



EMPLOYMENT TRIBUNALS

Claimant: Miss C Dennis

Respondent: The Commissioners for HMRC

HELD AT: Sheffield

ON: 6 and 7 August 2018

BEFORE: Employment Judge Brain

REPRESENTATION:

Claimant: In person

Respondent: Ms C Knowles of Counsel

JUDGMENT

The Judgment of the Employment Tribunal is that:-

1. The document placed at the end of the joint bundle of documents (bearing internal numbers 56 to 61) constitutes communication between the respondent and its legal advisors for the purposes of these proceedings and thus it is protected by litigation privilege. It was disclosed in error to the claimant in circumstances in which it was not obvious to the claimant that it had been disclosed by mistake. In the circumstances, the claimant is not restrained from making use of that document for the purposes of these proceedings.
2. The claimant's application to amend her complaint to include that set out in the schedule below is granted.

THE SCHEDULE

The first of the series of acts which the claimant contends (individually or cumulatively) to be conduct upon the part of the respondent in breach of the implied term of trust and confidence (and thus said to be a repudiatory breach of contract on the part of the respondent) is: *(specifically by reference to the 2015/2016 performance review) not conducting the review face-to-face pursuant to the*

respondent's procedures and the reviewer giving the claimant an incorrect or unjust mark which was subsequently overturned upon appeal.

Employment Judge Brain
Date : 15/08/2018

Note - 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.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.