



EMPLOYMENT TRIBUNALS

Claimant Mrs J Stack
Represented by Ms R Senior, FRU

Respondent Harrison Catering Services Limited
Represented by Mr D Smith, Solicitor

Before: Employment Judge K Andrews

**Preliminary Hearing held on 7 September 2017 at
London South Employment Tribunal by telephone**

JUDGMENT

The claim of disability discrimination is dismissed on withdrawal.

NOTE OF CASE MANAGEMENT DISCUSSION

1. The issues arising in the remaining claim of unfair dismissal are as follows.
2. The respondent admits dismissal but says the reason for that dismissal was primarily conduct, following an accumulation of disciplinary warnings, or in the alternative was capability. The claimant says that there was no potentially fair reason for the dismissal as she was disliked simply because a new manager had a dislike for her and manufactured a case against her. She also says that the previous final written warning was not given in good faith.
3. If there was a potentially fair reason for the disciplinary then the issues arising under each heading are non-controversial.

CASE MANAGEMENT ORDERS

Schedule of Loss

- 1 The claimant has served a schedule of loss which will be updated seven days before the Hearing together with copies of any new supporting documents.

Documents

- 2 On or before **21 September 2017** the parties shall send to each other a list of all documents which are or have been in their possession or power relating to the matters in issue in these proceedings including any documents relevant to the remedy sought.
- 3 On or before **5 October 2017** the parties shall provide copies to each other of any documents requested from their list.
- 4 On or before **19 October 2017** the respondent shall send to the claimant a copy of the proposed bundle for the Hearing for the claimant to agree if possible. If it cannot be agreed the claimant shall indicate her disagreement and the reasons why on or before **26 October 2017**.
- 5 The bundle shall contain a copy of each document both parties intend to use at the Hearing, together with a list of contents, with each page numbered, avoiding duplication and be so bound or otherwise held together, so as to open flat.
- 6 The respondent shall bring three identical copies of the bundle to the Hearing.
- 7 The parties are encouraged to agree a chronology for use at the Hearing.

Witness Statements

- 8 The parties shall prepare a written statement for each witness (including the claimant or respondent who will give evidence personally) who it is intended will be called to give evidence on their behalf at the Hearing. The witness statements shall:
 - 8.1 be typed in double spacing;
 - 8.2 contain the evidence of the witnesses;
 - 8.3 be laid out in short consecutively numbered paragraphs;
 - 8.4 set out in chronological order, with dates, the facts which the witness can state;
 - 8.5 omit any matter not relevant to the issues in this case;
 - 8.6 identify the source of any information which the witness does not know first-hand;
 - 8.7 refer by page number in the bundle of documents to any document mentioned in the statement; and
 - 8.8 be signed.
- 9 Each party shall ensure that there are four copies of each statement of their own witnesses available at the Hearing and not contained in the bundle of documents.
- 10 No evidence may be given or expanded upon by a witness other than the evidence contained in the written statement of that witness without the leave of the Tribunal. No witness may be called by a party to give evidence at the Hearing unless a written witness statement has been prepared and exchanged or with the leave of the Tribunal.

- 11 On or before **30 November 2017** each party shall provide to the other one copy of each witness statement for each of the witnesses that party intends to call to give evidence at the Hearing. If any party does not receive the witness statements of another, that party must immediately inform the Tribunal in writing together with any reason given by that other.

Hearing Date

- 12 The Hearing will take place at London South Employment Tribunal, Montague Ct, 101 London Rd, Croydon, CR0 2RF before a Judge sitting alone for **2 days** commencing on **12 March 2018**. No postponement of this date will be granted unless there are exceptional unforeseen circumstances.
- 13 This listing allows for the hearing of liability and general remedy issues (including any issues arising from Polkey, contributory fault and application of the ACAS code). It is noted that the claimant does not expect to call six (as the respondent has here stages to each of its procedures) but the evidence will be duplicative in parts and not particularly lengthy. The Tribunal will endeavour to hear the case within the allocated time. Time restrictions may have to be placed on questioning of witnesses and on closing speeches if it appears that the time allocation might be exceeded. The parties are expected to co-operate to ensure that the case can be completed within the time allocated.

Employment Judge K Andrews
Dated 7 September 2017

NOTES

- 1 *This Order constitutes a notice of hearing under the Employment Tribunals Rules of Procedure 2013. At the Hearing all parties will have the opportunity to submit written representations and to advance oral argument. If a party wishes to submit written representations for consideration to the hearing s/he shall present them to the Employment Tribunal Office not less than 7 days before the Hearing and shall, at the same time send a copy to all other parties.*
- 2 *Failure to comply with an Order relating to the disclosure or inspection of documents may result on summary conviction in a fine of up to £1,000*

being imposed upon a person in default under section 7(4) of the Employment Tribunals Act 1996.

- 3 *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 dismissed without further order.*
- 4 *An Order may be varied or revoked upon application by a person affected by the Order or by an Employment Judge on his or her own initiative.*
- 5 *This Order confirms orders made/directions given at a hearing on 7 September 2017.*
- 6 *No further notice of hearing will follow.*