EMPLOYMENT TRIBUNALS

Claimant: Miss Rehana Younus

Respondent: Hounslow and Richmond Community Healthcare NHS Trust

On: 1 February 2023

Before: Employment Judge Barker

Representation:
Claimant: In person
Respondent: Mr Nicholls, counsel

JUDGMENT

1. The claimant's race and religion and belief discrimination complaints were issued out of time. It is not just and equitable to extend time to allow those complaints to continue.

2. The claimant's disability discrimination complaint was issued out of time, but it is nevertheless just and equitable to extend time to allow this complaint to continue. This complaint may proceed.

3. The claimant's application to add claims of detriment due to having made public interest disclosures ("whistleblowing") is refused.

4. The claimant's unfair dismissal claim is unaffected by this decision and may proceed to a final hearing.

REASONS

Issues for the Tribunal to Decide at this Hearing

1. This hearing was an open preliminary hearing to determine two issues, which are:

    a. Whether the claimant's discrimination complaints were out of time, which involves consideration of the following:

i. Whether any complaint of the claimant was made to the Tribunal outside the time limit of three months (plus any time spent in ACAS Early Conciliation)?
ii. If so should any such complaint be dismissed on the basis that the Tribunal has no jurisdiction to hear it?
iii. On the basis of time limits – should a complaint be struck out under rule 37 as having no reasonable prospects?
iv. Should one or more deposit orders be made (on the basis of time limits) under rule 39 if the complaint has little reasonable prospects of success.

b. Should the claimant be allowed to amend her claim to add whistleblowing complaints?

2. There has already been a case management hearing in these proceedings, before EJ Smith on 15 September 2022. At this hearing, EJ Smith helpfully summarised the background to the claimant's complaints as follows:

"The claimant worked for the respondent for just over two years, initially as a school health technician and later, following redeployment, as a learning and development administrator. In the former role the claimant liaised with the respondent's school nursing team. It would appear there were substantial disputes between the claimant and the school nursing team with each blaming the other. Attempts at counselling, teambuilding and mediation were unsuccessful, as was coaching provided by the respondent to the claimant. The claimant was redeployed on approximately 28 September 2020 after the claimant had been absent due to ill-health since January of that year."

3. I also note that the claimant's employment ended when she tendered her resignation on 3 November 2020, which the claimant alleges was a constructive unfair dismissal.

4. In preparation for this hearing, the parties have provided the Tribunal with a number of documents. Mr Nicholls for the respondent has provided a short skeleton argument and a neutral chronology and the respondent's solicitors have put together a bundle of what they consider to be the relevant documents for the Tribunal at this hearing.

5. The claimant was asked to provide a witness statement in advance of this hearing to cover the reasons why she brought her claim when she did and why. Her statement, dated 30 January 2023, is before the Tribunal. The witness statement does not address any of required issues as to the timing of the presentation of her claim form. Three of the four pages of the statement provide a considerable amount of detail about problems the claimant says she had with the staff and management of her second job, with Care UK/Practice Plus Group. Care UK/Practice Plus is not a respondent to these proceedings and the Tribunal has no jurisdiction to consider any issues the claimant had with her other employer.

6. The claimant provided the Tribunal with sworn evidence under oath, which has been considered. Evidence was obtained with the assistance of some questions

from the Tribunal. The claimant also provided her own bundle of documents. Included in her bundle was a print-out of over 110 pages of WhatsApp messages with the school nursing team at the respondent, which the claimant asked the Tribunal to consider.

7. The respondent's counsel Mr Nicholls indicated that, given the content of some of the claimant's witness statement, the respondent was concerned for her welfare. The claimant strenuously objected to any suggestion that she was experiencing symptoms of paranoia. She also complained strongly about the respondent having suggested during her employment that she was experiencing paranoia. The claimant then told the Tribunal that CCTV footage at her home indicated that, in the middle of the night, an unidentified individual had tried doorhandles in an attempt to break in. The claimant believes that this individual has been sent to her home by the respondent in order to stalk her.

8. The claimant described to the Tribunal how approximately four school nursing team mobile phones had gone missing during her employment. One such phone had previously been used by the claimant and then allocated to another member of the team. Administrative issues had arisen with the reallocation of the phone from the claimant to her colleague, and the colleague had then lost the phone. The claimant indicated that she considered that the respondent was, still at the date of this hearing, seeking to frame her in an unspecified way for the missing phone or phones.

