



EMPLOYMENT TRIBUNALS

BETWEEN

Claimants: MRS HD SMITH

Respondent: GLOBALGRANGE LTD

PRELIMINARY HEARING

HELD AT: London Central ON: 13 August 2019

HEARD BY EMPLOYMENT JUDGE: Oliver Segal Q.C.

Representation:

For Claimant: Mrs C Ashiru, Counsel

For Respondent: Mr A Macphail, Counsel

JUDGMENT

- 1 The Claimant succeeds in her claim of unfair dismissal, by consent.
- 2 The Claimant's claim of wrongful dismissal, and her remedy in respect of both her unfair dismissal claim and (if appropriate) her wrongful dismissal claim, are adjourned to be heard, by a different judge, on **27 and 28 January 2020**.

REASONS

- 3 Not long prior to today's hearing the Respondent had conceded the claim for unfair dismissal.

4 Open offers and counter-offers had been made by the parties in an attempt to settle the proceedings. The Claimant had in the latter correspondence sought costs, up to a maximum of £20,000, in respect of what she alleged had been the Respondent's unreasonable conduct in resisting her claims/raising a defence with no reasonable prospects of success.

5 There was a helpful discussion at the outset of today's hearing between the Judge and both counsel, during which the facts and legal arguments in relation to remedy and the potential costs application were identified and clarified.

6 Following an adjournment for the Judge to finish reading the witness statements and the key documents, the parties informed the tribunal that they wished to continue settlement discussions, for which the tribunal gladly allowed time.

7 By about 12.30pm, the Judge asked the parties' counsel to state whether they considered that the parties had reached or would soon reach an agreement in principle, subject to drafting; if not, the tribunal would need to begin hearing evidence. Counsel understood that the parties had reached an agreement subject to drafting, and so informed the tribunal; on which basis the tribunal did not begin hearing the case, but continued to extend the parties further time to conclude a settlement agreement.

8 That remained the position (with regular updates) until shortly before 5pm, at which point the parties informed the tribunal that unfortunately there was still one matter in relation to the wording of a settlement agreement, on which they had not been able to agree; and they sought an adjournment of proceedings and for the hearing to be re-listed in due course in case settlement proved not to be possible.

9 The Judge adjourned proceedings at around 5pm on the basis that the parties would email the tribunal before 10.00 am the following day (14/8) to say whether the matter had settled and if not to provide dates to avoid.

The parties did email as directed, informing the tribunal that the matter was not yet resolved and providing dates of unavailability.

10 Taking those dates into account, this case is now listed for **27-28 January 2010 inclusive, 10.00 am each day.**

11 For the avoidance of doubt, there is no implied criticism of the parties or of their representatives in the recording of the day's progress above. On the contrary, both counsel provided expert and cooperative assistance to the tribunal throughout the hearing.

12 The parties are, of course, directed to write in to the tribunal if and as soon as any settlement of proceedings is concluded.

EMPLOYMENT JUDGE - Segal

14th August 2019 London Central

Date Sent to the Parties

15/08/2019

For the Tribunal Office