



EMPLOYMENT TRIBUNALS

Claimant

Respondent

v

Ms. L. Sooroojbally

Her Majesty's Revenue and Customs

PRELIMINARY HEARING

Heard at: London South Croydon

On: 7 August 2017

Before: Employment Judge Sage

Appearances

For the Claimant: Mr E. Kemp of Counsel

For the Respondent: Ms. L. Robinson of Counsel

JUDGMENT

- 1. The Claimant's claims of discrimination (victimisation) were presented in time.*
- 2. The Respondent's application for a deposit order was refused.*
- 3. The Claimant's application for a costs order against the Respondent on the grounds that they acted unreasonably in the way that proceedings have been conducted is refused.*
- 4. The hearing is listed for a hearing for 10 days as further detailed below.*

Note: Reasons for the decision having been given orally at the hearing, written reasons will not be provided unless a written request is received from either party within 14 days of the sending of this record of the decision.

CASE MANAGEMENT SUMMARY

Listing the hearing

1. After all the matters set out below had been discussed, we agreed that the hearing in this claim would be completed within **10 days**. It has been listed at London South Employment Tribunal, Croydon to start at 10am or so soon thereafter as possible on **1-12 October 2018**. The parties are to attend by 9.30 am on the first day of the hearing to deal with any preliminary matters but it is envisaged that the first day will largely be for reading the witness statements.

The complaint(s)

2. By a claim form presented on 7 February 2017, the claimant brought complaints of direct discrimination (sex and race), indirect sex discrimination, harassment (race and sex) and victimization. The Claimant subsequently withdrew all claims apart from her claims of victimization (by a letter dated the 20 June 2017). The Claimant lodged a subsequent claim on the 24 May 2017 adding additional matters from December 2016 onwards. The respondent defended the claims.

The issues

3. I now record that the issues between the parties which will fall to be determined by the Tribunal are as follows:
4. **Section 27: Victimisation**
 - 4.1. The parties were ordered to provide an agreed list of issues. The Claimant was ordered to provide a first draft of the issues to the Respondent by the **6 November 2017**. The Respondent was ordered to provide any amendments by making track changes to this document and to respond to the Claimant by the **13 November 2017**. Once this document is agreed, it is to be served on the Tribunal.

Judicial mediation

5. This case is not appropriate for mediation.
6. I made the following case management orders by consent. *[Insofar as they are not made by consent, reasons were given at the time and are not now recorded.]*

ORDERS

Made pursuant to the Employment Tribunal Rules 2013

1. Amended Claim form and Response

- 1.1 The Claimant made an application to amend their ET1 in their written submissions at paragraph 18-20, after looking at both ET1's lodged by the Claimant the tribunal concluded that this application had been superseded by the acceptance of the second claim form (number 2301328/2017) therefore this application was otiose.
- 1.2 The Claimant's application to amend (by a letter dated the 21 July 2017) was unopposed by the Respondent; the Claimant was ordered to serve an amended ET1 by the **21 August 2017** by track changes and this is to include deleting matters that have been withdrawn.
- 1.3 The respondent has leave to serve an amended ET3 by the **11 September 2017**.

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 **by list on the 2 October 2017 and by providing copies on the 9 October 2017**. This includes, from the claimant, documents relevant to all aspects of any remedy sought.
- 2.2 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.
- 2.3 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 provide to the respondent and to the Tribunal, so as to arrive on or before **21 August 2017**, a schedule of loss indicating the Vento band that applies to her case and any other terms of settlement that may be appropriate in relation to her ongoing employment.

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 respondent is ordered to provide to the Claimant an amended index to the bundle by the **13 November 2017** together with copies of any documents that have not been included in the bundle.
- 4.3 The respondent is ordered to provide to the claimant a full, indexed, page numbered Hearing bundle to arrive on or before **9 July 2018**
- 4.4 The respondent is ordered to bring sufficient copies (at least five) 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 **3 September 2018**

6. Other matters

- 6.1 The respondent is ordered to prepare a cast list, for use at the hearing. It must list, in alphabetical order of surname, the full name and job title of all the people from whom or about whom the Tribunal is likely to hear.
- 6.2 The claimant is ordered to prepare a short, neutral chronology for use at the hearing.
- 6.3 These documents should be agreed if possible 7 days before the Hearing.

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 Sage

Dated: 7 August 2017