Notice of Appeal from E. J. Camp's Judgment of 19 November 2018 and E. J. Camp's Decision of 6 December 2018 refusing the provision of written reasons for his Judgment submitted to the EAT on 19 December 2018 (pending)

GROUNDS OF APPEAL

INTRODUCTION AND CONTEXT

1. My originating application to the Employment Tribunal was accepted on 30 June 2017. It contained a complaint of continuing victimisation under section 27 of the Equality Act 2010 and detrimental treatment under section 47B of the Employment Rights Act 1996 because I had made a number of: a) protected acts, as defined by s 27(2) (c) and 27(2) (d) of the Equality Act 2010 and b) protected disclosures as defined by sections 43B and 43C of the Employment Rights Act 1996 (page 6 of the ET1). The latest disclosure concerned breaches of the Data Protection Act 1998. Complaints about breaches of the ECHR and the EU Charter of Fundamental Rights were aligned with the above and were outlined in a detailed form with reference to both facts and the law. The Respondents are the University of Warwick, Professor R. Probert, Professor S. Croft and Mrs G. McGrattan.

2. The Response from the Respondents was accepted on 17 August 2017 (seven pages). I was ordered to provide further details on 17 August 2017. On 19 August 2017 I provided further details as per paragraph 3 of the Grounds of Resistance concerning the protected disclosures. My document consolidated section 15 of the ET1, provided extensive information on the recipients of the disclosures, the relevant law and detailed information about the relevant dates. It was accompanied by documents which attested the inaccuracy of certain statements of the Grounds of Resistance and my request for those to be struck out accordingly. On 22 August 2017 I submitted the further particulars on the protected acts which were consolidated with the relevant sections of the ET1. Following the submission of this, I requested the amended Grounds of Resistance.

3. I did not hear from with either the Tribunal or the Respondents. Nor did I receive the amended Grounds of Resistance.

4. On 16 August 2017 I wrote to the Respondents requesting the disclosure of two sets of documents. This request was denied. A prior request for the same documents made on 16 July 2017 had also been denied on 27 July 2017. On 28 August 2018 I also requested further information from the Respondents which was vital for the preparation of my case. This request was denied too.

5. On Monday 18 September I received a telephone call from the Birmingham Employment Tribunal informing me that the Preliminary Hearing Case Management meeting which was scheduled to take place on 19 September 2017 had to be postponed. During the telephone conversation I mentioned that I had prepared two requests for Orders of Disclosure and Further and Better Particulars for the Tribunal and was advised to submit these by email.

6. On 19 September, I submitted the two requests for Orders and noted that more than 78 days had passed and that 'I had not received an appropriate ET3 with sufficient particulars to show on what grounds the respondents rely in order to resist my claims and which facts they dispute'. I mentioned that I was unable to progress the preparation of the case.

7. I did not receive a response on the above from the Employment Tribunal.

8. On 29 September 2017 I was informed by the Employment Tribunal that the Preliminary Hearing would take place on Tuesday 21 November 2017. There was no information or a decision on the Orders I had requested.

9. On 13 October 2017, I wrote to the Employment Tribunal to request once again a Decision on the two Orders and the amended ET 3. I did not hear from them. Subsequent telephone calls were fruitless as well.

10. On 24 October 2017, I received a letter from the Tribunal ordering me to supply more information on my claim in the form of a Scott Schedule and inviting the Respondents to express their view on my requests for the two Orders. I replied to the Tribunal noting that I had already provided a very detailed ET1 application and 21 pages of the consolidated ET1 and further particulars on 19 August 2017 and 22 August 2017. I re-attached these documents to the email communication. I also noted that 4 months had passed since my application to the Tribunal and I had not received an appropriate ET3 engaging with the ET1 and its further

particulars. With respect to the Order for Further Particulars I had requested, I noted that even the most rudimentary notion of justice required the provision of this information and that I was unable to progress with the preparation of the case and the selection of my witnesses.

11. On 5 November 2017 I applied for the Order to be set aside or varied and an invitation for the Respondents to identify the specific act of disclosure or protected act which, in their opinion, requires additional particularisation, which I would be pleased to provide. I also reiterated the importance of the two Orders I had requested for the preparation of my case. I noted that I could not wait until the hearing to receive the information during the cross-examination of the Respondents' witnesses, as the Respondents' Representative had suggested, and that previous guidance provided by the EAT stated that 'a party is entitled to such particulars as are necessary to enable them to know precisely what is the case which is going to be put up against them and to enable them thereafter to prepare their own evidence'.

12. On 11 November 2017 I received a letter from the Tribunal stating that Employment Judge Dimbylow had directed that all issues will be dealt with at the Case Management Hearing on 21 November 2017.

13. At the Case Management Hearing, I reiterated the request for an Order for Further and Better Particulars but my request was disregarded. Following the Hearing, I made a fresh request for the same order to the Tribunal and received an email communication that seemed to suggest that the Order had been issued. However, there was no attachment to the communication. I sent polite reminders throughout December 2017 requesting the attachment but I never received it.

