EMPLOYMENT TRIBUNALS
London Central Region

Claimant: Ms C Woolfrey

Respondents: (1) Reed Specialist Recruitment Ltd
(2) Ms N Hewitt
(3) Mr M Jones
(4) Ms L Goodger
(5) Ms C Huckle

NOTICE

The Claimant's application/s for reconsideration of the Judgment and Reasons signed on 23/7/22 is/are refused.

REASONS

1. The Claimant sent an email to the Tribunal dated 26/7/22 complaining that her name had not been anonymised in the Judgment as requested by her and about the admission of various documents in evidence at the trial/full merits hearing (FMH).

2. She sent an email dated 8/8/22 complaining about:

- EJ J Burns's (ie my - I refer to myself in the first person from now in these Reasons) conduct during the FMH;
- Miss Helena Smith's (Respondent's Solicitors's) conduct of the case preparation process leading up to the FMH;
- Mr Ross's (Respondents' Counsels') "manner" at a preliminary hearing before EJ Spencer on 24 June 22;
- "the refusal of the FMH Tribunal to recognise that the Claimant had been the victim of a crime";
- my indication that the Tribunal were not interested in any "Nuclear Security Clearance" which the Claimant may now have; and
- her view that she had not had a fair trial and asking for the judgment to be revoked and asking for a new trial to be organised.

3. The Claimant sent a further email on 9/8/22 stating that she feels that I "*hate women or maybe just (the Claimant)".*

4. Contrary to the Tribunal Rules, none of these emails from the Claimant were copied by the Claimant to the Respondents, despite the facts that (i) one of the matters the Claimant complains about against the Respondents and their solicitors is poor email communication and (ii) in a CMO signed by EJ H Norris on 23/2/22 and sent to the Claimant it is stated *"Please ensure you comply with Rule 92 (Schedule 1, Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013) and copy to the other party/parties any communication you send to the Tribunal and state that you have done so (save any application under Rule 32).*"

5. Despite this, I have decided to treat the Claimant's emails referred to above as an application for reconsideration under Rule 71, her main complaints being set out italics and my responses following:

The Claimant's name had not been anonymised in the Judgment as requested by her

6. EJ Spencer commented on this issue in her notes for the CMO dated 24/6/22 as follows: "*The Claimant said during the hearing that Employment Judge Norris had agreed that her name would not appear on any judgment because of the need to refer to the incident that occurred in September 2020. In fact, as far as I am aware, no Anonymity Order has been made, although Employment Judge Norris in paragraph 11 of the case management summary suggested that the parties might wish to give some thought to the question of as to any whether any such order might be appropriate. I asked Mr Ross if the Respondent objected to any such Order, but he had not had any instructions on the point. In any event (as I explained to the Claimant), in considering whether to make an anonymity order the Tribunal will need to balance the Claimant's right to privacy and other Convention rights against the principle of open justice. If the Claimant considers that such an order might be appropriate, then she must raise it with the Tribunal at the full hearing.*'

7. I had read this Note, and raised the issue myself with the parties at the beginning of the FMH (trial). The Claimant asked for her name to be anonymised. She did not articulate any reason very well but we presumed that this was because a background fact in the case contributing to her mental ill-health was that she had stated to police and health professionals that she thought she might have had her drink spiked and had been raped during a night out in 2020.

8. Mr Ross, on behalf of the Respondent, having taken instructions since 24/6/22, told us at the beginning of the FMH that the Respondents objected to the Claimant's name being anonymised, as there was no justification for this.

9. The Tribunal decided to wait until the end of the FMH and the formulation of the judgment and reasons on liability, before deciding whether or not we should anonymise the Claimant in them.

10. The evidence on the possible drink-spiking was that the Claimant believed that this might have occurred, and she feared she might have been raped, but whether or not she had been had not been ascertained subsequently (although apparently all tests came back negative). Whether or not the Claimant had been mistreated in this way was not one of the issues which we needed to decide.

11. That the Claimant had had various personal problems in her life (including her beliefs/fears about a possible episode in 2020) which had led to her mental ill-health, was accepted from the outset and beyond this we did not need to go.

12. We did not refer in our Judgment or Reasons to the possibility that the Claimant might have been raped and we made no reference to any sexual matters. As stated in paragraph 9 of the Reasons, having considered Rule 50 and having balanced the Claimant's right to privacy and other Convention rights against the principle of open justice, we concluded that we should not anonymise the Claimant's name.

