EMPLOYMENT TRIBUNALS

Claimant:	**Mrs R Parkin**
Respondents:	**1. Leeds City Council** **10. Martyn Walker** **11. Dean Harper** **14. Unite the Union** **15. Unison**
Heard at:	**Leeds** **On: 27 September 2019**
Before:	**Employment Judge Davies**
Representation	
Claimant:	In person
Respondents:	1. Mrs Matthews (solicitor) 10, 11, 15 Mr Shevlin (solicitor) 14 Ms Cunningham (solicitor)

RESERVED JUDGMENT

1. The Claimant's claim number 1802984/2019 is struck out in accordance with Rule 37(1)(c) of the Employment Tribunal Rules of Procedure for non-compliance with a Tribunal order.

REASONS

Introduction

1.1 This was a preliminary hearing in public to decide whether the Claimant's eighth claim, 1802984/2019 ("claim 8") should be struck out. The questions to be answered were:

1.1.1 did the Claimant fail to comply with EJ Davies's order dated 4 June 2019; and/or

1.1.2 is the manner in which the Claimant has conducted claim 8 unreasonable;

1.1.3 if so, does a fair hearing remain possible;

1.1.4 if not, should claim 8 be struck out?

1.2 At the hearing, the Claimant represented herself. Leeds City Council were represented by Mrs Mathews (solicitor). Unison, Mr Walker and Mr Harper were represented by Mr Shevlin (solicitor) and Unite the Union were represented by Ms Cunningham (solicitor).

Procedural background

1.3 This is one of eight claims currently proceeding in Leeds Employment Tribunal brought by the Claimant against Leeds City Council and other Respondents. I do

not set out the detailed procedural history of all those claims. The Claimant has engaged in prolific and lengthy correspondence with the Tribunal and others about those claims. She has been repeatedly encouraged to try and work co-operatively with the Tribunal, which would be the best way to ensure that these claims can move forward. However, it is necessary for me to set out in some detail the procedural background leading to this preliminary hearing and I do so now.

1.4 I conducted a preliminary hearing in some of the Claimant's other claims on 5 February 2019, which was abandoned because the Claimant became unwell. At that preliminary hearing I explained the need for the Claimant to clarify her claims. This was because they are lengthy and unfocussed. I repeatedly explained the need for her to say what she is complaining about: what was done, when and by whom. She must then say what type of complaint she is making about each thing: race discrimination, victimisation and so on. I confirmed this in a case management order after that preliminary hearing.

1.5 Following the preliminary hearing on 5 February 2019 the Claimant made a request for an Igbo interpreter, which I dealt with at the start of the reconvened preliminary hearing on 11 March 2019. My case management order records:

I explained that the issues I needed to clarify with her did not relate to her command of English, which is excellent. I understood what she had written. What was required was for the Claimant to confirm in each claim what she was saying people had said or done, or not said or done as a matter of fact. That needed to be in brief terms. I referred to it as the "headlines". She then needed to confirm which Respondent(s) she said had done each of those things. Finally, she needed to confirm what type of legal claim(s) (discrimination, victimisation etc) she said each thing gave rise to. The Claimant agreed to participate in such a discussion, at least as far as claims three and four were concerned.

1.6 I spent the rest of that preliminary hearing, a full day, discussing and clarifying claim 3 with the Claimant in English. It was a constructive discussion and enabled me to produce a table recording a summary of the complaints in claim 3 (although she subsequently disagreed with that record). The preliminary hearing did not conclude and was reconvened on 21 March 2019. That preliminary hearing proceeded in English. The Claimant did not agree with my record of claim 3 and it did not prove possible to complete a discussion of my drafts relating to claims 4 and 5.

1.7 The Claimant has attended other preliminary hearings in which I was not involved. My understanding is that no interpreter was arranged for any of those hearings, presumably because the judges involved had no difficulty in understanding the Claimant or being understood by her.

1.8 The Claimant presented claim 8 on 24 May 2019. It included a 156 page annex setting out wide ranging complaints and including a table almost 50 pages long, evidently meant to identify what the Claimant was complaining about and the type of legal claim she was bringing. The nature of the claims being advanced was wholly unclear. For example, in the table the first heading referred to unilateral variation of contract. There was an account referring to events over a long period and making a range of allegations. The column identifying the type of legal complaint being advanced listed 63 different legal causes of action.

