



EMPLOYMENT TRIBUNALS

Claimant

Mrs Claire Spinks

v

Respondent

OCS Group UK Limited

PRELIMINARY HEARING

Heard at: Watford Employment Tribunal

On: 15 December 2016

Before: Employment Judge Henry

Appearances:

For the Claimant: In person

For the Respondents: Mrs D Bush – Head of Employee Relations

JUDGMENT

1. On application of the claimant to amend the complaint before the tribunal to include a complaint for unlawful deduction from wages the application is granted.
2. The claimant is a disabled person for the purposes of s.6 of the Equality Act 2010 suffering with depression, stress, anxiety and insomnia.

CASE MANAGEMENT SUMMARY

1. On the matter having been set down for a full merits hearing and issues for the tribunal's determination having been addressed and set out in order of the tribunal dated 10 October 2016, I make the following case management orders by consent.

ORDERS

Made pursuant to the Employment Tribunal Rules 2013

1 Further information –amended response

- 1.1 The claimant is ordered no later than 23 December 2016 to furnish further particulars of her complaint the subject of amendment as to not receiving a wage since September 2016.
- 1.2 The respondent has liberty to 13 January 2017 to furnish a response to the above referred amended particulars as to wages, and to furnish a response

in respect of the amendments to the Scott Schedule as been furnished by the claimant.

2. Disclosure of documents

- 2.1 The parties are ordered to give mutual disclosure of documents relevant to the issues identified above by list and copy documents so as to arrive on or before 3 February 2017. This includes, from the claimant, documents relevant to all aspects of any remedy sought.
- 2.2 This order is made on the standard civil procedure rules basis which requires the parties to disclose all documents relevant to the issues which are in their possession, custody or control, whether they assist the party who produces them, the other party or appear neutral.
- 2.3 The parties shall comply with the date for disclosure given above, but if despite their best attempts, further documents come to light (or are created) after that date, then those documents shall be disclosed as soon as practicable in accordance with the duty of continuing disclosure.

3. Bundle of documents

- 3.1 It is agreed that the respondent will have the primary responsibility for the creation of the single joint bundle of documents required for the hearing.
- 3.2 To this end, the claimant is ordered to notify the respondent on or before **24 February 2017** of the documents to be included in the bundle at her request. These must be documents to which she intends to refer, either by evidence in chief or by cross-examining the respondent's witnesses, during the course of the hearing.
- 3.3 The respondent is ordered to provide to the claimant a full, indexed, page numbered bundle to arrive on or before **3 March 2017**.
- 3.4 The respondent is ordered to bring sufficient copies (at least **five**) to the Tribunal for use at the hearing, by **9.30 am** on the morning of the first day of hearing.

4. Witness statements

- 4.1 It is ordered that oral evidence in chief will be given by reference to typed witness statements from the parties and their witnesses.
- 4.2 The witness statements must be full, but not repetitive. They must set out all the facts about which a witness intends to tell the Tribunal, relevant to the issues as identified by the tribunal order dated 10 October 2016. They must not be aide memoirs to which the witness then seeks to elaborate on. They must not include generalisations, argument, hypothesis or irrelevant material.
- 4.3 The facts must be set out in numbered paragraphs on numbered pages and be in chronological order.

- 4.4 If a witness intends to refer to a document, the page number in the bundle must be set out and cross referenced thereto.
- 4.5 It is ordered that witness statements are to be mutually exchanged so as to arrive on or before **17 March 2017**.

5. Other matters

- 5.1 The respondent is ordered to prepare a cast list, for use at the hearing. It must list, in alphabetical order of surname, the full name and job title of all the people from whom or about whom the Tribunal is likely to hear.
- 5.2 The parties are to prepare and agree a short, neutral chronology for use at the hearing.

6. Judicial mediation

- 6.1 I raised the possibility of this case being considered for an offer of judicial mediation. I explained how the process operates. The offer of judicial mediation has not been taken up.
- 6.2 The parties are asked following exchange of witness statements to review the timetable for hearing and should the timetable then need to be amended they are to try and agree the time estimate and inform the tribunal as soon as possible and no later than 31 March 2017 for which the tribunal will then consider and amend the listing as appropriate

CONSEQUENCES OF NON-COMPLIANCE

- 1. Failure to comply with an order for disclosure may result on summary conviction in a fine of up to £1,000 being imposed upon a person in default under s.7(4) of the Employment Tribunals Act 1996.
- 2. The tribunal may also make a further order (an “unless order”) providing that unless it is complied with, the claim or, as the case may be, the response shall be struck out on the date of non-compliance without further consideration of the proceedings or the need to give notice or hold a preliminary hearing or a hearing.
- 3. An order may be varied or revoked upon application by a person affected by the order or by a judge on his/her own initiative.

Employment Judge Henry

Sent to the parties on:

20 June 2017.....

For the Tribunal:

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