



EMPLOYMENT TRIBUNALS

Claimant: Miss P M Jessemey

Respondent: Lodge Services Limited

Heard at: Bury St Edmunds

On: 25 February 2019

Before: Employment Judge Laidler

Members: Mr R Allen
Mr A Schooler

Representation

Claimant: In person

Respondent: Mrs V Atkins, Group HR Manager

JUDGMENT

- 1. The hearing is postponed to the 5 - 8 August 2019 at the Bury St Edmunds Employment Tribunal.**
- 2. The costs occasioned by this adjournment are reserved to the full merits hearing.**

REASONS

1. This is a claim that was initially commenced in 2014 but was struck out for nonpayment of the hearing fee. It was reinstated in February 2018 following the Supreme Court decision in the UNISON case.
2. This matter was last before the Employment Tribunal on the 11 January 2019 when there was a telephone preliminary hearing before Employment Judge Warren listed due to problems being experienced between the parties in the preparation for trial. The claimant was unrepresented, and the respondent represented by Mrs Julie Barnett. She was described in the summary as 'being an experienced employment law practitioner'. The following orders were made:

- 2.1 the bundle shall be prepared by the Respondent and a physical copy provided to the Claimant by no later than **19 January 2019**
 - 2.2 Witness statements shall be exchanged by no later than **4 February 2019**.
3. Mrs. Barnett did not attend this hearing. Mrs. Atkins, Group HR Manager attended with no documentation whatsoever. She asked for a postponement. Her grounds were that Mrs. Barnett had told her she had not received the claimant's statement and did not know what the claimant's cases was. She was at another tribunal hearing today so could not be here. Mrs. Atkins had given Mrs. Barnett two witness statements for the respondent but had not brought either the statements or the witnesses to this hearing. She had been waiting on Mrs. Barnett who did not know what the claimant's case was.
4. The claimant explained that she had been sent the bundle by Mrs. Barnett but only on the 1 February 2019 and it only contained 126 pages whereas there is over 400 pages of evidence. She is aware that Mrs. Barnett had all that documentation from the respondent's previous advisers as she forwarded it to the claimant on the 27 December. The claimant had raised this with the tribunal by email of the 13 February 2019 and although referred to a Judge on the 15 February no formal order had been made prior to this hearing.
5. Mrs. Barnett also wrote to the tribunal on the 15 February stating that she had not received the claimant's witness statement.
6. The tribunal found the respondent's position as outlined by Mrs. Atkin not at all convincing and indeed extremely disrespectful to the tribunal and the claimant. Mrs. Barnett attended the preliminary hearing before Employment Judge Warren on the 11 January 2019 stating she was an experienced employment law practitioner but failed to attend this hearing. Her company title, on her emails, is Holly Blue Employment Law. She offered to prepare the bundle as the claimant is a litigant in person. The tribunal file has an email from her of the 17 August 2018 stating she had recently been instructed by the respondent. If she is that experienced and been instructed since last August, she has had ample time to put the bundle together. Despite what Mrs. Atkin stated the tribunal is satisfied from hearing the claimant that Mrs. Barnett had all the relevant documentation from the respondent's previous advisers and sent it to the claimant on the 27 December. If she did not have then it was incumbent upon her to make sure she did have all the relevant documents.
7. Mrs. Atkin also stated that the respondent did not know what the claimant's case was. That cannot be correct. That was never raised by Mrs. Barnett at the preliminary hearing on the 11 January 2019. After the earlier preliminary hearing before Employment Judge Smail on the 21 August 2018 the claimant complied with the orders made namely to send direct to Mrs. Barnett a copy of E J Manley's summary of the 17 December 2014 and the respondents earlier Response to her claim.

8. The respondent has demonstrated a total disregard and lack of respect for these proceedings and the tribunal had to express how appalled it was that a Group HR Manager could attend on the first day of a four-day hearing with no documents or witnesses or indeed any information about the case or the respondent's position to it. It did not feel in a position to take the draconian step of striking out the response without hearing from Mrs. Barnett who has, to date, had conduct of the matter.
9. The tribunal had no alternative but to adjourn this hearing and relist to another date. Case management orders have been made and are sent to the parties in a separate document. The costs occasioned by this postponement are reserved to the adjourned full merits hearing.

Employment Judge Laidler
_Date ___25.02.19_____

JUDGMENT & REASONS SENT TO THE PARTIES ON
.....12.03.19.....
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FOR THE TRIBUNAL OFFICE