1.9 On 4 June 2019 I made a case management order in respect of claim 8 as follows:

…

*The Claimant must by **2 July 2019** provide further particulars of this claim in the form of the table below. She must produce the table in font size 12 and it must be no more than 4 sides of A4 long. The table must only include events from January 2019 to April 2019.*

Nº	***Page in claim form***	***Summary of what the complaint is about***	***Respondent who did it***	***Type of legal claim***

REASONS

1. *This claim is 156 pages long and includes a lot of background information. EJ Davies can see that the Claimant has made a real effort to produce a table that summarises her complaints, although in some respects it is still not clear or is repetitive. The Claimant also says that she has not had time to finish it. The most proportionate approach is to extend the time for presenting a response until the Claimant has produced a focussed summary of the new complaints contained in this claim. The Claimant has made clear that this claim covers events from January 2019 to April 2019. She must therefore produce a table identifying each thing that happened during that time period only. She must not repeat events or complaints that are already included in her previous claims and she does not need to do so.*

2. *It may be helpful if I remind the Claimant of what we discussed at the previous hearings about how she should summarise each complaint. All she needs to do is to say in one or two sentences what was said or done, who said or did it, and on what date. She must then say which Respondent(s) are responsible and what type of legal complaint it is. She must focus on what type of complaint each thing is. The current table lists 63 different types of claim for allegation 246 and then says "see above" for the other allegations. That is not sufficient. The Claimant must identify specifically what type of complaint she is making. That will be easier once she has properly identified the things that were said or done during January to April 2019.*

1.10 The Claimant provided particulars of claim 8 on 2 July 2019 but they did not do what was required. Although the table was much shorter, it still contained wide ranging allegations and complaints, and long lists of causes of actions. It remained impossible to understand what the Claimant was saying had been said or done between January and April 2019, by whom, and what her legal complaints about that were. By way of example, the first entry was:

Jan to April 2019 on several occasions, LCC & Trade Unions refusing to give me or allow access to documents either saying they do not exist or refusing to keep record/allow me access & refusing to give me copies of my personal data (including leave record, appraisals, one to one, T&C which they said remains same when they claimed they approved my flexi working request etc) as well as refusing to give me a copy of my individual T&C of employment with any variation as well as refusing to give me T&C of employment agreed by collective bargaining and a copy of the variation of my T&C of employment done in 2016 & on 19/03/19 LCC claimed they approved my flexi working request from 16 hours to 8 hours and lied about meaningful work & flexibility protocol to justify paying me less than NMW and not paying me pay in lieu of notice.

1.11 Alongside that entry and a second paragraph the Claimant had identified 50 separately numbered types of legal claim, including breach of contract, unfair dismissal, whistleblowing detriment, direct and indirect race, sex and disability discrimination, right to guarantee payment, duty to inform and consult under TUPE Regulations, detriment as a trade union member, liability of union in certain proceedings in tort, detriment for pensions entitlement, and breach of human rights.

1.12 On 4 July 2019 I issued a warning that I was considering striking out claim 8 on the ground of unreasonable conduct or failure to comply with my order of 4 June 2019. I wrote:

> *…*
> *The Claimant's document was received on 2 July 2019. It is 5 pages long. EJ Davies understands the reasons for that, and it is not the length of the document that is a cause for considering striking out this claim. The first difficulty is that the Claimant has not clearly and simply said what was done, by whom and on what date. For example, for the first complaint, she makes a general complaint about Leeds City Council, Unite and Unison not giving her access to documents between January and April 2019, but she does not say who did so, what they did or said, and on what date. The second difficulty relates to the type of legal claim. For example, for the first complaint the Claimant has listed 50 separate types of legal claim. These include complaints that the Tribunal has no jurisdiction to hear (e.g. breach of human rights) and numerous complaints that on the face of it have no relevance to a complaint about giving access to documents in 2019 (e.g. the right to a guarantee payment, the duty to inform and consult under the TUPE Regulations).*
>
> *This is against the background that EJ Davies has spent very considerable time in writing and at preliminary hearings trying to help the Claimant to formulate her existing claims and making clear what is required of her when clarifying those claims. EJ Davies has previously attempted to help the Claimant directly, both by preparing draft annexes herself for discussion with the Claimant and by discussing the claims with the Claimant at preliminary hearings. That has not proved successful. It is necessary to know what the Claimant's complaints are so that the Respondents can respond to them and so that the Tribunal can make orders for the further progress of the claims. The overriding objective underpins that process. Fairness and justice to both parties includes consideration of what is proportionate. If claim 8 cannot be responded to or progressed without disproportionate effort on the part of the Respondents or the Tribunal, a fair hearing may not be possible.*
>
> *Therefore, EJ Davies is considering striking out claim 8. The Claimant can object by making written representations or requesting a hearing. If she wishes to do so, it would be sensible for her to provide a revised Annex that properly clarifies her complaints and properly identifies the legal claims that relate to each.*

