



EMPLOYMENT TRIBUNALS

Claimant
Miss M. Sahuoni

v

Respondent
The Restaurant Group (UK) Ltd

JUDGMENT AND ORDER AT PRELIMINARY HEARING

Heard at: Bristol

On: 9th February 2017

Before: Employment Judge R. Harper

Appearances

For the Claimant: Ms. Sahuoni
For all Respondent: Ms. A. Frederick

JUDGMENT

The claim for a redundancy payment is dismissed, by consent, upon the claimant's withdrawal.

CASE MANAGEMENT SUMMARY

Listing the hearing

1. After all the matters set out below had been discussed, it was agreed that the telephone preliminary hearing would be re-listed for a further telephone hearing on **16th March 2017 at 10am using telephone number** **access code**

2. Introduction and issues

2.1 At the commencement of the hearing the Tribunal had understood the claims to be Race discrimination, sex discrimination, Religious belief discrimination, a redundancy payment and holiday pay.

2.2 It was explained to the claimant that she had inadequate length of service to make a redundancy payment claim and she agreed that she was not going to pursue that claim which has now been dismissed. She confirmed that she still

claimed an amount for holiday pay but was unable to tell the Tribunal how much that claim was. She agreed that there was no claim of unfair dismissal.

2.3 At the start of the hearing the claimant indicated that she thought she was bringing a whistleblowing claim. She had ticked box 10.1 on the ET1 which, when read with paragraph 10 of the rider of the ET1, could be read as being such a claim but it is far from clear. Certainly the Tribunal, and the respondent, had not proceeded on the basis that there was such a whistleblowing claim. The alleged protected disclosure related to some out of date chicken being hidden in a plastic bag in the rubbish bin before an inspection and then retrieved from the bin and cooked after the inspection. Ms Frederick for the respondent sensibly accepted that there was no need for the claimant to make an amendment application as the whistleblowing claim was just about apparent from the ET1. The detriment alleged to arise from the protected disclosure was that the respondent had verbally abused her and shouted at her.

2.4 The claimant confirmed that she had not received any advice in relation to her claims. The Tribunal suggested she could try seeking advice from a Citizens Advice Bureau and/or a Law Centre. She confirmed that she did not have any insurance policies so it appears unlikely that she has access to any legal expense insurance.

2.5 The Tribunal explained to the parties what a Scott Schedule is.

This is a case which requires much greater clarity before meaningful case management orders can be made.

The respondent agreed to send a blank template of a Scott Schedule to the claimant by close of business tomorrow (February 10th 2017). The claimant said that she did not have a computer but would be able to do word processing on a computer. She specifically said that she understood the difference between a "portrait" page and a "landscape" page. The Tribunal satisfied itself as far as possible that the claimant knew what she had to do after the telephone hearing. The claimant will complete the Scott Schedule of the allegations already made together with details of the whistleblowing claim.

Once the claim has greater clarity it will then be possible to make other case management orders and for a decision to be made as to the length of the final hearing once the number of witnesses is known.

2.6 The claimant was unsure whether she was going to be calling any witnesses at the final hearing and until there was greater clarity the respondent was unable to indicate how many witnesses it would be calling though Ms Frederick thought probably 2 – 3 witnesses.

2.7 The parties are to attend the next telephone hearing with the details of whom they will be calling as witnesses at the final hearing and details of any dates which are not convenient for the final hearing in the period between 1st May 2017 – 31st December 2017.

2.8 The Tribunal records that unfortunately the phone line with the claimant was of very poor quality and the Tribunal struggled at times clearly to hear her.

ORDERS

Made pursuant to the Employment Tribunal Rules 2013

1. Statement of remedy/schedule of loss

By the 23rd February 2017, the claimant provide to the respondent and to the Tribunal, an itemised statement of the sums claimed by way of remedy (also called a schedule of loss) including details of any income (including state benefits) received after the end of employment.

2. Scott Schedule

By 23rd February 2017 the claimant is to send to the respondent the completed Scott Schedule leaving the right hand column blank to be completed by the respondent.

By 9th March 2017 the respondent is to send to the claimant and also to the claimant the completed Scott Schedule.

CONSEQUENCES OF NON-COMPLIANCE

1. Failure to comply with an order for disclosure may result on summary conviction of 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 R. Harper

Date: 9th February 2017

Sent to the parties on:
11 February 2017 by email only
Mr JA Ongaro for the Tribunal Office