14. At the Preliminary Hearing on 21 November 2017, Employment Judge Dimbylow displayed a biased approach towards me. He proceeded to reframe my claims, cross-examined me on points of law ('Which provision of the Data Protection Act 1998 was breached?') from 10 am to approximately 4.25 pm, interrupted me constantly, did not allow me to finish my sentences by claiming that 'I was too verbose', asking my husband, who was the note-taker, whether I was verbose at home, made inappropriate remarks imputing the presence of an ulterior motive in bringing the case and suggested to the Respondents' representatives that they should make an application for a deposit order. I was very shaken and felt my access to justice had been obstructed. My treatment displayed close similarities with the EAT's account

concerning *Kahn v University of Warwick and Others* over which Judge Dimbylow presided and which were registered with extended reasons on 7 August 2002. My husband wrote to the Tribunal following the Hearing on 21 November stating:

15. 'The Claimant was constantly interrupted by Judge Dimbylow, who made comments relating to the Claimant's salary ('you earn enough money to appoint a solicitor', 'what kind of experience do you have?'), and suggested to the Respondents' Representatives that they should make an application for a deposit order. He also repeatedly prevented the Claimant from correcting his interpretation of facts and proceeded to reframe the Claimant's arguments and claims under the pretext of succinctness. The summary of case management forwarded to the Claimant reflects the above.

16. When the Claimant outlined the protected disclosure about financial irregularities, all of a sudden Judge Dimbylow suggested that the Claimant might be seeking to destroy the career of Professor Norrie and that she might be motivated by vindictiveness. The Claimant was very surprised by his unexpected remark and replied that 'justice is not linked to vindictiveness'. Judge Dimbylow also prevented the Claimant from elaborating on questions he himself had put to the Claimant by commenting 'you are verbose'. In all this, I could discern attempts to besmirch the Claimant's character'.

17. He also requested the transfer of the case to another hearing centre. We were advised by the Tribunal to raise these issues at the resumed preliminary hearing which took a week later (on 28 November 2018). At the opening of the Hearing, I raised all this, read out the letter and the Respondents' Representatives, Mrs Reindorf and Mr Browne did not dispute the accuracy of my statements.

18. In the meantime, Employment Judge Dimbylow ordered me to list, in a succinct way, all the acts of victimisation and all the detriments relied upon in relation to my claim under the Equality Act 2010 and to provide a copy of the list to the Respondents and the Tribunal. All the information had been included in my ET1 and the consolidated ET1 and further particulars I had provided on 22 August and thus I simply used the track and change system in order to highlight the relevant sentences of the text in the margins of the document and all the paragraphs relating to detriments which I then labelled in the margins. This was submitted to the Tribunal and the Respondents on 26 November 2017.

19. At the resumed Preliminary Hearing on 28 November, diaries were consulted and an Open Preliminary Hearing was arranged for 4 and 5 June 2018. The main hearing was listed for 18 October 2018.

20. When I received the Case Management Summary, I noticed that the notes included incorrect factual statements, errors in the legal treatment of the protected disclosures, wrong dates and orders which were impossible for me to comply with. I immediately contacted the Tribunal. I also expressed my concern that Judge Dimbylow had directed the Respondents to provide an amended response 'in connection with the claims as now understood; in the light of the discussions in this CPH and the claimant's case in relation to victimisation dated 25 November 2017' without referring to my ET1 and the consolidated ET1 and further and better particulars I had provided in August 2017.

21. As soon as I realised that Employment Judge Dimbylow had also made Orders which made it impossible for me to practically, logically and legally comply with, on 5 December 2017 I made an application for the Orders to be varied in accordance with the rules (Rule 29). I received no response from the Employment Tribunal. The Tribunal's non-responsive approach had, in turn, a truly destabilising effect on the process of compliance and caused me severe distress. The same application included my request for OPH agenda to include my strike out and deposit applications as well. I also expressed concerns concerning the accuracy of Judge Dimbylow's statements under paragraph 3 of the Case Management Summary (- in addition to serious concerns concerning 6.1-6.6 which had been the subject matter of previous correspondence). Although it is stated that the Tribunal aims to respond to correspondence within 10 working days, I did not receive a response. I wrote again on the 22 of December requesting a response.

22. On 28 December 2017, I referred these matters to the Regional Employment Judge in the light of the 'Overriding Objective' and the fact that the Human Rights Act 1998 requires that the Employment Tribunal must not act in a way that is incompatible with the right to a fair hearing (Article 6 of the European Convention on Human Rights and Article 47 of the EU Charter of Fundamental Rights which is applicable, notwithstanding Protocol 30, coupled with the General Principle of EU Law pertaining to the right to a fair hearing and an effective judicial remedy).

23. With respect to my application for Further and Better Particulars which was submitted on 19 September 2017, re-submitted on several occasions and reiterated again following the hearing on 28 November, the Tribunal did not respond for more than 48 days despite my pleas. On 19 January 2018, Judge Dimbylow wrote to the parties proposing to bring the OPH forward (in late February/ early March instead of 4 June 2018) adding: '…but at present I do not propose to make any further orders, as the round of commentary on each other's case has drawn to a close for the purposes of OPH'. When I requested the reasons for not granting my request for an Order for further and Better Particulars, Employment Judge Dimbylow stated: 'The Claimant plainly disagrees with my Case Management Decisions. Nevertheless, she should respect them, and comply with them' (letter dated 24 January 2018).

24. As regards my application of 5 December 2017 for the Orders made by Judge Dimbylow to be varied to include a new deadline which made my compliance with a Disclosure Order possible (Order 2.1) and the adjustment of all the subsequent deadlines, and for the OPH agenda to include strike out and deposit order applications by the Claimant, too, the Tribunal was unresponsive for more than 48 days. On 19 January 2018, Judge Dimbylow wrote to the parties proposing to bring the OPH forward adding: '…but at present I do not propose to make any further orders, as the round of commentary on each other's case has drawn to a close for the purposes of OPH'. When I requested reasons, Employment Judge Dimbylow stated: 'The Claimant plainly disagrees with my Case Management Decisions. Nevertheless, she should respect them, and comply with them' (letter dated 24 January 2018).

