



EMPLOYMENT TRIBUNALS

Claimant: Mrs J Edwards

Respondents: (R1) Staffordshire County Council
(R2) CMRU (division of MOJ)
(R3) CMRU
(R4) Ms Katrina Dipple
(R5) Greg Williams
(R6) Penny Williams
(R7) Dawn Henry
(R8) Kenyon Block Consultants

Heard at: Nottingham **On:** Wednesday 20 June 2018

Before: Employment Judge Britton (sitting alone)

Representation

Claimant: In Person
Respondents: (R1, 5 and 7) Mr S Sahata, solicitor
(R4) Mr J Johnson, Solicitor
(R8) Mr N Kenyon, Director

HEARD AS A TELEPHONE PRELIMINARY HEARING

JUDGMENT

1. The claim against CMRU (division of MOJ) (R2) is dismissed upon withdrawal.
2. The claim against CMRU (R3) is similarly dismissed upon withdrawal.
3. Upon the first Respondent having accepted should discrimination be established vicarious liability, the claim against Greg Williams (R5) is dismissed upon withdrawal.
4. On the same premise, her yet to be served the claim, the claim is dismissed against Penny Williams (R6).
5. On the same premise the claim is dismissed upon withdrawal against Dawn Henry (R7).
6. The claim is dismissed upon withdrawal against Kenyon Block Consultants Limited (R8).
7. For the avoidance of doubt that leaves as Respondents Staffordshire

County Council (R1) and Katrina Dipple (R2).

8. The Claimant confirms that she will not be joining either Rosie Waite or Jo Grimes as Respondents on the basis that the first Respondent has accepted that should they be found to have discriminated against the Claimant, then it will accept vicarious liability.

CASE MANAGEMENT SUMMARY

Introduction

1. This case management discussion is in order to deal with the wish of the Claimant, Staffordshire County Council and those it represents apart from itself and Ms Dipple to have Judicial Mediation.

2. However before I come to that in what is a complicated scenario I remind myself of the content of the first attended Preliminary Hearing that my colleague Employment Judge Camp held on 17 April because he first deals with the issue of the status of some of the Respondents, not all at that stage having been served and whether or not there were going to be any other Respondents ie Rosie Waite. Second there was his direction for first particularisation in particular of the victimisation claim by the Claimant and second further clarification in relation to Kenyon Block Consultants Limited and as to why it was a respondent.

3. In what was a lengthy discussion before me the following is now the position in terms of moving this case forward and inter alia in order that there can be a meaningful Judicial Mediation. Thus Staffordshire County Council has now made plain, and in particular in its letter to the Tribunal dated 3 May 2018 as per the directions of Employment Judge Camp, that should unlawful discrimination be proven against them then it will accept vicarious liability for Katrina Dipple, Penny Williams Dawn Henri and Gregory Williams. On that basis the Claimant agreed that she did not require the latter three to remain as Respondents hence why they have been dismissed from the proceeding. I should make it clear that the Claimant wants Ms Dibble to remain a Respondent because as per her Scott Schedule vis the victimisation claims as she sees her as a major player. The Claimant had also indicated that she was intending to bring proceedings against Rosie Waite and Jo Grimes. But given that Mr Sahata has made clear that the same acceptance of vicarious liability would apply to them, the Claimant has made plain that she will therefore not join them as Respondents.

4. It was plain from the letter that was sent in by Kenyon Block Consultants Ltd dated 26 April and which mirrored Employment Judge Camp's preliminary views, that on the face of it this Respondent played no part whatsoever in the scenario as pleaded by the Claimant. It of course should have filed a response as it was served the proceeding but I accepted the explanation from Mr Kenyon this morning which is that he had been trying to get representation including via insurers without success and when it became clear that he should correspond with the Tribunal apropos the orders of Employment Judge Camp, hence then came the letter of 26 April 2018. There had been no judgment entered for failure to file a response by that Respondent and it is not something that EJ Camp otherwise dealt with. In any event having considered the contents of that letter and accepting that it is not a player so to speak in what occurred in this case, the Claimant has now decided today to not proceed against Kenyon Block Consultants Limited, hence why I have dismissed it from the proceedings as well.

5. I then explained the procedure for Judicial Mediation. The Claimant has already served a schedule of loss dated 17 March 2018 but it will need updating. It includes her schedule of expectations. I explained the facilities which would be at Nottingham Tribunal for the purposes of the Judicial Mediation and the process. All three parties are content to proceed.

6. So against that background I come to my orders.

ORDERS

Made pursuant to the Employment Tribunal Rules 2013

1. There will now be a Judicial Mediation at the Nottingham Employment Tribunal Hearing Centre, 50 Carrington Street, Nottingham NG1 7FG commencing at 9:30 am on **Wednesday 29 August 2018**.

2. Present it is intended that it will be heard by this Judge Employment Judge Britton.

3. The Claimant will supply an updated schedule of loss and expectations to the remaining Respondents' representatives by not later than 7 days before the Judicial Mediation.

4. The Respondents will then prepare counter schedules including of expectations in order that the same are available at the Judicial Mediation not just for the Judge but at the start of the process for the Claimant.

NOTES

- (i) The above Order has been fully explained to the parties and all compliance dates stand even if this written record of the Order is not received until after compliance dates have passed.
- (ii) 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.
- (iii) 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.
- (iv) 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. Any further applications should be made on receipt of this Order or as soon as possible. The attention of the parties is drawn to the Presidential Guidance on 'General Case Management': <https://www.judiciary.gov.uk/wp-content/uploads/2013/08/presidential-guidance-general-case-management-20170406-3.2.pdf>
- (v) The parties are reminded of rule 92: "*Where a party sends a communication to the Tribunal (except an application under rule 32) it shall send a copy to all other parties, and state that it has done so (by use of "cc" or otherwise). The Tribunal may order a departure from this rule where it considers it in the interests of justice to do so.*" If, when writing to the tribunal, the parties do not comply with this rule, the tribunal may decide not to consider what they have written.

Employment Judge P Britton

Date: 25 June 2018

JUDGMENT SENT TO THE PARTIES ON

28 June 2018

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FOR THE TRIBUNAL OFFICE

Notes

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.

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