



EMPLOYMENT TRIBUNALS

Claimant: Ms P Sale
Respondent: Dorset Healthcare Foundation Trust

PRELIMINARY HEARING

Heard at: Southampton **On:** 27 April 2018

Before: Employment Judge Craft

Appearances:

Claimant: In person
Respondent: Ms C Lord, Counsel

JUDGMENT AND ORDER

1. The Claimant's claim of race discrimination is dismissed because it has no reasonable prospect of success and the Employment Tribunal had no jurisdiction to consider it because it had been filed out of time in circumstances when it was not just inequitable for the Tribunal to extend time in respect of this claim.
2. The Claimant's claims for accrued holiday pay and unpaid sick pay are dismissed because the Claimant's financial claims had been resolved by the effective date of termination of her employment.
3. The remaining claims and issues in this case will be confirmed in a schedule in which the Employment Tribunal will provide a case management summary. This will be sent to the parties following promulgation of this Judgment and Order.
4. The Order and Direction made by the Tribunal are set out in the schedule below.

SCHEDULE

Schedule of Loss

1. On or before **25 May 2018** the Claimant shall provide to the Respondent an updated itemised statement of the sums claimed by way of remedy. This statement should include a calculation showing how these sums are arrived at. The statement should also include full details of the Claimant's new employment, if any, with supporting

documentation disclosed as to that employment as appropriate.

Disclosure of Documents

2. On or before **25 May 2018** each party shall prepare and supply to the other party a list of all documents which are or have been in its possession or power relating to all the matters in issue and including matters adverse to a party's own case. The list is to be accompanied by copies of the documents relied upon, unless known to be in the possession of the other party already.

Bundle of Documents for the Hearing

3. The Respondent shall prepare a consolidated bundle of copy documents relevant to issues to be determined in these proceedings. The contents are to be agreed, and a copy supplied to the Claimant, by **22 June 2018**.
 - The bundle shall contain a copy of each document both parties intend to rely upon, 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.
 - The Respondent shall bring sufficient identical bundles of the copy documents to the hearing for the use of the Tribunal.

The parties have agreed that this bundle shall be limited to no more than 250 pages and there shall be no increase in the number of pages in the bundle unless so directed by the Tribunal.

Witness Statements

4. The parties shall prepare a written statement for each witness (including the Claimant who will give evidence personally) who it is intended will be called to give evidence on their behalf at the Tribunal hearing. Such witness statements shall:
 - be typed in double spacing;
 - contain the evidence-in-chief of such witnesses;
 - be laid out in short consecutively numbered paragraphs;
 - set out in chronological order, with dates, the facts which the witness can state;
 - omit any matter not relevant to the issues in this case;
 - identify the source of any information which the witness does not know first-hand;
 - refer by page number in the bundle of documents to any document mentioned in the statement;
 - be signed

to the intent that such statements shall be read by the Tribunal at the start of the hearing. Each party shall ensure that there are four additional copies of each statement of their own witnesses available for the use of the Tribunal at the hearing, not contained in a bundle of documents. The parties should also bring a spare copy of each witness statement to be available for members of the public to read during

the hearing.

Evidence without a Witness Statement

5. No evidence-in-chief 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 Tribunal hearing other than a witness in respect of whom a written witness statement has been prepared and exchanged or with the leave of the Tribunal.

Simultaneous Exchange of Witness Statements

6. On 31 July 2018 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.

Date of Hearing

7. The Claimant's claim of constructive unfair dismissal under ss.95 and 103A of the Employment Rights Act 1996 has been listed for a full hearing before a full panel of the Tribunal at Southampton Employment Tribunal, 100 The Avenue, Southampton SO17 1EY to start at 10:00 am or as soon thereafter as possible on Tuesday 11 September and completing on Friday 14 September 2018. The parties are to attend by 09:30 am on the first day.

NOTES – 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) Further, if this Order is not complied with, the Tribunal may (a) make an Order for costs or preparation time against the defaulting party, or (b) strike out the whole or part of the claim, or, as the case may be, the response, and, where appropriate, direct that the respondent be debarred from responding to the claim altogether.
- (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 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.
- (4) 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 Craft
Dated 27 April 2018

Order sent to the Parties on

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FOR THE SECRETARY OF EMPLOYMENT
TRIBUNALS
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