9. The Tribunal notes that there is no evidence whatsoever that the respondent is seeking to blame the claimant for the whereabouts of the missing phones, and no evidence whatsoever (and no indication of any possible reason or motive) for seeking to stalk the claimant or break into her home.

10. Given that this is an allegation of criminal activity, the Tribunal has no jurisdiction to consider it and the claimant was informed that if she wished to complain about this behaviour, the police were the appropriate organisation to contact.

11. However, the claimant is also clearly experiencing significant stress and strain on her mental wellbeing, and it is suggested that she contact her GP in the first instance as a possible route to obtain support for this.

12. The claimant was employed in the school nursing service which transferred to the respondent by operation of TUPE on 1 April 2018. The claimant's job was, amongst other matters, to travel to local schools across Hounslow to provide such services as height and weight measurements. She therefore had to travel from her work base in Hounslow to the various schools. The claimant told the Tribunal that there were approximately 18 members of the school nursing team ("SNT"). It is unclear how many individuals were members of the SNT WhatsApp group that is the subject of some of the claimant's complaints.

<u>The Claims of Disability Discrimination, Race Discrimination and Discrimination due to Religion and Belief</u>

13. The claimant's claims for discrimination due to religion and belief were discussed with EJ Smith at the previous case management hearing and are recorded in his record of this discussion as being the following two complaints.

    a. The claimant was allocated an empty room to use as a prayer room between January and June 2018 .Was the claimant told by Jenny Robinson and Julie Rushton that as a result of complaints from the school nursing team she could no longer use the room and instead had to use the podiatrist clinical room which on occasions was occupied and thus not available for prayers.

    b. Stephanie Holley in a WhatsApp chat in respect of an end of year party planned for August 2018 state that she would bring a "*sausage surprise ha ha ha*"

14. The claimant's claim of race discrimination was similarly described to EJ Smith and recorded by him as being that the claimant was effectively excluded/ostracised because of her race from a leaving party in July 2018 for Stephanie Holley. The claimant was told in order to attend the party she would need to bring some food and it was agreed she would bring wo pizzas. Save for Jenny Robinson nobody ate a slice of either pizza.

15. The claimant's claim of disability discrimination is one of a failure by the respondent to make reasonable adjustments, in that they did not provide her with a bicycle while she was working for the School Nursing Team. The claimant had a number of short-term absences in 2019, some of which were for foot pain and sciatica. She was referred to the respondent's occupational health service on 30 October 2019 where it was reported that she had been suffering from plantar fasciitis since January 2019 and sciatica and that walking to various schools made the pain worse. A risk assessment was recommended and it was also recommended that her travel be restricted to short distances.

16. On 19 November 2019 the claimant asked her manager that the respondent purchase her an electric scooter or bicycle to allow her to travel between schools. This was discussed at a sickness absence review meeting in November and again on 21 November 2019 at a meeting to discuss the Occupational Health ("OH") report. The respondent agreed to ask OH if that could be considered a reasonable adjustment. OH wrote to the respondent on 15 January 2020 to confirm that it could be. At a meeting on 27 January 2020 the respondent informed the claimant that buying a bicycle for her went beyond what the respondent considered to be a reasonable adjustment and other adjustments were suggested.

17. The claimant went on long-term sickness absence from 6 January 2020. She refused to return to the SNT and returned to work in a temporary role, from home, for the Health Visiting administration from 3 August 2020. She then accepted a role as a Learning and Development Administrator from 28 August 2020. From the parties' pleadings so far, there is no evidence that the claimant's refusal to return to the SNT was due to the lack of a bicycle, but to do with her dislike of the interpersonal dynamics in the SNT. As of 3 August 2020, the claimant's roles for

the respondent were not such that she was required to travel during the working day as she had done when part of the SNT.

18. The claimant tendered her resignation on 3 November 2020. She began ACAS Early Conciliation on 10 November 2020 which lasted until 10 December 2020 and her ET1 claim form was lodged at the Tribunal on 22 January 2021.

19. In terms of when the claimant should have approached ACAS to begin early conciliation for each of her discrimination claims, I find that the dates were:

    a. For the claim of a failure to make reasonable adjustments, 3 months from the date that the claimant was told that the respondent would not provide a bicycle, which was 27 January 2020. 3 months from this date is 26 April 2020, which was the date by which the claimant should have approached ACAS for conciliation for this complaint;
    b. For the claim of race discrimination, 3 months from the date of the incident, which was at Stephanie Holley's leaving party in July 2018. Taking the last day in July 2018 as the date of the party, the claimant should have approached ACAS to begin early conciliation by 31 October 2018;
    c. For the claims of religion and belief discrimination, taking the last day in August 2018 as the last possible date of the end of year party and therefore the last date by which discussions about that party could have taken place, the claimant should have approached ACAS to begin early conciliation by 30 November 2018.

