



EMPLOYMENT TRIBUNALS

Claimant: Miss Elizabeth Digby

Respondents: (1) St Faith's
(2) The Leys and St Faith's Schools Foundation
(3) St Faith's of The Leys and St Faith's Schools Foundation
(4) St Faith's School
(5) St Faith's School

Heard at: Bury St Edmunds (preliminary hearing in public via CVP)

On: 10 October 2022

Before: Judge Brian Doyle (sitting alone)

Representation:

Claimant: Mr Chris Jordan, the claimant's partner

Respondents: Ms Abigail Trencher, solicitor

JUDGMENT

1. At the relevant times, for the purposes of the claimant's claim, her employer was the 2nd respondent – The Leys and St Faith's Schools Foundation – which is a registered charity (1144035) and a registered company limited by guarantee (07748737).

2. Accordingly, acting under rules 29, 34 and 37 of the Employment Tribunals Rules of Procedure 2013, the 1st, 3rd, 4th and 5th respondents are removed from the proceedings; or alternatively the claim against those respondents is dismissed or otherwise struck out as having no reasonable prospect of success. The title of the proceedings shall be amended accordingly.

3. The claim now proceeds only against the 2nd respondent (as identified in paragraph 1 of the Judgment above) either as an original respondent to the claim or in substitution for the other respondents.

4. The ET3 response and grounds of resistance presented by or on behalf of the 2nd respondent shall be treated as the response of that respondent (as identified in paragraph 1 of the Judgment above) and as validly accepted by the Tribunal.

ORDER

1. The final hearing of the claim remains listed for 10 days between 9-20 October 2023.
2. With the agreement of the parties, the existing case management orders and case management timetable are suspended.
3. With the agreement of the parties, a Judicial Mediation of 1 day by way of a preliminary hearing held in private via CVP has been re-listed commencing at 9.30am on **23 November 2022**.
4. The claimant shall prepare an updated Schedule of Loss and each party shall prepare a short position statement of no more than 2 pages, and these documents shall be exchanged between the parties (and copied to the Tribunal) by **16 November 2022**. By that date, the respondent shall also prepare a short electronic bundle comprising only the pleadings, any case management documents and this Judgment and Order for the use of the judge conducting the Judicial Mediation (and it shall copy that to the claimant).
5. Depending upon the outcome of the Judicial Mediation, and at his or her judicial discretion, the judge at that hearing may convert the hearing into a case management hearing (in private or in public as the rules might require) in order to deal with: any applications the parties might make on notice to each other and the Tribunal; outstanding matters of case management; and the case management orders and case management timetable necessary for the final hearing.
6. At the present hearing, and after discussion, neither party pursued various applications of which notice had been given. Subject to the overriding objective, any outstanding matters of concern or in dispute (such as disclosure and/or admissibility of “without prejudice” documents) may be addressed in accordance with paragraph 5 of this Order.
7. The claimant’s application under rule 62 made at this hearing for written reasons for the Judgment above is granted. Written reasons will be provided as soon as possible.

Judge Brian Doyle

DATE: 10 October 2022

JUDGMENT SENT TO THE PARTIES ON

27/10/2022

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FOR THE TRIBUNAL OFFICE

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.