



EMPLOYMENT TRIBUNALS

Claimant

Mrs J Businge

Respondent

**v Children and Family Services Ltd (1)
Ruth Kirchner (2)**

PRELIMINARY HEARING

Heard at: Watford

On: 3 April 2017

Before: Employment Judge Smail

Appearances:

For the Claimant: Dr P Businge (Husband)

For the Respondent: Ms G Leadbetter (Counsel)

JUDGMENT

1. The Claimant's claims of unfair dismissal are struck out as having no reasonable prospects of success.
2. The claims of (1) direct race discrimination in respect of the dismissal; and (2) breach of contract in respect of the dismissal without notice and in breach of contractual procedure remain with no deposit ordered.

CASE MANAGEMENT ORDERS

Listing the hearing

1. The full merits hearing of this matter will take place over **3 days, 16 to 18 August 2017**. It will take place at **Watford Employment Tribunal, 2nd Floor, Radius House, 51 Clarendon Road, Watford WD17 1HP** to start at 10am or so soon thereafter as possible thereafter. The parties are to attend by **9.30 am**.
2. **Disclosure of documents**
 - 2.1 The parties are ordered to give mutual disclosure of documents relevant to the issues identified above by list and copy documents so as to arrive on or before **12 May 2017**. This includes, from the claimant, documents relevant to all aspects of any remedy sought.

- 2.2 Documents relevant to remedy include evidence of all attempts to find alternative employment: for example a job centre record, all adverts applied to, all correspondence in writing or by e-mail with agencies or prospective employers, evidence of all attempts to set up in self-employment, all pay slips from work secured since the dismissal, the terms and conditions of any new employment.
- 2.3 This order is made on the standard civil procedure rules basis which requires the parties to disclose all documents relevant to the issues which are in their possession, custody or control, whether they assist the party who produces them, the other party or appear neutral.
- 2.4 The parties shall comply with the date for disclosure given above, but if despite their best attempts, further documents come to light (or are created) after that date, then those documents shall be disclosed as soon as practicable in accordance with the duty of continuing disclosure.

3. Statement of remedy/schedule of loss

- 3.1 The claimant is ordered to serve on the respondent so as to arrive on or before **28 April 2017** a properly itemised statement of the remedy sought (also called a schedule of loss).
- 3.2 The claimant is ordered to include information relevant to the receipt of any state benefits.

4. Bundle of documents

- 4.1 It is ordered that the respondent has primary responsibility for the creation of the single joint bundle of documents required for the hearing.
- 4.2 To this end, the claimant is ordered to notify the respondent on or before **26 May 2017** of the documents to be included in the bundle at their request. These must be documents to which they intend to refer, either by evidence in chief or by cross-examining the respondent's witnesses, during the course of the hearing.
- 4.3 The respondent is ordered to provide to the claimant a full, indexed, page numbered bundle to arrive on or before **2 June 2017**.
- 4.4 The respondent is ordered to bring sufficient copies (at least five/three) to the Tribunal for use at the hearing, by 9.30 am on the morning of the hearing.

5. Witness statements

- 5.1 It is ordered that oral evidence in chief will be given by reference to typed witness statements from parties and witnesses.
- 5.2 The witness statements must be full, but not repetitive. They must set out all the facts about which a witness intends to tell the Tribunal, relevant to

the issues as identified above. They must not include generalisations, argument, hypothesis or irrelevant material.

- 5.3 The facts must be set out in numbered paragraphs on numbered pages, in chronological order.
- 5.4 If a witness intends to refer to a document, the page number in the bundle must be set out by the reference.
- 5.5 It is ordered that witness statements are exchanged so as to arrive on or before **30 June 2017**.

CONSEQUENCES OF NON-COMPLIANCE

- 1. Failure to comply with an order for disclosure may result on summary conviction in a fine of up to £1,000 being imposed upon a person in default under s.7(4) of the Employment Tribunals Act 1996.
- 2. The tribunal may also make a further order (an “unless order”) providing that unless it is complied with, the claim or, as the case may be, the response shall be struck out on the date of non-compliance without further consideration of the proceedings or the need to give notice or hold a preliminary hearing or a hearing.
- 3. An order may be varied or revoked upon application by a person affected by the order or by a judge on his/her own initiative.

Employment Judge Smail

Sent to the parties on:

15 April 2017

For the Tribunal:

.....