13. In her subsequent email dated 26/7/22 the Claimant has written the following *"THE ACCUSATIONS MUST NOT BE PUT OUT TO THE UNIVERSE! IT WILL DESTROY MY LIFE AND COULD STOP ME FROM WORKING IF COMPANIES WERE TO READ THAT IT PORTRAYS ME TO BE A LYING, CALCULATED DRUG ADDICT". Please stop this from being published. I need help."*

14. Hence, it appears that her main, if not only, reason for the Claimant now wanting her name to be anonymised in our Judgment and Reasons is not any sexual issue, but rather the potential negative effect on her of publicity of our findings of fact about other matters (ie the issues in the claims). This is not a good reason to anonymise or for making an exemption to the rule that Employment Tribunal Judgments and Reasons including the parties' names are published unredacted on the Register.

The admission of various documents in evidence at the trial.

15. The Claimant complains about the admission of what we have referred to as the "missing pages bundle" in paragraph 4 of the Reasons for the Judgment.

16. The said paragraph states that the bundle had been served as a supplementary bundle "earlier this month" ie in July 2022. We were informed by Mr Ross that according to his instructions most of the 49 pages in the missing pages bundle had been served a week or so before the trial and the remainder on 17/7/22, about 2 days before the trial.

17. The Claimant did not object to the admission of most of the documents but objected to the admission of the documents which, we were told, she herself had created and or submitted to the Respondent when she had applied for employment with it. As appears from our Reasons, (see paragraphs 10-13 and 68) these were relevant documents not only going to credibility but also to the question of how long the Claimant's employment would have lasted in any event.

18. These were documents which, or the contents of which, the Claimant must have been familiar with and, despite her disability, we were not convinced that she would suffer any real forensic prejudice in being required to deal with and answer questions about them. It is preferable for decisions to be made based on more rather than less information.

19. When discussing the missing pages bundle, the Claimant said she had not read it. I said she should have done so. I thought that it was a short bundle and that the Claimant had had time to read it even if it had come to her recently.

20. We told the Claimant that if there were any further relevant documents in her possession on the subject of her recruitment by the Respondent, she was at liberty to send them to us, but she did not do so.

21. We were taken by Mr Ross through each page in the "missing pages bundle" before we adjourned to consider whether to admit them or not and we were unanimous in concluding that they should be allowed in.

22. We were aware of the terms of the directions made by EJ Spencer on 24/6/22 which included the following "*The Respondent will add to the existing supplemental bundle the Respondent's "Manager's guide to mental health". Save for the addition of that document, no further documents are to be added to the existing bundles, save as directed by the Tribunal at the full hearing.'*

23. These directions did not preclude and in fact had anticipated that there may be further documents the admission of which the full tribunal would have to consider, as in fact we did.

24. To the extent that the Claimant in her recent emails is complaining about the manner in which bundles other than the "missing pages bundle" was compiled or served on her before the FMH, this is not something she raised or complained about to us during the FMH and, that being the case, it is not open to her to do so now.

25. In any event, the Claimant showed during the FMH that she was reasonably familiar with the documents in the bundles and conducted her cross-examination of the Respondents' witnesses against those documents.

My conduct during the trial,

26. I was aware of the Claimant's disability as well as the fact that she was a litigant-in-person and I discussed this with the Members before the FMH started. When the FMH started, I explained the procedure and asked the Claimant to let me know if she needed breaks or any other adjustment I could provide to try to facilitate her participation.

27. Most of the time during the FMH the Claimant was courteous and appropriate in her manner.

28. The Claimant complains that I raised my voice at her on several occasions.

29. I agree that on one occasion, (during the Claimant's final submissions) I raised my voice but only because the Claimant had carried on talking across me and I needed to make myself heard on the

CVP audio. The occasion was when the Claimant, not for the first time, was making a personal attack on Mr Ross (who was the Respondent's Counsel, and whose cross-examination of the Claimant during the trial - while searching and effective - was well within reasonable professional standards) and who (as I had already explained to the Claimant at some length) did not merit what the Claimant was saying about him. I did not think it right for the Claimant in final submissions in a public hearing to continue making inappropriate, intemperate remarks about Mr Ross so I interrupted the Claimant, told her I would not listen to her further on that topic and asked her to move on, which she did.