25. Employment Judge Dimbylow proceeded to bring forward the OPH for several months and to relist it on 6 and 7 March 2018, as the Respondents requested, despite the fact that I informed him that I would be abroad and thus unable to attend. I applied for postponement on 26 January 2018 and the maintenance of the original dates. I also provided evidence concerning my absence from the UK. Until 26 February 2018, 4 pm the Tribunal had not responded. I forwarded reminders to the Tribunal, but there had been no response for 30 days thereby causing me severe distress.

26. I lodged an appeal at the EAT on 26 February 2018. I received an acknowledgement of the receipt of the Notice of Appeal on 28 February 2018 and Employment Judge Eade's rejection of my appeal on 1 March 2018. My grounds of appeal had not been addressed at all by

Employment Judge Eade (paras 26, 27, 28, 29 and 31 of the Notice of Appeal which, in turn, were based on the Tribunal's decisions as per paragraphs 23 and 24) and I applied for an oral hearing under Rule 3(10).

27. 1. A hearing under Rule 3(10) took place in London at 10.30 am on 22 May 2018 (UKEATPA/0172/RN). Employment Judge Simler was the presiding judge. Following the oral delivery of the judgement, I requested a full transcript in order to lodge an appeal to the Court of Appeal.

28. I communicated this intention to both the Birmingham Employment Tribunal and to Mr Browne, the Respondents' legal representative, and informed them that I was awaiting the delivery of the EAT's order (email communication of 26 May 2018). I requested a stay in the proceedings (- an Open Preliminary Hearing with an explicit agenda to consider the Respondents' applications to strike out all or part of my claim and to make deposit orders had been scheduled by Employment Judge Dimbylow in violation of the principle of equality of arms and had been listed for 4 and 5 June 2018).

29. The latter, in addition to my concerns about breaches of the requirements of natural justice and the right to fair hearing under Article 6(1) ECHR and Article 47 EUCFR, were included among the Grounds of Appeal submitted to EAT and were going to be raised at the CA. In particular, there had been a refusal for several months to order the Respondents to provide further and better particulars which are decisive for the outcome of the case and relevant to the OPH and to any hearing, and Employment Judge Dimbylow had added his own incorrect information about my claims and my case into the formal case management notes and had then instructed the Respondents to provide an amended response on those thereby disregarding my ET1 and the consolidated ET1 and further and better particulars I had provided on 19 and 22 August 2017. The Respondents provided an amended response following Employment Judge Dimbylow's instruction on 22 December 2017 and had relied on his erroneous statements which I had not included in my ET1 and the consolidated ET1 and FBP. I had also complained about my differential treatment by the Tribunal and my treatment at the case management hearing on 21 November 2018 by Employment Judge Dimbylow to the Regional Employment Judge and the EAT and have had serious misgivings about the Tribunal's independence and impartiality and the observance of natural justice and the right to a fair hearing at Birmingham Employment Tribunal.

30. Monday 28 May was a bank holiday and I had assumed the EAT's order would arrive on Tuesday 29 May 2018. It did not, and on Tuesday evening I wrote again to the Tribunal and to Mr Browne informing them that I had not received the EAT's order and that in any case they would receive my application containing clear and solid grounds as to why a stay in the proceedings would be necessary on Thursday morning (31 May 2018). That application dated 30 May 2018 was submitted in the morning of 31 May 2018. I provided solid grounds justifying the stay, the risk of injustice that its refusal would entail, the fact that it would not result in any costs for the Respondents and that it would shield me from irreparable harm to my rights since the listed OPH, as arranged by Employment Judge Dimbylow, would place both my claim and my rights in serious jeopardy.

31. On the same day (31 May 2018), Acting Regional Employment Judge Findlay refused this application. Following the rejection, on Sunday, 3 June 2018 I posted my Notice of Appeal (UKEATPA/0468/18/RN) and wrote to the Tribunal on the same day informing them about the appeal which had been submitted and communicating my intention to bring the documents with me on Monday 4 June 2018 at their offices in Birmingham.

32. A kidney colic on 4 June 2018 prevented me from attending and on 6 June 2018 I received Employment Judge Rose's Order informing me about the relisting of the OPH for 8 and 9 August 2018. As my notice of appeal against Employment Judge Findlay's refusal of the stay was now devoid of meaning and purpose, I immediately wrote to the EAT requesting them to refrain from processing my Notice of Appeal which they had received one day later, namely on Tuesday 5 June 2018. I communicated this to the Birmingham Employment Tribunal, too, on the same day (6 June 2018).

33. Employment Judge Rose's Order which included explicit references to the Overriding Objective, case law and the fair disposal of the case gave me hope that something had changed at the Birmingham Employment Tribunal and that my claims could be treated fairly and in compliance with the rules and the case law. On 6 June 2018 I submitted a fresh application for the Order of Further and Better Particulars, which was a matter of natural justice and which I had requested for 10 months, explaining the relevance of this information for the issues relating to the forthcoming OPH and the requirements of natural justice coupled with the overriding

objective. I also expressed my willingness to prepare a single inclusive bundle since the Respondents' bundle did not include my documents.