1.13 On 12 July 2019 the Claimant provided a further revised annex. While it provided some more specific information in some respects, it still fundamentally failed to give a clear list of what was said or done, by whom, when, and what type of complaint the Claimant was making about it. For example, the first entry said:

> *16/01/2019 & 15/03/2019*
> *LCC made a payment to my Barclays bank account and still refused to comply with statutory & contractual obligations and failed to pay me equal pay as regards my part time entitlement compared to what they pay my colleagues who are full time workers in*

terms of annual leave, bank holidays, rest breaks and statutory sick pay and notice in lieu for a white colleague who was dismissed.

On 18 Feb 2018 and 28/02/2018 [I assume this should read 2019]
LCC refused to give me the relevant evidence including 2016 Unilateral variation which they relied on to put me on stage 3 to dismiss me (and which I needed to help me defend my dismissal), harassed and discriminated against me all through the hearing, refused to redeploy me flexibly to the B3 that was available in various locations within the city and available till Aug 2019 & insisted that the only way they would redeploy me was if I agreed to acquiescence to medical redeployment

1.14 Against that entry the column containing the Claimant's list of legal claims or statutory provisions ran to 2 ½ pages. It included under the Equality Act claims of direct and indirect race, disability and sex discrimination; harassment on those grounds; victimisation; breach of the duty to make reasonable adjustments; unfavourable treatment because of disability; and breach of a sex equality clause. The Claimant also referred to provisions in parts 8 and 10 of that Act. In addition, she referred to breaches of the National Minimum Wage Act, Working Time Regulations, Part-Time Workers (Prevention of Less Favourable Treatment) Regulations, TUPE Regulations, Employment Rights Act and Public Interest Disclosure Act. The provisions identified in the Employment Rights Act included the right to a statement of changes to employment particulars, the right not to suffer unauthorised deductions from wages, the right to a guarantee payment, and the right not to be subjected to detriment in health and safety, working time, protected disclosure, and flexible working cases.

1.15 At the same time as she provided the further revised annex on 12 July 2019, the Claimant requested an Igbo interpreter to help her present her claim in the way a Judge would understand. She acknowledged that she has a good command of English but said that she believed an interpreter would help her make the Judge understand her claims. She suggested that her difficulty articulating her claims was also linked with her mental health. I listed a preliminary hearing to consider whether claim 8 should be struck out and dealt with the request for an interpreter in a Case Management Order dated 15 July 2019:

…
EJ Davies has noted the Claimant's requests for an Igbo interpreter and her description of how her mental health affects her ability to articulate her claims. It is not for the Tribunal to provide an interpreter to enable the Claimant to set out her claims clearly in writing. EJ Davies has explained clearly at preliminary hearings and in writing what is needed. The Claimant must focus on complying with that. If she needs assistance because of her mental health difficulties, it will be for her to seek it. EJ Davies understands that additional time may be needed and she therefore directs that the preliminary hearing should not be listed before ***9 September 2019****.*

EJ Davies has not set a deadline for any further written clarification of the complaint. She has explained that if the Claimant wants to avoid her eighth claim being struck out, it would be sensible for her to provide a revised Annex that complies with EJ Davies's orders. She should do so comfortably in advance of the preliminary hearing.

EJ Davies remains of the view that it would not be appropriate for the Tribunal to provide an Igbo interpreter for the preliminary hearing to help the Claimant clarify her claim. The Claimant needs to clarify her claim in writing, in advance of the hearing.

