



# EMPLOYMENT TRIBUNALS

BETWEEN

**Claimant**

**Respondent**

Miss R Fryett

**AND**

Power Leisure  
Bookmakers Ltd

## JUDGMENT OF THE EMPLOYMENT TRIBUNAL

**HELD AT** Birmingham

**ON** 25 April 2017

**EMPLOYMENT JUDGE Cocks**

### Representation

**For the Claimant:** In person

**For the Respondent:** Mr B Gray Counsel

## JUDGMENT AT A PRELIMINARY HEARING

The judgment of the Tribunal on preliminary issues is:

1. The claim for breach of contract under case number 1300462/17 is dismissed upon withdrawal by the claimant;
2. The claim for 'ordinary' unfair dismissal under case number 1300462/17 is out of time but is permitted to continue as the tribunal has jurisdiction to determine it;
3. Further orders are made below.

## **ORDER**

### **1. The Hearing**

- 1.1. The claim is listed for a Hearing before a full panel from 19 – 20 October and 23 - 26 October 2017 inclusive ( 6 days), commencing 9.45am on each day.
- 1.2. No postponement will be allowed unless there are exceptional circumstances.
- 1.3 The Hearing will not include the issue of remedy.
- 1.4 If either party later considers that the time allocated by the tribunal for the hearing of this case is not enough, that party should inform the tribunal immediately, explaining why they consider the allocation to be insufficient and giving their estimate for how long the case will take.

### **2. Disclosure**

- 2.1 On or before 16 May 2017, the claimant will send to the respondent hard copies of emails in her possession, as listed in her email to the respondent dated 12 April 2017.
- 2.2 On receipt of these emails, the respondent will cause a search to be done to establish whether these emails form part of 'chains' of emails and will disclose all other emails in those 'chains', if they are relevant to these proceedings. If the respondent considers that such further emails are not relevant and not to be disclosed, it should explain why it is of that view to the claimant.
- 2.3 The respondent agrees to put the screenshots at pages 121 and 124 of the 'party to party correspondence bundle' into the hearing bundle of documents.
- 2.4 On or before 16 May 2017, the respondent will send copies of the shift rotas worked by Lee Potts from the date of his allegation of misconduct by the claimant until he left the respondent's employ OR will confirm whether (and, if so, when) Lee Potts was moved to the Wolverhampton branch.
- 2.5 After discussion, the claimant agreed that the other items in her Request for Disclosure prepared for this Preliminary Hearing are not necessary, relevant or proportionate.

**3. Further Orders and changes to existing orders**

- 3.1 All applications for further orders, or for changes to these orders, should be made as quickly as possible after this Order is received.

**4. The Overriding Objective**

- 4.1 In accordance with the overriding objective, set out in Rule 2 of the Employment Tribunals Rules of Procedure 2013, this case will be managed so as to ensure a fair Hearing. This may include limiting the time for witnesses' evidence, cross-examination and the making of submissions.

**5. Failure to comply with this Order**

- 5.1 Failure to comply with any part of this Order may mean that the tribunal has insufficient time to hear the application on the Hearing date and may lead, upon application by a party who has incurred extra costs as a result, to an order for costs (or preparation time costs) against the offending party. Further, the tribunal may regard any failure to comply with this Order as unreasonable conduct of proceedings in the event of an application for costs or a preparation time order against the party who has failed to comply.

Signed by \_\_\_\_\_ on 25 April 2017  
Employment Judge Cocks

Judgment & Order sent to Parties on

\_\_26 April 2017\_\_\_\_\_

\_\_\_\_Shareen Brown\_\_\_\_\_

**Note**

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.