



EMPLOYMENT TRIBUNALS

Claimant: Ms Halui Melisa Angus v

Respondents: Academy Enterprises Trust

Record of an Open Preliminary Hearing heard by CVP at the Employment Tribunal

Heard at: Nottingham **On:** 30 May 2022

Before: Employment Judge Blackwell (sitting alone)

Representation

Claimant: Mr Ibikwe, Of Trade Union PTSC

Respondent: Miss Murphy, Solicitor

JUDGMENT

1. The case is adjourned.

REASONS

1. The purpose of today's Preliminary Hearing was as follows; -
 - 1.1. Whether the Tribunal has jurisdiction to hear the claims as it appears to have been presented out of time.
 - 1.2. If the Tribunal does have jurisdiction to hear the claim whether Judgment should be entered in favour of the Claimant under Rule 21 of the Employment Tribunal Rules of Procedure; -

1.3. If Judgment is entered in favour of the Claimant what sums if any should be awarded to her by way of Remedy.

2. The hearing was conducted by CVP and, perhaps fortunately, Mr Ibikwe had difficulties in joining and could eventually only join by telephone. I say fortunately because shortly after the hearing was due to commence Miss Murphy emailed the Tribunal in the following terms: -

"We are instructed by the Respondent in relation to the claim brought by Ms Angus in Watford Employment Tribunal Case No: 3300391/2021.

We have not received any notice of an Open Preliminary Hearing listed today at 10.00am in Midlands East ET. However, we are concerned that there are concurrent proceedings regarding the same claim in Watford Employment Tribunal. If the Respondent is unrepresented at this hearing please can dial in details be sent to me as a matter of urgency and I will attend".

3. Miss Murphy said that the Watford claim related to alleged discrimination, but which occurred prior to Miss Angus's dismissal on the 31 July 2021. She also indicated that the Watford claim had been struck out but was subject to an application for a reconsideration which had so far not been determined.
4. Mr Ibikwe appeared to have no knowledge of the Watford proceedings. In turn Miss Murphy had no knowledge of the Midlands East proceedings.
5. Obviously, this is a highly unsatisfactory state of affairs and it was common ground that I should proceed not to determine any of the issues listed above.
6. I did, however, point out to Mr Ibikwe that given that the effective date of termination, and the last date pleaded in the claim form meant that it would appear that the primary limitation period for all of the claims brought by Ms Angus began to run at the very latest on 31 July 2021. The proceedings were not brought to the Tribunal until 9 January 2022. The Early Conciliation Certificate is of no assistance to Ms Angus because date A is the 25 November 2021 thus some three weeks after the primary limitation period ran out. I pointed out to Mr Ibikwe that he needed to look again at the point since in his submissions he stated that all claims were lodge in time which appears not to be the case.
7. After discussion it was agreed that the parties should have time to consider their position and should make representations to the Tribunal as to the way forward within 28 days of the date of the attached order. The Tribunal will send to Miss Murphy all of the relevant papers relating to the Midlands East claim and Miss Murphy will send to Mr Ibikwe the relevant papers from the Watford case.

ORDERS
Made pursuant to the Employment Tribunal Rules 2013

1. All Case Management Orders are stayed for the time being.
2. The parties shall within 28 days of the date of this order make representations to the Tribunal as to how the 2 claims are to proceed.

Employment Judge Blackwell

Date: 13 June 2022

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