1.16 The preliminary hearing was listed for 27 September 2019. The Claimant made make a further request for an interpreter. I dealt with that in a Case Management Order on 24 July 2019 as follows:

> *EJ Davies has already dealt with the Claimant's requests for specific disclosure and for an Igbo interpreter. EJ Davies made clear that she was allowing extra time before the preliminary hearing to enable the Claimant to take time to articulate her claim as she wanted to, making allowances for her mental health difficulties. EJ Davies notes that the Claimant has already provided a revised Annex in claim 8. That will be discussed at the preliminary hearing on 27 September 2019.*

1.17 The Claimant did not provide any further clarification of claim 8 in advance of the preliminary hearing.

The preliminary hearing

1.18 The Claimant attended the preliminary hearing with six lever arch files of documents, a 29 page witness statement and two skeleton arguments (31 pages and 14 pages respectively). I have considered them all. Neither the witness statement nor the skeleton arguments contain proper clarification of claim 8. They include a mixture of argument, legal principles, discussion of the entirety of her complaints against the various Respondents and lists of causes of action as well as references to events between January and April 2019. Even those references do not provide the clarification about claim 8 that the Claimant had been ordered to provide.

1.19 Mrs Matthews had also prepared a short file of documents for use at the preliminary hearing. It included a copy of the decision of HHJ Richardson dealing with a number of the Claimant's appeals under Rule 3(10) of the Employment Appeal Tribunal Rules. Mrs Matthews referred to that decision in her submissions and the Claimant has subsequently complained about that. Although there was no reason why Mrs Matthews should not have referred to the decision, in any event it has not been of assistance to me in reaching my decision on this application.

1.20 At the start of the hearing I clarified the issues to be decided and made sure everybody had a copy of each other's documents. The Respondents did not have copies of the Claimant's six files, but they did not object to me having them. The Claimant then requested an Igbo interpreter again. She relied on her mental health and the "language barrier." She said that she would explain the claims to an interpreter the way she meant them and the interpreter could tell me what she meant. I said that I had already refused the request and reminded her that the issues with her claim were not about the language used. An interpreter could only translate what she said. Only she could narrow the claims and explain what they were. She said that it would be difficult to go ahead without an interpreter. I said that I had already dealt with the request and would not agree to it now. I explained that she had had plenty of time to clarify her claims in writing in advance of the hearing and that if she had needed interpreting assistance to do so she could have obtained it. The Claimant did not raise any further objection at that stage.

1.21 I indicated that I would take a break to read the submissions and documents. I explained that after the break Mrs Matthews would have 30 minutes to explain why the claim should be struck out on behalf of the First Respondent, Ms Cunningham and Mr Shevlin would each have 15 minutes to make representations in respect of

their clients. We would take a short break, then the Claimant would have 45 minutes before lunch and a further hour after lunch.

1.22 The hearing resumed at 11am. Having read the parties' arguments, I drew attention to the fact that the Claimant had referred (among others) to the case of *Blockbuster Entertainment Ltd v James* [2006] IRLR 630. I confirmed that this case summarised principles that would need to be applied. I also drew Mrs Matthews's attention to the fact that she would need to address me on the question of proportionality because her written submissions did not deal with that point. The Claimant immediately objected and asked why I had told Mrs Matthews what to say. She asked if I would tell her what to say. I explained that I had asked Mrs Matthews to deal with the point because it was not covered in her submissions and I explained that this is how I conduct hearings. Throughout the Claimant's submissions (see below) I also encouraged her to focus on the relevant issues, for example by encouraging her to focus on whether she had complied with my order rather than on the underlying merits of the complaints.

1.23 The Respondents' representatives then made their submissions in accordance with the timetable. Before taking a break, I reminded the Claimant that she would have from 12:15pm to 1pm and from 2pm to 3pm to make her submissions. When the parties returned to the room after the break, the Claimant spent five minutes looking through her files for documents. After five minutes I suggested that she should make a start and find any other documents she needed during the lunch break. She said that this would disorganise her, so I let her continue looking for documents. After a further five minutes I said that it would be sensible for her to make a start and that she should jot down any documents she still needed to find and look for them at lunch.

1.24 The Claimant then started to address me in Igbo. I told her that I needed her to speak to me in English. She said that she needed to speak Igbo. I said that I had made it clear that the issue with her claims was not about language and that an interpreter could not tell her what claims she was advancing. She said that she needed to speak Igbo to make sure she was using the precise word she needed. In an effort to explain again what was required, I asked her to open up her annex containing her further particulars of claim 8. She became very upset and was shouting that her claims were going to be struck out, she needed to speak Igbo and this was not fair. I immediately took a break and indicated that we would have an early lunch.

