



## EMPLOYMENT TRIBUNALS

**Claimant**

Ms L J Paish

v

**Respondent**

The University of Exeter

### ORDER AT PRELIMINARY HEARING

Heard at: **Exeter**

On: **7 April 2017**

Before: **Employment Judge Mulvaney**

**Appearances**

**For the Claimant: In person**

**For the Respondent: Mrs J Byford**

### JUDGMENT ON PRELIMINARY HEARING

1. The email correspondence marked 'without prejudice' passing between Mr Lindsay and the claimant from 16 November to the 18 December 2015 is not protected from admission in these proceedings by the 'without prejudice' principle because there was no dispute existing between the parties at the time that it took place. It is therefore admissible in the proceedings in respect of the claimant's claims for wrongful dismissal and her claims for detriment and automatic unfair dismissal under ss47B and 103A Employment Rights Act 1996 (ERA).
2. The email correspondence referred to above is inadmissible under s111A ERA in relation to the claimant's constructive unfair dismissal complaint as it is evidence of pre-termination negotiations and the exceptions to s111A(1) provided under s111A (3)(4) or (5) do not apply.
3. The discussion that took place between the claimant and Ms Cole of the respondent on the 10 June 2016 is admissible in the proceedings, not being protected either by virtue of the 'without prejudice' principle or under s111A ERA

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.

**Case Number: 1401701/2016**

**Employment Judge Mulvaney  
7 April 2017**

Sent to the parties on:  
22 April 2017 by email only  
Mr JA Ongaro for the Tribunal