34. I did not hear from The Tribunal and I sent a polite reminder on 15 June 2018. On 19 June 2018, Employment Judge Perry requested the Respondents' comments on my application which they resisted on 22 June 2018. I wrote to the Tribunal on 20 June 2018 reminding it that the same request for comments had been made by Judge Broughton in October 2017 and that I had made more than 11 requests since September 2017 providing reasons and sound justifications. The Respondents argued that they had provided an amended notice of appearance date 22 December 2017 and that I did not need this information for the OPH. But the amended notice of appearance included no information relating to my alleged wrong-doing which was the object of my request for further and better particulars. In addition, this information was not only vital for the OPH issues of continuing victimisation and detrimental treatment but it was required in the light of natural justice and the fair disposal of the case.

35. In the meantime (i.e., on 20 June 2018), a data subject access request under the Data Protection Act 1998 revealed a number of documents which indicated that the Vice Chancellor of Warwick University, Professor Croft had been informed that there was no evidence against me and, despite this information, he proceeded to suspend me on 2 August 2016, to keep me under indefinite suspension for 4 months, to disregard my letter of September 2016 stating that the allegations against me were false, and to convene a University Tribunal for my dismissal. My husband, Dr Everton Dochery, who has been assisting me in the preparation of the case, wrote to the Tribunal on 20 June 2018 to request the provision of the further information I had requested since 19 September 2017 as a matter of urgency. He wrote again pointing out the protocol of fair disclosure of crucial evidence which is central to the preparation of the hearing providing copies of crucial documents to the Tribunal which had surfaced following my Data Protection Act request.

36. His letter to the Tribunal dated 25 June 2018 stated: '*On that, and in view of the information in my possession (which I suspect is just the tip of a stack of information) which surfaced from the data protection subject access request the claimant tabled to the University of Warwick and which was made available to her on Wednesday 20th June 2018, I have incontestable evidence which firmly indicates there was no prima facie evidence and thus a legitimate basis for the suspension of four months of the claimant by Professor Croft. Evidently, Professor Croft was*

made aware of it, and yet he knowingly proceeded with this unlawful course of action. I also believe the respondents' representative is well aware of this, which is why he has, to date, continued to frustrate and resist the claimants request for the further and better particulars requested since 19 September 2017.

To further strengthen the request for further and better particulars from the respondents, I attached to this letter for your perusal memos released to the claimant as part of the data protection subject request, which firmly illustrate, and thus confirm Professor Croft intent to victimise the claimant even though he was aware there were no evidence to warrant such action. To protect the brand of the University of Warwick, I request that you issue an order of disclosure to the respondents' representative to provide the claimant with the information she has requested tout de suite as this is the minimum standard of requirement any UK citizen would expect from a court of law.'

37. We received the following reply from the Tribunal on 28 June 2018: '*Acting Regional Employment Judge Findlay has instructed me that you are not recorded as Mrs Kostakopoulou's representative for these proceedings, so the tribunal cannot correspond with you*'.

38. On 25 June 2018 I also wrote to the Tribunal requesting once again the order for further and better particulars, mentioning the data protection disclosure, noting the 'irreducible minimum of natural justice', and emphasising that the Respondents' had now made clear that they had no intention of providing the information I had requested for 10 months. I also made an application under Rules 37 and 39 set out in s. 1 of the Employment Tribunal Regulations 2013 for the Tribunal to strike out all or part of the response because it has no reasonable prospects of success and to make deposit orders. I noted that I had made such an application since 5 December 2017 and that both the overriding objective and the requirements of 6(1) ECHR and 47 EUCFR require that both parties are placed on an equal footing.

39. Fearing that the Respondents' representative will not include my documents in the bundle for the OPH and given Employment Judge Rose's Order for a single bundle to be submitted for the OPH, I requested the Tribunal to authorise the submission of a separate bundle containing my documents if I encountered resistance from the Respondents.

40. On 28 June 2018, Acting Regional Employment Judge Findlay refused my new application for further and better particulars made on 6 June 2018 stating that '*it had been superseded by the amended response and, in any case I cannot see why you need the information requested (about the response) at this point, in order to deal with these preliminary issues. If the claims (or some of them) proceed, further directions can be given at the preliminary hearing (including directions in relation to information provided)*'.

41. Acting Employment Judge Findlay's response did not even acknowledge my letter and applications dated 25 June 2018, my submission that the amended response provided no information relating to my requests for FBP, the importance of the information for the OPH, my application for the application for the principle of equality of arms and the inclusion of my strike out applications and request for deport orders, the vital information which the data protection act disclosure had unearthed and my request for the submission of a separate bundle if my documents were excluded by the Respondents. In this respect, the Tribunal erred in law. Employment Judge Findlay relied on an irrelevant consideration (i.e., that an amended response had been provided) while it excluded relevant considerations and refused a number of applications I had made (not only the application for FBP) without addressing them and without reasons.

