



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms R Smith

**Respondents:** 1. Scapa Group PLC  
2. James Wallace  
3. Heejae Chae

**HELD AT:** Manchester

**ON:** 27 September 2017

**BEFORE:** Employment Judge Howard

## REPRESENTATION:

**Claimant:** Mr A Robson, Counsel

**Respondents:** Ms J Connolly, Counsel

# JUDGMENT ON PRELIMINARY HEARING

The judgment of the Tribunal is that:

1. The claimant's application to amend the claim form to include paragraphs 3 and 4 of the further and better particulars, dated 3 April 2017 is allowed.
2. The respondents have leave to serve an amended response, limited to those amendments, provided they do so by 18 October 2017.
3. The respondents shall send a revised draft index for the agreed bundle of documents for hearing to the claimant by 25 October 2017.
4. The parties shall send to each other written statements of witness evidence to be relied upon at the hearing by 13 December 2017.

## Note of discussion

1. Following representations by both parties the Employment Judge allowed the amendment sought by the claimant.
2. It was noted that the claim now consists of four alleged disclosures qualifying for protection: three oral; taking place on 24 June 2016, 27 June 2016 and 27 July 2016, and one documentary, disclosed to Mr Wallace on 27 July 2016; in the terms laid out at paragraphs 3 and 4 of the further and better particulars, which now form part of the claim form.

3. It is noted that this document is relied upon as a disclosure showing that the first respondent had breached or was likely to breach the implied duty of trust and confidence owed to senior executives because of the third respondent's domineering management style, and had breached or was likely to breach its duties under section 172 of the Companies Act 2006; and that the first and third respondents had breached duties owed under the Equality Act 2010.

4. The claimant is not relying on this document as amounting to an itemisation of 26 separate disclosures contained therein; those 26 items are relied upon as examples of the breaches referred to above.

Employment Judge Howard

Date 2<sup>nd</sup> October 2017

JUDGMENT SENT TO THE PARTIES ON

5 October 2017

FOR THE TRIBUNAL OFFICE