



EMPLOYMENT TRIBUNALS

Claimant: Mr Hakim Taylor
Respondent: Durand Academy Trust

Heard at: Croydon Employment Tribunal **On:** 15 August 2017

Before: EJ Nash

Representation

Claimant: Mr Shepherd of Counsel
Respondent: Mr Mitchell of Counsel

JUDGMENT

1. The Respondent has complied with the Unless Order made at on 19 June 2017 under paragraph 2 of the 19 June 2017 Order of Employment Judge Hall Smith.

CASE MANAGEMENT SUMMARY

Listing the hearing

1. After all the matters set out below had been discussed, we agreed that the final merits hearing would be listed for **three** days from 29 to 31 January 2018. The parties confirmed that they will call the same witnesses as per the statements at the Preliminary Hearing – two including the Claimant, and four for the Respondent.
2. The first estimate for the hearing was four days. However, upon hearing that the Tribunal would not be able to accommodate them until at least late August 2018 (and more likely October 2018), the parties proposed that the case could be heard in three days, subject to good time management and time-tabling for cross examination and submissions. It is hoped that the Tribunal will be able to

deal with remedy within this listing, but it is accepted that there is a risk that remedy may have to go over to a later date.

3. The Respondent attended without its available dates for witnesses and was not able to obtain those dates. It requested that it have seven days to confirm the hearing date. The Tribunal considered this request but refused it. It was clear to the parties, following the hearing of 19 June 2017, that this preliminary hearing would, if the Claimant were successful, result in the listing of the final merits hearing. Both parties were legally represented. Such is the current state of the Tribunal list, the Tribunal was only able to offer the parties three available listing slots before the end of June 2018. Were the Tribunal to permit the Respondent to postpone this January 2018 hearing, even within seven days, there was a reasonable chance of this resulting in further significant delay. This case relates primarily to events in July and August 2016 but the backstory goes back further. It would not be in line with the over-riding objective to risk delaying the hearing yet further. The hearing having been so listed, it will only be postponed in exceptional circumstances.

Judicial mediation

4. I again raised the possibility of this case being considered for an offer of judicial mediation. I emphasised that this was just an enquiry as to whether the parties would be interested in the Regional Employment Judge considering whether the case would be suitable for an offer of judicial mediation.
5. The parties will let the Tribunal know within 21 days of this preliminary hearing if they are interested in participation.
6. Both parties will then receive further notification from or on behalf of the Regional Employment Judge.

Other matters

7. I made the following case management orders by consent. The parties had complied in most part with the directions set by EJ Baron on 11 January 2017.

ORDERS

Made pursuant to the Employment Tribunal Rules 2013

1. Statement of remedy/schedule of loss

- 1.1. By 4.1.18 the Claimant shall serve upon the Respondent, with a copy to the Tribunal, an updated schedule of loss.
- 1.2. By 18.1.18 the Respondent shall serve upon the Claimant, with a copy to the Tribunal, a counter schedule of loss.

2. **Witness statements**

- 2.1. By 2.1017 the Respondent shall serve amended witness statements, if advised, to go only to the issues in the unfair dismissal case as identified in the Order of EJ Baron of 11 January 2017. The statements shall be served on the Claimant in two versions, one with the amendments marked clearly (whether by “track changes” function or otherwise) and the second in a clean final format. The version provided at the hearing shall be the clean final version.
- 2.2. By 23.1017 the Claimant shall serve amended witness statements, to go only to the issues in the unfair dismissal case as identified in the Order of EJ Baron of 11 January 2017, including any evidence concerning matters in the Respondent’s amended statements. The statements shall be served on the Respondent in two versions, one with the amendments marked clearly (whether by “track changes” function or otherwise) and the second in a clean final format. The version provided at the hearing shall be the clean final version.

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 Nash