42. Following the receipt of Employment Judge Findlay's letter, I wrote to the Tribunal again on 30 June 2018. My email communication stated that Judge Findlay's letter did not address at all my letter dated 25 June 2018 and my applications to the Tribunal despite their direct relevance to the contents of her letter and the urgency of this matter. I noted, once again, that the Respondents' amended response did not address any of the questions contained in my application for further and better particulars which was submitted on 19 September 2017 and had been resubmitted on several occasions during the past 9 months. I also observed that Employment Judge Findlay's letter did not address Employment Judge Dimbylow's arbitrary confinement of the OPH issues to Respondents' strike out applications and deposit orders in violation of the principle of equality of arms and in repetition of his actions with respect to *Khan v University of Warwick and Others*. I requested the Tribunal's urgent response to my applications dated 25 June 2018 and an explanation as to how Employment Judge Findlay's decisions are compatible with Tribunals' statutory obligations to operate in line with the principles of natural justice, Article 6(1) ECHR, Article 47 EUCFR, the General Principle of EU law pertaining to an effective judicial remedy and the right to a fair hearing and the

Overriding Objective. I concluded this excommunication by writing: '*The Tribunal has thus far failed to protect my rights and freedoms and to do what justice required and requires. Continuing to do so will only confirm the existence of inappropriate interference in the administration of justice and my suspicion the only purpose of the OPH is to aid the Respondents by unfairly weakening my (meticulously documented) claim as per Khan v University of Warwick and Others*'.

43. On 4 July 2018 I received a letter from the Tribunal stating: *'…acting Regional Employment Judge Woffenden has considered your correspondence – she refers you to the response of Employment Judge Findlay dated 28th June 2018 in which your application for further information was refused. Your letter of 2nd July contains no material change of circumstances on which her decision should be revisited*'. The Tribunal did not consider my applications and refused them without reasons.

44. As I was unable to proceed with the preparation of my case, on 5 July 2018 I wrote to the Tribunal once again noting that neither Employment Judge Findlay nor Employment Judge Woffenden had addressed and responded to my letter of 25 June 2018 and its applications. I politely requested '*for the third time the consideration of my letter dated 25 June 2018 and a reasoned decision on the applications contained therein. This matter is urgent. Please find my letter dated 25 June 2018 attached once again*'.

45. On 5 July 2018 I also made an application for an Order of Disclosure of documents under Rule 31 and the standard civil procedure rules. I received a letter refusing my applications of 25 July 2018 and the application for an order of Disclosure on 6 July 2018. No reasons were provided. The letter stated: '*Acting Regional Employment Judge Perry has considered your recent correspondence on this case, including your email of 25 June 2018. Your application contains no material change to that of 2 July is thus refused. Reasons for refusal have previously given*'. The Tribunal refused my application for the disclosure of important documents I needed to include in the bundle for the OPH without providing any reasons.

46. On 6 July 2018, I wrote to the Tribunal to ask on what legal basis Employment Judge Perry refused my application of 5 July 2018 for the disclosure of documents which the Respondents have an affirmative legal duty to provide. I also enquired *inter alia* whether the Tribunal's authorisation of the withholding of such fundamental evidence serves the Overriding Objective

and the statutory obligations of Employment Tribunals, including the observance of natural justice, Article 6(1) ECHR and Article 47 EUCFR. To date I have received no reply from the Tribunal.

47. I appealed against these decisions to the EAT (UKEATPA/0608/18/RN, UKEATPA/0609/18/RN, UKEATPA/0610/RN). I contended, inter alia, that the Tribunal had erred in law in allowing the Respondents to deprive me of crucial information as to what I was supposed to have done in order to harass Professor Probert, unknown members of academic staff and unknown members of administrative staff (that is, details about my alleged conduct, dates, places, names of individuals and so on).

48. I also submitted that the tribunal had erred in law in not responding positively '*to my request to submit a bundle with my documents thereby expecting me to attend an OPH which will have as a core bundle the bundle prepared by the Respondents which not only excludes crucial information and evidence but also crucial protected acts following the Respondents' intentional misidentification. This was a violation of Article 6(1) ECHR and Article 47 EUCFR and the relevant General Principle of EU Law since the principle of equality of arms dictates that each party must be afforded a reasonable opportunity to present his/her case under conditions that do not place him/her at a disadvantage vis a vis the other party*'.

49. I also submitted that the principle of equality of arms requires that both the ET1 and the ET3 should be equally treated with respect to strike out applications and deposit orders if, in a victimisation case where basic and crucial facts have not been disclosed by the Respondents 11 months since the submission of a claim, a judge wishes to delay a hearing by embarking upon 'the deceptively attractive shortcut' of scheduling an OPH for strike out applications and deposit orders by the Respondents 48 weeks following the submission of an ET1.

50. I argued that my differential treatment by the Birmingham Employment Tribunal strongly suggested the presence of bias. Following the persistent refusal of my applications without any consideration of the law, natural justice and the case law coupled with my treatment by Employment Judge Dimbylow and Employment Judge Findlay I was led to believe that my case will not receive a fair hearing there.

51. I sought an order '*allowing the appeal, for the provision of the information I have repeatedly requested from the Respondents relating to the factual grounds relied on by them without which I cannot prepare the case, for the OPH to include strike out applications and deposit orders made by both parties (- this requirement has been accentuated by the new evidence that has resurfaced as a result of the Data Protection Act disclosure), and the remission of the case to a different Tribunal for hearing under the Sinclair Roche guidelines devised by the EAT.*

Something has been done in the course of the proceedings at Birmingham Employment Tribunal that has resulted in my unfair and differential treatment, the contravention of natural justice and the fair hearing requirements and has created more than a suspicion that there has been an improper interference with the course of justice.'

52. My Notice of Appeal was submitted to the EAT on 20 July 2018 by registered post. It was received by the EAT on 23 July 2018.

