



EMPLOYMENT TRIBUNALS

Claimant: Ms F Rivers

Respondent: Medway Council

Heard at: Croydon and via CVP

On: 7/3/2022

Before: Employment Judge Wright
Ms P Barratt
Mr S Sheath

Representation

Claimant: In person

Respondent: Ms N Gyane - counsel

JUDGMENT having been given on 7/3/2022 and written reasons having been requested in accordance with Rule 62(3) of the Employment Tribunals Rules of Procedure 2013, the following reasons are provided:

REASONS

1. At the start of the hearing, the claimant made an application to strike out the respondent's response as she said it had not complied with Orders for Directions. She also said the respondent had behaved unreasonably, vexatiously and was guilty of wrongdoing.
2. The claimant's application was refused. The Tribunal found that it was still possible to have a fair hearing and it is in the interest of justice for the case to proceed. There has been a history of non-compliance with the Tribunal's Orders, mainly on the part of the claimant. The claimant only served her witness statement on the respondent on 4/3/2022 (the Friday before the hearing had started on the Monday). Another example was the respondent had attempted to serve the bundle upon the claimant by post in October 2021, however the claimant did not collect it from the Post Office and it was returned to the respondent on 1/11/2021. Although there had been non-compliance, there was no disadvantage to the claimant or indeed no advantage to the respondent. The Tribunal was satisfied that

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the bundle had been sent to the claimant, as had witness statements. In accordance with the overriding objective to proceed, it was appropriate to proceed to hear the case.

Employment Judge Wright
Date: 8 March 2022

Sent to the parties on
Date: 28 April 2022