



EMPLOYMENT TRIBUNALS

Claimant: Ms P Bertram

Respondent: Bermondsey Community Nursing

Heard at: London South **On:** 29 October 2018

Before: Employment Judge Cheetham QC

Representation

Claimant: in person

Respondent: Mr R Anderson (consultant)

JUDGMENT

1. The application to strike out the claim is dismissed.

REASONS

1. This was an application by the Respondent to strike out the claim on the grounds that it had been conducted unreasonably and/or scandalously.
2. The claim has a long procedural history, including previous preliminary hearings. Unfortunately matters have become entrenched and each side views the other as having behaved unreasonably.
3. It is, of course, essential that parties not only comply with the employment tribunal's orders, but that they also adopt a sensible and proportionate approach to their case and to the proceedings. I can see why the Respondent criticises the Claimant with regard to disclosure. Perhaps through a misunderstanding of what is relevant to her case, she has requested a large number of documents and has not cooperated with the

Respondent as much as one might hope or expect.

4. However she is self-representing and I have some sympathy for her, because she obviously feels very strongly about how she has been treated. If she had a professional adviser, she would have a better idea of how litigation should be conducted and would probably also be less suspicious of every communication she receives from the Respondent.
5. Although it seems to me that much of what the Claimant has requested by way of disclosure is not relevant to the issues in the case, I do not find her conduct so unreasonable that it would be appropriate to strike out her case, nor do I find her behaviour scandalous. I do think that the Claimant needs to remember the limits of what the employment tribunal process involves and what can be achieved at the final hearing. The employment tribunal restricts itself to the issues (which have previously been identified) and only evidence relating to those issues is relevant.
6. It was also suggested by the Respondent that the delays involved make it impossible to have a fair hearing. In particular it was suggested that matters that occurred in 2014 are now too far in the past to be properly remembered. It is an unfortunate fact of litigation these days that there will be lengthy delays before a case can be heard and I fully accept that the further away the event in question, the less sharp recollections are likely to be. However I do not think it can be said that the delays here are such that it would be impossible to have a fair hearing.
7. The application to strike out is therefore refused.
8. I then went on to case manage the claim and give directions, which are contained in a separate Order.

Employment Judge Cheetham QC

Date 13 November 2018