



EMPLOYMENT TRIBUNALS

Claimant
Miss F Kent

Respondent
v TFHC Ltd (in administration)

PRELIMINARY HEARING

Heard at: London Central

On: 17 July 2019

Before: Employment Judge Baty

Appearances

For the Claimant:

Mr W Brown (solicitor)

For the Respondent:

No attendance or representation

JUDGMENT

1. The claimant was an employee of the respondent for the purposes of section 230(1) of the Employment Rights Act 1996 and for the purposes of section 83(2) of the Equality Act 2010.
2. The tribunal therefore has jurisdiction to hear the claimant's complaints of unfair dismissal and sex discrimination, which remain listed for hearing at a full merits hearing from 8 - 11 October 2019 (four days).

Note: Reasons for the decision having been given orally at the hearing, written reasons will not be provided unless a written request is received from either party within 14 days of the sending of this record of the decision.

CASE MANAGEMENT SUMMARY

Today's hearing

1. It was noted that, since this preliminary hearing had been listed by the tribunal, the respondent had gone into administration (with effect from 3 July 2019). The joint administrators had given permission for the claim to proceed on the basis that the claimant would not seek any costs against the respondent, the joint administrators and/or both. At the start of this hearing, Mr Brown confirmed that the claimant would not seek costs against the respondent, the joint administrators and/or both.

On that basis, the claim could proceed, the joint administrators having given consent.

2. Nobody attended this hearing on behalf of the respondent.
3. Whilst a response form (and indeed an amended response form) had been submitted on behalf of the respondent prior to its going into administration, it appeared, given the absence of any representative of the respondent at this hearing, that the response was not being actively pursued. Therefore, I made the following order:

ORDER: The administrators are ordered to confirm to the tribunal and the claimant by 31 July 2019 whether or not the response is being actively pursued. If they do not respond within that timeframe or confirm that it is not being actively pursued, the response will be struck out by the tribunal without further warning pursuant to rule 37(1)(d) of the Employment Tribunal Rules 2013. Thereafter the tribunal will deal with matters of remedy.

4. It is envisaged that, if the response is not actively pursued and therefore struck out, the four-day hearing currently listed for 8-11 October 2019 can be converted to a half day hearing on the morning of 8 October 2019 to deal with matters of remedy.
5. Mr Brown and the claimant confirmed that the claimant will be seeking compensation in respect of loss of earnings and injury to feelings. They confirmed that the claimant will not be seeking reinstatement or re-engagement as a remedy for unfair dismissal or requesting the tribunal to make any recommendations as a remedy in relation to the sex discrimination complaint.
6. I reminded the claimant that, at any remedies hearing, she should be prepared to provide evidence of her attempts to find further work, any earnings from further work and the extent to which her feelings have been injured as a result of the alleged discrimination.

Employment Judge Baty

17th July 2019

Sent to the parties on:

17th July 2019

For the Tribunal:

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