1.25 After lunch, at 1:55pm I asked the Claimant if she was ready to proceed and she said that she was going to make a presentation in her language, but first she had some questions. She asked those in English and I dealt with them. She then turned to her submissions about claim 8 and again started to speak in Igbo. I asked her to speak English and said that I could not understand her if she spoke Igbo. She spoke again in Igbo and I told her that I was not going to continue if she spoke in Igbo. I again explained that there was no difficulty with the English she had used. What she had been asked to do was explain (for example) who had breached her contract, when and how. She had been asked to clarify which of the 156 pages accompanying claim 8 were the things she was complaining about. She addressed me again in Igbo. When I asked her not to, she said that what she had written was very clear. I did not understand it. Therefore, she needed to speak Igbo. I again

told her that what she had written was perfectly clear. There was no problem with the English. What she needed to do was say what were the things she was complaining about. She then addressed me in English for about 25 minutes.

1.26 At 2:46pm I said that we would take a break. The Claimant told me that after the break she would make her submissions in Igbo. I told her that she would have a further thirty minutes after the break. It was her opportunity to tell me anything more about why I should not strike out claim 8. However, if she spoke to me in Igbo I would not continue with the hearing and would proceed on the basis of her written arguments. When we returned at 3pm the Claimant told me that her husband was insisting she spoke in English and she did so. In fact, I allowed her a further 45 minutes to make her submissions.

1.27 Mrs Matthews had previously made an application for all of the Claimant's claims be struck out at the preliminary hearing on 27 September 2019. I had informed the parties that I would not to deal with that application on 27 September 2019, but that I would consider on 27 September 2019 whether to list a further preliminary hearing in public to consider striking out all the claims. At the end of the preliminary hearing I therefore gave the parties a brief opportunity to give their views on whether I should list a further preliminary hearing for that purpose. I have dealt with that in a separate case management order.

Legal principles

1.28 The power to strike out a claim is contained in Rule 37 of the Employment Tribunal Rules of Procedure 2013. Under Rule 37 claims can be struck out for non-compliance with Tribunal orders, unreasonable conduct of proceedings and because a fair hearing is no longer possible.

1.29 In exercising the power, the Tribunal must have regard to the overriding objective of seeking to deal with cases fairly and justly. Justice is not just about reaching a decision that is fair between the parties in the sense of fairly resolving the issues. It involves doing so within a reasonable time and having regard to cost. Further, overall justice means that each case must be dealt with in a way that ensures that other cases are not deprived of their own fair share of the resources of the Tribunal: see *Harris v Academies Enterprise Trust* UKEAT/0097/14.

1.30 The principles to be applied when deciding whether to strike out a claim for non-compliance with a Tribunal order are well-established. The Tribunal must consider all the relevant factors, including the magnitude of the non-compliance; whether it was the fault of the party or their representative; what disruption, unfairness or prejudice has been caused; whether a fair hearing would still be possible; and whether striking out or some lesser remedy would be an appropriate response: see *Weirs Valves and Controls (UK) Ltd v Armitage* [2004] ICR 371. This includes considering whether striking out would be proportionate.

1.31 The proper approach to proportionality was set out in *Blockbuster Entertainment Ltd v James* [2006] IRLR 630. The Court of Appeal in that case reminded Tribunals that the power to strike out is a draconian power. The first object of any system of justice is to get triable cases heard. The Tribunal is there for difficult as well as compliant parties, so long as they do not conduct their cases unreasonably. Questions of proportionality require the Tribunal to spell out why striking out is the only proportionate and fair course.

Application of principles in this case

1.32 Applying those principles, I have decided that claim 8 should be struck out. First, I find that the Claimant has failed to comply with my order of 4 June 2019. As set out above, in her revised annexes, sent on 2 and 12 July 2019, she has not said who did what and on what date. Much of what she says is still at the level of general assertion or deals with events over a long period. The Respondents cannot properly respond to that. Further, she has not properly specified what kind of legal complaint she is making about each thing. She has listed numerous different types of complaint. Some of those obviously cannot be relevant. When I identified one example at the preliminary hearing, she said that she had mistakenly cut and pasted that one in. This was just one example.

1.33 I have considered all the documents she presented at the hearing on 27 September 2019. As set out above, none of those provides a coherent explanation of claim 8 either.

1.34 I therefore have to decide whether claim 8 should be struck out, taking into account the factors identified in the *Weirs Valves* case and the question of proportionality.