20. Given that she did not approach ACAS until 10 November 2020, the race discrimination claim is two years late, the religion and belief claims are one year and eleven months late and the disability discrimination claim is over six months late.

<u>Applications to Extend the Time Limit for Presenting Claims</u>

21. A claim for unlawful discrimination or detriment must be presented to the Tribunal within three months (plus a consideration of time spent in ACAS early conciliation) of the date of the unlawful act(s) of discrimination or detriment. Where claims are presented later than this point, the Tribunal's jurisdiction to extend time is where it is "just and equitable" to do so.

22. In the case of **Adedeji v University Hospitals Birmingham NHS Foundation [2021] EWCA Civ 23, [2021] ICR D5**, the Tribunal is cautioned against relying on a rigid checklist of factors as to when it would be just and equitable to extend time, but broadly it is accepted that three factors are generally relevant to that decision, which are

    a. the length of the claimant's delay and the reasons for it,
    b. the prejudice which each party would suffer as a result of granting or refusing an extension, and
    c. the potential merits of the claim.

23. In the case of **Kumari v Greater Manchester Mental Health NHS Foundation Trust [2022] EAT 132** it was acknowledged that for a tribunal:

    "It is permissible, in an appropriate case, to take account of its assessment of the merits at large, provided that it does so with appropriate care, and that it identifies sound particular reasons or features that properly support its assessment, based on the information and material that is before it. It must always keep in mind that it does not have all the evidence, particularly where the claim is of discrimination."

24. In considering whether it would be just and equitable to extend time to allow the race and religious discrimination complaints, it is the respondent's case that there is clear prejudice to them in having to respond to claims that have been brought so late.

25. The claimant gave evidence under oath as to her reasons for not presenting the claims at the times when they arose, and why they were presented in late 2020 instead. She told the Tribunal that she was "under immense pressure", which I accept. She also told the Tribunal that she had talked with her union, Unison, about resolving the situation internally, but that she realised prior to her sickness absence in January 2020 that it would not be possible to do so within the SNT. It is important to distinguish the claimant's overall complaint about constructive unfair dismissal and requests to move teams from the specific allegations of race and religious discrimination. I accept that the claimant was seeking to move teams and be away from the conflict in her day to day working life.

26. However, she told the Tribunal that she spoke to the "Equality Advisory Service" in 2020 and it is clear that she had done so by 15 June 2020. On this date the undisputed evidence before the Tribunal was that she submitted an email that the claimant subsequently asked to be treated as a grievance in an email to Ms Hunt 2 July 2020. In it, the Claimant wrote "I have been liaising closely with ACAS, the Equality and Human Rights Commission and Citizens Advice Bureau who have given me clear advice and guidelines on what outcome I should be expecting and I expect to be fully compensated within those guidelines. I will not be expecting anything less".

27. The claimant said that she did not go to the Tribunal at this stage because she considered the move had resolved the matter, but it is clear that the allegations of discrimination had not been resolved by the move to the new job as they were not formally addressed to the respondent by the claimant. The issue of a working environment that was tolerable to the claimant had been potentially addressed by the move, but none of the other complaints were.

28. The claimant however also said, in answer to questions under cross-examination by the respondent's counsel, that in June 2020 she was going to take matters outside the Trust because she wasn't being listened to, but it is clear that she didn't do so until after her resignation in November 2020.

29. I find that the claimant had the assistance of her union during her employment, had also had a number of conversations with the EHRC and ACAS by June 2020, did not have any of her allegations of discrimination before this Tribunal addressed to

her satisfaction by the respondent during her employment, but did not take any action until November 2020, after her resignation.