53. On Tuesday, 24 July 2018, the Birmingham Employment Tribunal received by registered post my Application for a stay in the proceedings pending the determination of my appeal on Tribunals' statutory obligations, natural justice's requirements and the right to a fair hearing by the EAT. I also communicated this to Mr Browne, the Respondents' legal representative. I requested a stay in the proceedings (- an Open Preliminary Hearing with an explicit agenda to consider the Respondents' applications to strike out all or part of my claim and to make deposit orders had been listed for 8 and 9 August 2018. I was precluded from the opportunity to submit my documents to the Tribunal and to have information in advance of the hearing and the disclosure of the documents which were crucial to the continuing nature of my victimisation and detrimental treatment. A number of applications I had made were refused without reasons).

54. In the application for a stay, I noted that I have had serious misgivings about the Tribunal's independence and impartiality and the observance of natural justice and the right to a fair hearing at Birmingham Employment Tribunal.

55. In particular, I wrote *inter alia* that: ' The Tribunal has denied every single application I have made for further and better particulars (more than 13 such applications during the period 19 September 2017 – 5 July 2018), for disclosure of documents which the Respondents have a

legal obligation to share in the light of the standard civil procedure, for the full application of the principle of equality of arms by being given the opportunity to make applications for strike out and deposit orders since 5 December 2017, for the submission of a bundle containing my documents, for a prompt reply to my applications instead of being silent for more than 48 days, for addressing my applications fully instead of simply disregarding them and running the time down, for responding fully to the information that new evidence has been unearthed and thus that the Regional Employment Judge needs to investigate the matter urgently and to order the Respondents to provide the information on my alleged wrongdoing which they should have provided at the outset (i.e., before the 2nd of August 2016, the day of my unlawful suspension by the Vice Chancellor of Warwick University, Professor Croft), for the application of the case law and the guidance given by the EAT concerning the situation of a continuing discrimination case in its totality and its context and the refraining from ordering preliminary hearings for strike out applications when a claim of discrimination has been lodged and the Tribunal needs to hear a lot of evidence and to read a lot of documents in order to decide whether to extend time… The Tribunal has never explained why it has chosen not to order the Respondents to provide this information in advance of any hearing during the past 10 months… In the Appeal, I also argue that The Tribunal erred in law in not providing a response to my application for the Orders made in my letter dated 25 June 2018 and in treating the parties unequally by confining the issues to be dealt at the forthcoming OPH to strike out applications and deposit order applications by the Respondents only and by refusing my application for the correction of the above without providing reasons. The above actions ran contrary to the requirements of a fair hearing and of the independence and impartiality of the tribunal under Article 47 of the EU Charter of Fundamental Rights and Article 6 ECHR. The EAT will also be invited to determine whether the open preliminary hearing could proceed without the strict observance of the requirements of the right to a fair hearing and the principle of equality of arms which require that I am given an opportunity to submit my documents to the Tribunal, which Mr Browne has excluded from the single bundle Employment Judge Rose ordered on 5 June 2018. On the basis of the above grounds, I have sought an order for the remission of my case to a different tribunal for hearing. This is in the interests of justice and the Overriding Objective and therefore a stay in the proceedings is warranted. It would involve no significant prejudice to the Respondents (- they are not incurring any costs). By contrast, refusing the stay would generate injustice and would prejudice me significantly. I would be prejudiced in terms of the fairness of the hearing and in terms of costs and unnecessary further proceedings.'

56. A week passed, and as I had not heard from the Tribunal, I sent a polite reminder on 31 July 2018. On the same day (31 July 2018), Acting Regional Employment Judge Findlay refused my application.

57. A few hours later I received another communication from the Tribunal stating: 'Employment Judge Dimbylow has directed me to: - "send another copy and say we trust she has received the copy sent at 09.57 31 July 2018' (- both letters were submitted to the EAT).

58. Acting Regional Employment Judge Findlay refused the stay on 31 July 2018 writing that: '*The application for a stay is refused; the claimant has been informed on numerous occasions that her applications for disclosure and/or further information will be dealt with, if appropriate, after the issues set out in paragraphs 2.6-2.10 of Employment Judge Dimbylow's order of 21 and 28 November 2017 (which should have been heard on 3 and 4 June 2018) have been dealt with (or otherwise disposed of) at the hearing on 8 and 9 August 2018. You have been told that if you consider it really necessary to have such disclosure/information before dealing with those issues, you can explain why to the judge hearing the case on August 2018, who will then make a decision as to whether such orders are appropriate. Your request for a stay is refused because it is premature and it would not be in the interests of the overriding objective*'.

59. I appealed against this decision (UKEATPA/0648/18RN), submitting that the overriding objective (Rule 2 of the Employment Tribunal Regulations 2013) is 'to enable Tribunals to deal with cases fairly and justly'. Employment Judge Findlay did not engage with pages 1, 2 and 3 of my application thereby providing an adequately reasoned argument as to how the overriding objective can be met given that the principles of natural justice have not been observed, there have been errors of law and an infringement of the requirements of the right to a fair hearing (Articles 6(1) ECHR, 47 EUCFR and the general principle of EU law pertaining to the right to a fair hearing and to an effective judicial remedy).