30. I deny raising my voice in addressing the Claimant on any other occasion.

31. The Claimant complains that I "*told (her) not to discuss my sexual assault details again, he said men find it difficult and uncomfortable".*

32. The Claimant had a tendency to dwell unnecessarily on the personal details of the aftermath of her having complained to the police that she thought she may have been raped following her drink being spiked. For example, she referred several times during the FMH to her having had anal and vaginal swabs etc. She had also put medical documents about this of a highly personal nature in the bundle. This tendency was not only contrary to the concerns she appears to have professed to EJ Spencer about publicity being given to the possible sexual assault, but it was entirely gratuitous and irrelevant to the issues. I told her politely that we did not see the necessity to dwell on these personal sexual matters in a public hearing and would prefer that she did not.

33. The Claimant complains "*When (i) read the witness statement of Rebecca Hunter he said "why did she think your drink was spiked????? He said "is that what you do Miss Woolfrey?? do you talk about it every time something happens or goes wrong????"*

34. At one point in the evidence when she was complaining about some conduct of a male Respondent's manager, I suggested that as a man he may have been embarrassed to discuss these private sexual matters with the Claimant and I did ask her why she reverted to this subject so readily. This was a legitimate question in my view as it went to the reasonableness of the Claimant's criticism of the manager.

35. The Claimant complains that I stated "*ITS COMMON SENCE MISS WOOLFREY!, another time he said "YOU ARE CONFUSING PEOPLE MISS WOOLFREY... WHAT ARE YOU ASKING".*

36. It is true that I had to intervene on numerous occasions during the Claimant's cross-examination of the Respondent's witnesses to assist her to formulate proper questions rather than just making speeches or hectoring. These interventions were necessary and appropriate. I may well have uttered these words on one or more of these occasions.

37. I am satisfied that I maintained a professional and reasonably cordial atmosphere throughout the hearing and did so equally with both sides.

38. Near the end of her final submissions the Claimant stated that she was satisfied with the Tribunal's conduct of the Hearing.

39. I do not hate women or the Claimant in particular.

Miss Helena Smith (Respondent's Solicitor) conduct of the process leading up to the trial.

40. I note that the Claimant appears to have raised something along these lines at the CMH before EJ Spencer on 24 June 2022 as appears from Note 6: *The Claimant has been anxious to refer the Tribunal to a number of matters occurring after her employment had ended, including issues arising in case preparation. I have explained that those matters are not relevant at the liability stage but may possibly become relevant (if the Claimant is successful in all or part of her claim) at the remedy stage. For that reason, it was agreed with the parties that the hearing beginning on 19th July will deal with liability only.*

41. During the FMH the only case preparation issue which was clearly raised by the Claimant was in relation to the "missing pages bundle", which I have discussed above.

42. The Claimant did not make during the trial the complaints she now makes against Miss Smith. I am unwilling to deal with these now, especially as the Claimant's recent emails have not been copied to Miss Smith. In any event any such matters would not have affected the outcome of the case.

Mr Ross's "manner" at a preliminary hearing before EJ Spencer on 24 June 22,

43. The Claimant has not provided any details about this but, in the light of her unjustified complaints about Mr Ross at the FMH, I am sure there is nothing in it. If there had been, EJ Spencer would no doubt have dealt with it then. I am unwilling to deal with this complaint now, especially as the Claimant's recent emails have not been copied to Mr Ross.

The refusal of the Tribunal to recognise that the Claimant had been the victim of a crime

44. I have already dealt with this above. As far as we could see there was no conclusive evidence to show that in fact the Claimant had been drink-spiked and/or raped and in any event whether or not she had been was not one of the issues we had to decide.

My indication that the Tribunal were not interested in any "Nuclear Security Clearance" which the Claimant may now have,

45. The Claimant's current security clearances with a different employer was irrelevant to the question whether she had misled the Respondent about her previous employment history, so we did not wish to spend time on this.

That she had not had a fair trial and asking for the judgment to be revoked and for a new trial

46. The Tribunal was unanimous in its decision and the Reasons were formulated and approved not only by me but also by the Members before being promulgated. We conducted a fair trial, as was recognised and accepted by the Claimant herself before she knew the outcome.

47. There is no reasonable prospect of the Judgment or Reasons being varied or revoked.

48. I will not entertain or respond to any further correspondence from the Claimant in this matter.

J S Burns Employment Judge
London Central
16/8/2022
For Secretary of the Tribunals
Date sent to parties: 16/08/2022