

EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: S/4100341/17

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**Held in Glasgow on 31 July 2017 (Reading Day);
1 & 2, and 8, 9, 10 and 11 August 2017 (Final Hearing);
14 August 2017 (Closing Submissions); and
26 September 2017 (Deliberation)**

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Employment Judge: Ian McPherson

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Ms Angela Jack

**Claimant
In Person**

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West Dunbartonshire Council

**Respondents
Represented by:
Mr Gavin Walsh -
Solicitor**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

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The **unanimous** Judgment of the Employment Tribunal is that:-

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(1). The claimant resigned from the employment of the respondents, and she was not unfairly constructively dismissed by them.

(2). Accordingly, her unfair dismissal claim against the respondents fails and it is dismissed by the Tribunal.

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(3). The respondents' previously intimated application for an award of expenses against the claimant, which was reserved for consideration after our judgment was issued to parties, remains outstanding, and the Tribunal **orders** that the respondents' solicitor shall intimate to the Tribunal, with copy sent to the claimant at the same time, **within 14 days of issue of this**

judgment, whether or not the respondents insist on that expenses application, and, if so, whether they seek an Expenses Hearing before the full Tribunal, or they wish the matter to be dealt with by way of written representations, in chambers, and without a further Hearing.

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- (4). If the respondents intimate that they do intend to proceed with their expenses application against the claimant, then, it is further **ordered** that, **within a further period of 14 days**, their solicitor shall intimate to the Tribunal, with copy sent to the claimant at the same time, the amount of expenses which they seek to recover, together with a detailed account of the expenses claimed, showing how the amount claimed has been calculated, so that further procedure can then be directed by the Tribunal, to allow the claimant to comment or object, and make any representations as regards her ability to pay any award of expenses, if the Tribunal were to so order after having considered both parties' representations.

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- (5). The claimant has paid Tribunal fees of **£1,200** in connection with this claim. In **R (on the application of UNISON) v Lord Chancellor [2017] UKSC 51** the Supreme Court decided that it was unlawful for Her Majesty's Courts and Tribunals Service (HMCTS) to charge fees of this nature. HMCTS has undertaken to repay such fees. In these circumstances, we shall draw to the attention of HMCTS that this is a case in which fees have been paid and they are therefore to be refunded to the claimant. The details of the repayment scheme are a matter for HMCTS.

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- (6) The reasons for the judgment set out above are reserved to be given in writing pursuant to **Rule 62 of the Employment Tribunals Rules of Procedure 2013.**

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5 Employment Judge: G I McPherson
Date of Judgment: 17 October 2017
Entered in register: 19 October 2017
and copied to parties