60. I also noted that Employment Judge Findlay's decision did not mention the appeals that had been submitted to the EAT and had not taken into consideration 'a number of relevant considerations, such as:

a) The stay is necessary to avoid a real injustice; I firmly believe it is no longer possible to have a fair hearing at Birmingham Employment Tribunal and that the handling of the case thus far has resulted in serious interference with a fundamental right under the ECHR and the EU Charter of Fundamental Rights;

b) The refusal of all my applications thus far by the Tribunal, including the crucial applications of 25 June 2018 which are noted in the Notice of Appeal to the EAT, not only placed my claim and rights in jeopardy but also demonstrated that the fear of bias is justified;

c) The basic content of the principle of equality of arms is that each party must be afforded a reasonable opportunity to present his/her case (includes all the facts, arguments and claims presented before the court) without placing him/her in a substantial disadvantage vis-à-vis the other party. Being denied the right to present my documents, which are significant, at the forthcoming OPH because the Respondent's representative has excluded them from the bundle and the Tribunal refused my application to submit a separate bundle breaches the Convention right;

d) Being denied the opportunity to submit the ET3 to the same scrutiny that my ET1 is submitted and to make strike out applications and/or deposit orders also violates the principle of equality of arms;

e) The factual grounds of the case have not been established for strike out claims on the part of the Respondents to be made and the Tribunal and the Representatives' solicitor have foiled all my attempts to furnish such facts over the last 10 months. If the OPH proceeds, strike out decisions will be made without a prior determination of the facts and the hearing, and presentation, of significant evidence;

f) Natural justice must always be observed. The 'irreducible minimum' of natural justice includes: a) the right to a decision by an unbiased tribunal and b) the right to know the charges and factual evidence against oneself. It was unacceptable on the part of the Respondents to suspend me for 4 months and to give me a final written warning without telling me what I was supposed to have done and for the Tribunal to allow them to withhold this information for 10 months by denying all my requests for further and better particulars and the disclosure of documents under the standard civil procedure;

g) The amended response does not shed any light onto what I am supposed to have done wrong (the subject matter of my repeated requests for further and between particulars since August 2017) and responds to, and incorporates, incorrect statements added by Employment Judge Dimbylow in November 2017. And according to the case law of the ECtHR, I should have had the evidence I need in order for my claims to succeed (Clinique des Acacias and Others v France).

h) The argument that further case management orders can be made at the hearing does not satisfy the requirements of natural justice and the right to a fair legal process and hearing. What is the purpose and function of further case management orders when all or part of my claim is struck out by the Birmingham Employment Tribunal which for nine months failed to observe the most rudimentary principle of natural justice (i.e., for me to know the case that is made against me in order to prepare), did not respond to crucial applications for more than 48 days thereby derailing my compliance with tribunal orders having first added impossible dates for compliance, added incorrect information about my claims, statements and dates and then instructed the Respondents to submit their delayed amended response to those and violated the principle of equality of arms and the requisite impartiality in legal proceedings?

i) The fundamental role that the principle of effective judicial protection plays in the UK legal order;

j) Precedent and the relevant criteria stipulated by courts in deciding applications for stay in proceedings (i.e., the risk of injustice, some form of irreparable harm if no stay is granted; the stifling of the appeal if stay is refused, the risks for the respondent which are counterbalanced by the risks for the appellant if a stay is refused and so on);

k) The importance of the grounds of the appeal not only with respect to a preliminary hearing at Birmingham Employment Tribunal but also in relation to the allegation of bias, the finding of bias by the EAT in Kahn v University of Warwick and Others and my request for the remission of the case to a different tribunal in the light of the Sinclair Roche criteria devised by the EAT;

l) The absence of any costs for the Respondents since the preparation they have done will simply be used at the full hearing or the next OPH.'

61. I sought an order '*allowing the appeal thereby preventing the deprivation of my right to seek the determination of very important issues relating to tribunals' statutory obligations, the right to a fair hearing and the requirements of natural justice by the EAT. Something has been done in the course of the proceedings at Birmingham Employment Tribunal that has resulted in my unfair and differential treatment, the contravention of natural justice and the fair hearing requirements and has created more than a suspicion that there has been an improper interference with the course of justice. Even new evidence which came to light following receipt of information from my data subject request and was bought to the attention of Regional Employment Judge Findlay was ignored*.'

62. On 3 August 2018, the EAT (Employment Judge Eady QC) rejected my appeals.

63. On 5 August 2018 I wrote to the EAT requesting a hearing under rule 3(10). I insert the letter I wrote, here, because it places the Judgment of 8 August 2018 (Birmingham Employment Tribunal), which is the subject of this appeal, in its appropriate context.

'*The Registrar*
Employment Appeal Tribunal
Second Floor
Fleetbank House
2-6 Salisbury Square
London
EC4Y 8AE

5 August 2018

Dear Miss Daly,

Thank you for your letter dated 3 August 2018. I am dissatisfied with Employment Judge Eady's Decision to reject my appeals at this stage and I write to request an oral hearing under Rule 3(10).

The Appeals relate to decisions (- and non-decisions and a simple refusal on the part of Birmingham Employment Tribunal to address my applications to it) on applications made to the Tribunal without reasons (- or adequate reasons) in violation of the principles of natural justice, Article 6(1) ECHR and Article 47 EUCFR and the related General Principle of EU law, case law, the Tribunals' statutory obligations and the Overriding Objective. Natural justice and the right to a fair hearing feature in all appeals and not only in the fourth appeal, as Employment Judge Eady states on pages 3 (line one from the bottom) and 4 of the Decision.

0The Grounds comply with the EAT's Practice Statement (- I was advised by the EAT (Mr Newton) that I do not need to provide copies of the ET1 and ET3 again and that I only need to mention the EAT's case files which include these documents) and the correspondence between myself and the Birmingham Employment Tribunal is complete (- it is not incomplete and selective, as Employment Judge Eady states on page 2, paragraph 2 of the Decision). The Grounds of Appeal do not lack focus (as Employment Judge Eady states in para 2 of the Decision) and are not 'hard to understand' (para 2 of the Decision).