The Religion and Belief Discrimination Complaints

30. As part of a decision as to whether the Tribunal should exercise its discretion to extend time on a "just and equitable basis", the Tribunal may consider the merits of the allegation in question. In relation to whether the WhatsApp message highlighted to the Tribunal by the claimant could be considered to be an unlawful act of direct religious belief discrimination, it is necessary to consider the allegedly discriminatory WhatsApp message in the context of the other messages on the subject sent on that day between the SNT. An appropriate extract is:

> *"Hi all. For Friday Laura P and I are collecting a tray of sandwiches and crisps from Costco. Heather is planning on making a cake if she has time… any other contributions welcome! See you all Friday 330ish……."*
>
> *"I'll make something too"*
>
> *"Amazing"*
>
> *"I'll make sausage surprise. Haha joking!! I'll make something too. Maybe a pasta salad xx"*

31. Taking the claimant's case at its highest, this allegation does not have reasonable prospects of success at a final hearing for the following reasons:

    a. None of the messages at the time in August 2020 refer to the claimant individually;
    b. None of the messages make any reference, even indirectly, to a protected characteristic, either the claimant's or those of any other individual or group of people. There was nothing to suggest the reference to "sausage surprise" in the message was religiously motivated or directed at the claimant; and
    c. The claimant may consider this was less favourable treatment on the grounds of her religion, but there is nothing from which she would have reasonable prospects of persuading a tribunal that the message was sent because of her religion.

32. In relation to the other religious discrimination complaint, that relating to the use of the prayer room, this is not a complaint that was resolved by the claimant moving to a different role in 2020. The claimant was supported by her union in 2019 in relation to the issues within her team. She did not raise a claim to the Tribunal until November 2020. There is no suggestion of any continuing acts of religious discrimination occurring past 2018 for the Tribunal to decide. The respondent is prejudiced by the fact that the claim is two years late as the evidence for this is largely based on witness accounts with the inevitable fading of memory over time. The claimant has not provided any reason why she did not complain about these issues earlier. It is not just and equitable to allow this complaint to be brought late.

The Race Discrimination Complaint

33. The claimant's claim of race discrimination was that the claimant was effectively excluded/ostracised because of her race from a leaving party in July 2018 for Stephanie Holley. The claimant was told in order to attend the party she would need to bring some food and it was agreed she would bring two pizzas. Save for Jenny Robinson nobody ate a slice of either pizza. As part of a decision as to whether the Tribunal should exercise its discretion to extend time on a "just and equitable basis", the Tribunal may consider the merits of the allegation in question. Taking the claimant's case at its highest, this allegation does not have reasonable prospects of success at a final hearing. There is nothing on the information currently before the Tribunal from which the claimant could establish at a final hearing that the reason why only Jenny Robinson ate a slice of pizza and no-one else, was because of the claimant's race, and not for some other non-discriminatory reason.

34. As with the second complaint of religion and belief discrimination, this is not a complaint that was resolved by the claimant moving to a different role in 2020. The claimant was supported by her union in relation to the issues within her team until she cancelled her membership in September 2019. She did not raise a claim to the Tribunal until November 2020. There is no suggestion of any continuing act of race discrimination occurring past 2018 for the Tribunal to decide. The respondent is prejudiced by the fact that the claims are two years late as the evidence for these complaints is largely based on witness accounts with the inevitable fading of memory over time. It is not just and equitable to allow this complaint to be brought late.

The Disability Discrimination Complaint

35. This complaint relates to the provision of an auxiliary aid. There is contemporaneous documentation relating to the request for the bicycle and recommendations for the same from occupational health. This complaint is also part of the claimant's constructive unfair dismissal claim, according to the list of issues drawn up with the assistance of EJ Smith and the Tribunal will therefore need to consider evidence in relation to this issue in any event. The claim is 6 months late and in all the circumstances I find that the balance of prejudice falls in favour of allowing the claimant to present this claim late with the benefit of a just and equitable extension of time.

The Claimant's Application to Add Whistleblowing Claims

36. In an email to the Tribunal on 16 September 2022, the claimant identified seven individuals that she alleges she made protected disclosures to during her time as an employee of the respondent. Her email did not specify when she made these disclosures or what she said to them, but her email said that "Disclosure was made in the interests of Public Safety/Health and Safety".

37. The Tribunal took some time to discuss with the claimant when these alleged disclosures were made and what was said by her on the issues at the time. She

excluded alleged disclosures to Harjinder Johal, clarifying to the Tribunal that these were in fact allegations to Ms Johal of discrimination, not whistleblowing. Similarly, she was able to clarify that Julie Rushton was not involved in any reports of whistleblowing. Therefore five individuals remained;

a. the claimant's union representative Graham Rodber who was also an employee of the respondent, in that the claimant says he was the "Freedom to Speak Up" officer;
b. Clare Miller, deputy director of clinical services;
c. Patricia West, clinical service manager
d. Catherine Plover, HR business manager.
e. Cecilia Hunt, clinical service manager

38. The claimant said that she told Mr Rodber in May, June and July 2019 that she considered that the WhatsApp messages contained in the SNT WhatsApp group raised, as she described it to the Tribunal, "safety concerns around children and staff. The language was inappropriate. There were references to teachers, welfare officers and parents. There was a shocking attitude and culture at work, the way they were treating children and they made reference to overweight parents." However, there is no evidence in either the respondent's bundle or the claimant's bundle that she communicated her concerns to Mr Rodber in these terms, as being breaches of "public safety / health and safety". All the communication involving Mr Rodber before the Tribunal related to the claimant's own dislike of the team dynamics involving her colleagues.

