



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Ms M Ansari

v

Buckingham Nursery Limited

Heard at: Bury St Edmunds (by CVP)

On: 2 December 2021

Before: Employment Judge Laidler (sitting alone)

Appearances

For the Claimant: In person

For the Respondent: Mr C Plume, HR Representative

JUDGMENT on FULL MERITS HEARING

This matter is adjourned to a CVP Hearing on 4 February 2022 before this Employment Judge with a time estimate of 1 day.

REASONS

1. This Hearing started on 3 February 2021 to hear the Claimant's complaint of unpaid wages. While she was cross examining Ms F Kalhor, there was reference to further documentation which the parties wished to rely upon, which had not been disclosed. The matter was adjourned with Case Management Orders made. The Hearing was re-listed for another three hours.
3. On resuming today, it transpired that further witness statements had been served on behalf of Ms Kalhor and also Ms Al Katib on behalf of the Respondent. The Claimant had only received those on Tuesday and had not been able to check her emails and consider those witness statements as she had been attending her fiancé's birthday party.
4. The Judge adjourned to read the statements and suggested the Claimant did likewise. On returning, the Claimant was most upset and was not able to continue. The Judge suggested adjourning until the afternoon for her to prepare her cross examination, but she was unable to do so due to work commitments.

5. In all of the circumstances, there was no alternative but to grant a further postponement and it was possible to find a date convenient to all of 4 February 2022.
6. The Judge has been prepared to allow in the late service of these statements as a crucial matter in this case will be the credibility of the witnesses. However, the cross examination of, in particular Ms Kalhor, will need to be kept within proportionate limits and the Judge will remind all parties as necessary on the resumed Hearing that the key issue that the Tribunal has to decide is whether there are unpaid wages due to the Claimant. Some of the matters raised by the Claimant and Ms Kalhor are extremely peripheral, but insofar as the credibility of the witnesses needs to be assessed, the witness statement has been allowed.
7. There will be no further witness statements or documents tendered before the adjourned Hearing.

Employment Judge Laidler

Date: 2 December 2021

20 December 2021

Sent to the parties on:

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For the Tribunal Office