



EMPLOYMENT TRIBUNALS

Claimant

Miss A Hemdan

v

Respondents

(1) Ms S Ismail

(2) Mr H El-Megrabi

PRELIMINARY HEARING

Heard at: Watford

On: 28 February 2018

Before: Employment Judge Wyeth

Appearances:

For the Claimant: Mr C Milsom, Counsel.

For the Respondents: Miss R Wedderspoon, Counsel.

Interpreter: Mrs Rosana Nanou – Language: Arabic.

JUDGMENT

1. The claimant's claim is not struck out and can proceed.

ORDERS

Made pursuant to the Employment Tribunal Rules 2013

1. **Re-listing the hearing**

- 1.1 This matter is re-listed for a hearing at **Watford Employment Tribunal, Radius House, 51 Clarendon Road, Watford, WD17 1HP** to start at 10am or so soon thereafter as possible on **26 July 2018 to 3 August 2018 inclusive (7 days)**. The parties are to attend by 9.30 am.

- 1.2 The suggested timetable is as follows:-

- 1.2.1 Half a day for tribunal reading of statements and important documents;

- 1.2.2 One and a half days for cross examination, tribunal questions and re-examination of the claimant and her witness;
- 1.2.3 One and a half days for cross examination, tribunal questions and re-examination of the respondents;
- 1.2.4 Up to two hours each for closing submissions;
- 1.2.5 One and a half days for tribunal deliberation;
- 1.2.6 Half a day for delivery of judgment;
- 1.2.7 One day to deal with remedy if appropriate.

2. Other matters

- 2.1 On or shortly before the **15 June 2018**, the claimant is to indicate whether or not the prognosis in relation to her recovery so as to be fit to attend the hearing listed for 26 July 2018 has changed, and if it has not, the claimant should confirm that she anticipates being fit to attend. If the prognosis has changed the claimant should provide medical evidence from her treating clinician in writing specifying:
 - a) Why the prognosis has changed;
 - b) How the prognosis has changed;
 - c) Whether or not it is possible to indicate when the claimant will be fit to attend a full merits hearing;
 - d) If it is possible, when the claimant is anticipated to be fit to attend any such hearing.
- 2.2 As canvassed with the parties' representatives today, the special arrangements for the claimant for the substantive hearing will remain those as indicated by Employment Judge Southam in his previous order of 23 January 2017. The claimant should be allowed to give her evidence and observe the proceedings from behind a screen. It will be necessary for the claimant's representatives, nearer to the hearing dates, to liaise with the tribunal about the detailed arrangements for this to happen. It would not be practical or necessary for the claimant to give evidence by video link.
- 2.3 The matter is listed for liability, and remedy if appropriate. Accordingly, the claimant must be ready to deal with what she seeks by way of remedy if she succeeds including any claim for personal injury damages in addition to injury to feelings if that forms part of her claim.

2.4 The parties' representatives have confirmed that save for exchange of witness statements this case is ready for a hearing and all other directions have been completed.

3. Witness statements

3.1 It is ordered that oral evidence in chief will be given by reference to typed witness statements from parties and witnesses.

3.2 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 above. They must not include generalisations, argument, hypothesis or irrelevant material.

3.3 The facts must be set out in numbered paragraphs on numbered pages, in chronological order.

3.4 If a witness intends to refer to a document, the page number in the bundle must be set out by the reference.

3.5 Subject to receiving notification from the claimant that her recovery prognosis has not changed adversely, it is ordered that witness statements are exchanged so as to arrive on or before **29 June 2018**.

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 Wyeth

Date: 8 March 2018

Sent to the parties on:

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For the Tribunal:

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