39. The claimant further alleges that she spoke to Cecilia Hunt in August 2020, to Patricia West on 17 May 2019, to Catherine Plover and Claire Miller in emails in June 2020. Again, the Tribunal has been presented with no evidence that information was disclosed to the respondent of breaches of the respondent's obligations, as evidenced by these emails, only that the claimant was deeply uncomfortable with her relationships with her colleagues.

40. Furthermore, there is very little evidence of the alleged breaches themselves, let alone that the claimant communicated the allegations to anyone at the respondent. The claimant has disclosed 110 pages of WhatsApp messages which she says contain primary evidence of the risks posed to children, parents and teachers by the SNT. In order to understand her case and in particular the basis of her application to add complaints of whistleblowing to hear claims, the Tribunal took time to allow the claimant to refer specifically to the messages she considered to be most problematic by way of examples. This was assisted by the claimant having taken screenshots of the messages which were most concerning to her, so that these particular messages were able to be picked out of the lengthy dialogue between group members. The claimant identified five messages sent by members of the SNT she considered to be particularly problematic, as follows:

- The first message that the claimant referred the Tribunal to was from a member of the SNT who reported to the group that her son *"thinks the Lancaster model sounds like a cult…maybe that's why Reach are so keen to join."*

- The second message was

"Morning all. Am at smallberry green all morning doing "so last year" puberty and then year 4 at Marlborough for "unethical" periods talk… Have a great weekend. X".

- The third message, which followed on shortly from the previous one (above) was

  "…I'm in Sparrow farm sch first thing then doing pointless Contraception and STIs at the space studio. Have a great weekend xx".

- The fourth message referred to an individual called "JR" as a "*stupid old wench*" and a *"witch…and a very ungrateful one"* over allegedly delayed mileage repayments.

- The fifth message refers to parking permits and one contributor said

  "Oh I'm gonna miss my permit I loved driving into Chiswick to get my hair and nails done and parking anywhere".

- Most of these messages were accompanied by various emojis, largely smiling or laughing emojis.

41. It is apparent that the claimant found the tone and content of the WhatsApp group distasteful and unprofessional. I also find that she objected to the number and frequency of the messages posted in that group, in that the claimant told the Tribunal under oath during this hearing "… *they won't leave me alone. I don't want to be involved in that kind of environment*." I find that the claimant appears to find such an active and busy WhatsApp group particularly unwelcome. She also appears to have taken exception to the fact that none of the team were disciplined for the content of the WhatsApp group when she brought it to the respondent's attention. She told me "*I don't understand, they didn't even get into trouble."*

42. It is clear that the respondent's management, having reviewed the messages, considered that they needed to "*review team culture and promote respectful dynamics*" so that the messages were more professional and respectful. However, the evidence before me at this hearing was that the respondent did not, having read the messages, consider that any safety risks to parents, children or teachers were present.

43. The claimant also makes complaints to this Tribunal about being "framed" by the respondent for the loss of mobile phones by members of the team. Although I discussed this in some detail with the claimant, it was difficult to understand how this related to whistleblowing, or the basis on which the claimant believed she was being "framed".

44. In terms of the prospects of success of the allegations of whistleblowing, it is the respondent's case that the claimant did not make specific disclosures of information during her employment of the risks she now says were present, and on those occasions where she refers directly to the WhatsApp messages, she makes,

at best, broad unspecific allegations rather than providing information. For example, she at no point says why a child or parent is at risk as a result of the messages. Having reviewed the documents in the bundle where the claimant says she reports the WhatsApp messages to the respondent, I note that the claimant's focus is on how the messages have affected her personally and how she considers herself to have been bullied and harassed by them, in the correspondence referred to by her and set out in the bundles.

