



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs S Bi  
**Respondent:** Santander UK Plc  
**HEARD AT:** CAMBRIDGE ET **ON:** 31<sup>st</sup> May 2017  
**BEFORE:** Employment Judge G P Sigsworth

## REPRESENTATION

**For the Claimant:** Did not attend and was not represented  
**For the Respondent:** Mr Z Sammour, Counsel.

# PRELIMINARY HEARING JUDGMENT

1. The Judgment of the Tribunal is that;
  - (1) The claim is struck out on the ground that the way in which the proceedings have been conducted by the Claimant has been unreasonable and/or vexatious, and/or on the ground that the claim has not been actively pursued.
  - (2) The Claimant is ordered to pay to the Respondent their costs of the Preliminary Hearing in the sum of £1,545, to be paid within 21 days of the date of this Judgment.

# REASONS

1. On 5<sup>th</sup> May 2017, the full merits hearing listed on 31<sup>st</sup> May 2017 was converted to an open preliminary hearing to consider whether to strike out the claim; first, for failing to comply with the case management orders; second, for failing to comply with the early conciliation provisions; third, because the claim was submitted outside the statutory time limits.

Notification of that conversion was sent to the parties on the same date by way of 'Notice of Preliminary Hearing'. The claim form contains no ACAS conciliation number, and indicates that the reason for this is that the Respondent has already been in touch with ACAS.

2. However, since the listing of the preliminary hearing it has been discovered by the Respondent that the claim form is incorrect in this respect. The Claimant did comply with the early conciliation process and obtained a certificate. A copy of this was given to the Employment Judge. The Claimant made early conciliation notification of her claim on 15th December 2016 and received the early conciliation certificate on 15<sup>th</sup> January 2017. Her claim has therefore been presented correctly and in time.
3. The Claimant did not attend the preliminary hearing listed on 31<sup>st</sup> May 2017. The Tribunal administration tried to contact her on the telephone on the morning of the hearing to find out the reason for her absence, but there was no response from her. The Employment Judge was told by the Respondent's counsel that the Respondent's solicitors have spoken to the Claimant before today and she is aware of this hearing. The notice of hearing of 5<sup>th</sup> May 2017 is correctly addressed to her.
4. When the Claimant issued proceedings, the Employment Tribunal made the usual standard case management orders in writing and sent them to the parties on 16<sup>th</sup> February 2017. The Claimant has not complied with these orders. In breach of them, she has failed to provide a schedule of loss, to provide a list of disclosure of documents, or to send a witness statement to the Respondent. The Respondent was unable to prepare properly for the merits hearing, and such had to be postponed and was converted into today's preliminary hearing.
5. The Respondent wrote to the Claimant on 24<sup>th</sup> April and 30<sup>th</sup> May 2017, and warned her in those letters that they would be seeking their costs of the preliminary hearing from her. Counsel for the Respondent made such an application at the Preliminary Hearing on 31<sup>st</sup> May 2017 under rules 74-78 of the Employment Tribunals Rules of Procedure 2013. The Respondent's costs incurred amount to £1,545 – being the preparation time of the Respondent's solicitors of £545, and counsel's fee of £1,000.
6. Having regard to the above, the Tribunal's decision is that:
  - (1) The claim is struck out under rule 37(1)(b) & (d) of the Rules of Procedure. The Claimant's conduct of the proceedings in failing to comply with case management orders or prepare in any way for a merits hearing is unreasonable and/or vexatious, and further it indicates an unwillingness actively to pursue her case.

(2) The Claimant is ordered to pay the Respondent's costs of preparation and attendance at today's preliminary hearing, which have been made necessary by the Claimant's said conduct.

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Employment Judge G P Sigsworth, Cambridge.  
Dated 09 June 2017

JUDGMENT SENT TO THE PARTIES ON

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FOR THE SECRETARY TO THE TRIBUNALS