
4. However, I also heard from the respondent that the information requested by the claimant was information that was no longer kept on a live system by the respondent. This information now existed only in back-up tapes. The respondent submitted that it had already disclosed the entirety of its records that it was able to extract from its back up tapes in relation to StARs information to the claimant.
5. The respondent submitted that when the system was live there was perhaps more functionality and this may explain why the claimant had previously received printouts in a different, coloured and easier to read format in respect of this information. The claimant submitted that the provision of information in a more accessible colour coded format at an earlier date signified that further information existed but had not been disclosed by the respondent. However, the respondent submitted that the current situation is that no further documentation exists. The respondent would have to create the documentation in the form requested by the claimant to comply with the claimant's request.
6. I noted the existing order from Employment Judge Southam as repeated above and this order remains in full force. Should the accuracy of the records produced be relevant to the claimant's claims as set out in the case management summary, this would be a matter that would need to be addressed by way of witness evidence during the final hearing.
7. In light of the above circumstances, the claimant's application for an order for specific disclosure was refused.

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Employment Judge Skehan

Date: .....23.02.17 .....

Sent to the parties on: .....

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For the Tribunal Office