45. The claimant told the Tribunal that she "overlooked ticking the public interest box" on her ET1 claim form, but I note that the omission is more significant than that because the claimant also failed to refer at all to any allegations of whistleblowing in any of the narrative sections of her claim form. She was also not able to adequately explain why she did not raise these issues earlier. The time limit for claims involving allegations of detriment due to whistleblowing, which is three months, starts to run from the date of the detriment itself. The claimant says the detriment was her constructive dismissal. This was on 3 November 2020. Her application to amend was received on 16 September 2022. This is clearly significantly out of time.

46. When considering the balance of prejudice to the parties in whether to allow an application to amend claims or not, the case of **Selkent Bus Company Limited v Moore [1996] ICR 836,** notes that the Tribunal should take into account all the circumstances and should balance the injustice and hardship of allowing the amendment against the injustice and hardship of refusing it. In particular the Tribunal should consider:

    a. The nature of the amendment i.e. whether the amendment sought is one of the minor matters or is a substantive alteration pleading a new cause of action;
    b. The applicability of time limits. If a new complaint of cause of action is proposed to be added by way of amendment it is essential for the Tribunal to consider whether that complaint is out of time and if so whether the time limit should be extended; and
    c. The timing and manner of the application.

47. The core test in considering applications to amend is the balance of injustice and hardship in allowing or refusing the application (**Vaughan v Modality Partnership UKEAT/0147/20/BA**).

48. The amendment sought by the claimant is a substantive alternation pleading a new cause of action not in the original claim form. The claim was substantially out of time when the claimant applied to add it in September 2022. The claimant has not been able to assist the Tribunal with an explanation of why the claim is being pursued so long after the expiry of the primary time limit. However, the claim was added at an early stage in the proceedings, not long after the case management preliminary hearing before EJ Smith.

49. The assessment of the balance of injustice and hardship may include an examination of the merits of the claims the claimant seeks to add (**Gillett v Bridge 86 Limited [2017] 6 WL UK 46**). On the basis of the information before the

Tribunal, the claimant does not have reasonable prospects of establishing at the final hearing that she conveyed information to the respondent about the alleged risks to public safety or health and safety.

50. It is clear that the respondent will suffer prejudice if it is required to defend allegations of whistleblowing over two and a half years since the alleged disclosures were made, especially as the alleged disclosures were, according to the claimant, partly made in oral conversations and are therefore not in the form of contemporaneous documents. It would also necessitate an entirely new response given that there is almost no overlap between the substance of the whistleblowing complaints and the claimant's existing complaints. There is a short reference in the list of issues for the unfair dismissal claim that the WhatsApp messages contained "offensive language" but no reference to concerns for the safety of parents and children. Given the information before the Tribunal, the claimant would have difficulty in persuading the Tribunal that she had made protected disclosures and so the balance of prejudice is not in favour of allowing her to amend her claims to add this group of complaints.

51. Taking all of the issues as a whole the claimant's application to add whistleblowing complaints to her claims is refused.

Amendment to Case Management Orders

52. The parties indicated that there may be difficulties in agreeing a file ("bundle") of documents for the Tribunal. If this is the case, the parties are reminded that the Tribunal may be available to assist via a short telephone case management preliminary hearing. The parties are to request such a hearing of the Tribunal should this become necessary.

53. The parties have already been issued with case management orders to prepare the matter for its final hearing, currently listed for 18-25 January 2024. The forthcoming case management orders are amended as follows, referring to paragraph 11 onwards of EJ Smith's Orders of 15 September 2022:

    a. 11. By 27 April 2023 the respondent must send the claimant copies of all documents relevant to the issues in the case.

    b. By 12 May 2023 the claimant must send the respondent copies of any other documents relevant to those issues. This includes documents relevant to financial losses and injury to feelings.

    c. The respondent must prepare a file of documents with an index and page numbers. They must send a hard copy (and if requested an electronic copy in PDF) to the claimant by 13 June 2023.

    d. The claimant and the respondent must send each other copies of all their witness statements by 11 September 2023.

e. By 13 October 2023, the claimant and the respondent must both write to the tribunal to confirm that they are ready for the hearing or, if not, to explain why.

f. The respondent must prepare :-:
   i. a neutral chronology, listing the key events and when they happened. The chronology should refer to page numbers from the file;
   ii. a list of people involved in key events and their job titles;
   iii. a list of the key documents in the file, with the page numbers, that the tribunal needs to read at the start of the hearing.

g. By 26 October 2023, the respondent must send copies to the claimant of the documents set out in 30.1 to 30.3..

h. The claimant must indicate whether they are agreed and if not why not by 07 November 2023

Employment Judge Barker
Date 20 February 2023