1.35 I recognise that the Claimant tried to comply with my order on 2 and 12 July 2019. She had more than two months during which she could have produced a revised document, having regard to my clear explanations of what was required. I realise that she does not have legal representation and that her poor mental health affects her ability to comply. However, that is why I gave such a long period before listing the preliminary hearing. The Claimant did not use it.

1.36 The lack of proper particulars of claim 8 causes real unfairness, because the Respondents need to know what the claims against them are and they do not. That brings me on to the question of whether a fair hearing of claim 8 remains possible.

1.37 As it stands, I find that a fair hearing of claim 8 would not be possible. Firstly, it is unfair if a party does not know what the claim against it is. Secondly, the Tribunal cannot decide a case when it does not know what the claims are. Thirdly, as indicated above, fairness includes fairness to both parties, and fair allocation of Tribunal resources more broadly. It would not be fair for the Respondents to have to respond to claim 8 as it currently stands, and then prepare for and participate in a hearing of that claim. That would require excessive time and expense on their part, even if it were possible in principle to respond to the claims in their current format. It would also not be fair to other parties with Tribunal claims for the further significant administrative and judicial resources that would be required to be devoted to this claim.

1.38 Consideration of whether a fair hearing of claim 8 would be possible includes consideration of whether striking out claim 8 would be proportionate, and whether there is some step short of striking the claim out, that would enable a fair hearing to go ahead. I have been unable to identify any step short of striking the claim out that would achieve that aim.

1.39 I considered whether, as the Claimant suggested, the use of an Igbo interpreter would enable the claims to be properly clarified. I decided that it would not. The fundamental task is not to put claim 8 in clearer language. It is to identify, in a focussed and succinct way, what things people said or did that the Claimant is complaining about, when, and what type of legal complaint she is making about each thing. At a hearing, all that an interpreter can do is translate word for word what the Claimant says. The interpreter cannot tell her what her claims are. Making allowances for the Claimant's mental health difficulties and the fact that English is not her first language, I therefore allowed a lengthy period before the preliminary hearing on 27 September 2019 for her to provide proper clarification of claim 8 in writing. She did not do so. I do not consider that holding a preliminary hearing with an Igbo interpreter would in those circumstances lead to proper clarification of claim 8.

1.40 The Claimant suggested that I should order disclosure, in particular of her contract of employment, but also more generally. She said that this would enable her properly to clarify claim 8. I do not believe that it would. When I asked her how disclosure of her contract would enable her to explain her claims, she was not able to say. I do not accept that disclosure of documents would lead to the Claimant setting out her complaints in a succinct and focussed way. There is also a further difficulty with this suggestion. I have repeatedly explained to the Claimant that part of the reason for being clear about what her complaints are, is so that when the Tribunal orders disclosure of relevant documents, the Respondents (and if necessary the Tribunal) can assess whether documents are relevant and disclosable. It is necessary to know what the claims are in order to decide what is relevant.

1.41 The Claimant also suggested that the Respondents should go through her annex for claim 8 and identify the claims that were obviously wrong, which could then be struck out. That would not be a proportionate approach. It would entail very substantial work by the Respondents and then a further, lengthy hearing giving the Claimant the chance to respond. This must be seen in the context of the Claimant's litigation more generally and the overriding objective. In any event, it is not for the Respondents to say what the Claimant's complaints are. She must do so.

1.42 The Claimant also suggested that, even if other claims were unclear, there was clearly a complaint about dismissal, which should go ahead. However, claim 8 does not include a complaint about her dismissal. That is dealt with in claim 1800882/2019, which includes an unfair dismissal complaint. She was dismissed on 5 December 2018. I do not consider that there are clear parts of claim 8 that can be separated out and proceeded with.

1.43 I considered whether it would be possible to clarify claim 8 in discussion with the Claimant at a preliminary hearing, or by the preparation of a discussion draft by me in advance. However, I have tried both those approaches in claims 3, 4 and 5 and they proved unsuccessful. In those circumstances, it would not be consistent with the overriding objective to use further judicial and Tribunal resources in that way.

1.44 I have not therefore been able to identify any step short of striking out claim 8 that would enable a fair hearing to take place. Fundamentally, the claim needs properly

clarifying for a fair hearing to take place, and no step that would lead to such proper clarification has been identified by the parties or me.

1.45 For all these reasons, I have decided to strike out claim 8. That would be proportionate and consistent with the overriding objective.

Employment Judge Davies

14 October 2019