The aim of all my applications to Birmingham Employment Tribunal (13 applications for further and better particulars on an important matter that strikes at the heart of natural justice [the latest was made on 6 June 2018 and, thus, contrary to what Judge Eady states on page three, line 3 from the top of the Decision, a new request was served to the Tribunal], applications for the disclosure of documents which are needed for the preliminary hearing that is listed for the 8 and 9 of August and for the provision of reasons for its denial, an application under Rules 37 and 39 set out in s 1 of the Employment Tribunal Regulations 2013 which was necessitated by the new evidence that emerged following a data protection subject request, which was completely ignored by the Regional Employment Judge Findlay, and an application to submit my documents to the Tribunal, which are extensive and are omitted from the bundle for the preliminary hearing by the Respondents' solicitor) was to assist it in meeting the requirements of the Overriding Objective. It is the refusal of those applications by the Tribunal consistently (over 11 months), often without addressing them at all, that obstructs the Overriding Objective, the requirements of natural justice and the right to a fair hearing and

makes my preparation of the case for the hearing impossible. This is included in all my correspondence with the Tribunal which was brought to the EAT's attention.

Furthermore, all these applications were addressed to a judge and were denied by a judge. The denials aid considerably the Respondents and put me in a disadvantage in violation of the equality of arms. Any reasonable individual cannot but wonder for how long such an unfair legal process could continue and why the presiding judge at the forthcoming OPH would act differently. There is very strong path dependence here. If the high standards of procedural correctness in line with Article 6(1) ECHR and 47 EUCFR and natural justice have not been met during the last 11 months, thereby preventing me from preparing the case properly and obtaining the factual information that is needed and the documents the Respondents are legally obliged to share, how can any fair-minded and reasonable person have faith that there will be sufficiency of natural justice and of Article 6(1) ECHR and 47 (EUCFR) at the Open Preliminary Hearing, or any hearing at Birmingham Employment Tribunal?

If Birmingham Employment Tribunal has a preconceived bias in the outcome of the hearing and consciously favours the Respondents, as the Grounds of my Appeals have demonstrated and the EAT's decision in Khan v University of Warwick and others has confirmed, how could natural justice and the right to a fair hearing be observed at the OPH, as Employment Judge Eady states on page 4 of the Decision? There is more than a real likelihood that the Tribunal will act in the same way as it has acted thus far.

I observe that natural justice is not even mentioned once in Employment Judge Eady's Decision. If it is the EAT's conclusion that I am incorrect in submitting that Employment Judges' 'broad judicial discretion in the Case Management Proceedings' is circumscribed by the requirements of natural justice, Article 6(1) ECHR, Article 47 EUCFR, the case law of UK courts, the Court of Justice of the EU and the ECHR, then it is a legal imperative that these issues are authoritatively determined by the higher courts in the UK and in Europe.

Furthermore, such a determination needs to take place before the continuation of any proceedings at Birmingham Employment Tribunal in order to prevent injustice and flagrant violations of fundamental rights, not to mention further legal proceedings, costs, wasted resources and the investment of time.

This is because a number of questions remain unanswered, which the higher courts would need to address, as follows:

(a) Why is it that Birmingham Employment Tribunal has to date refused at every turn every application, 13 in all, for further and better particulars on a matter that natural justice requires and the respondents have a legal duty to clarify and substantiate?

(b) Why does Employment Judge Findlay believe it is not necessary for the Respondents to provide the evidence relating to what I have done wrong which I have been asking them to provide for 48 months? How could a judicial body that a democratic society expects to safeguard the rights and reputation of individuals refuse to provide effective protection and to foil unnecessary suffering and various injuries to one's good name, character, career and reputation for such a long time?

(c) The Respondents' representative, Mr David Browne, has categorically stated that it is his intention to resist any disclosure request of my wrongdoing. Why does Employment Judge Findlay believe that Mr David Browne should be at liberty to deny my right to know what I have done wrong prior to any hearing at Birmingham tribunal or at the Employment Appeal Tribunal?

(d) Why has Employment Judge Findlay refused my application for strikeout and deposit orders without justifiable reasons thereby placing me at a disadvantage?

(e) Why is it that Birmingham Employment Tribunal has allowed the Respondents to omit my documents from the bundle which are important material evidence and necessary for all matters relating to the agenda of the OPH?

(f) In light of Birmingham Employment Tribunal's decision not to address my application for a separate bundle and Mr Browne's omission of my documents from the bundle, how can any court or tribunal in any state that is a signatory of the ECHR and any EU Member State argue that a fair hearing is possible? How can I rebut the claims of the Respondents' representative and support my arguments if I am denied the opportunity by Employment Judge Findlay to draw on my own bundle of evidence?

(g) Why is it that Regional Employment Judge Findlay believes it is necessary to ignore crucial material evidence showing that the Vice Chancellor of Warwick University, Professor Croft, knew that there was no evidence against me and that I had been targeted before proceeding to suspend me on 2 August 2016 and to refuse to request the Respondents' representative to disclose their evidence of my wrongdoing?

(h) How could a Tribunal allow for more than 10 months the Respondents to intentionally withhold information and potentially exculpatory evidence and to continue to make or repeat or assert allegations of misconduct on my part which they know to be factually false? The only answer a fair minded and reasonable individual could give to the above question is bias and a failure by the Tribunal to abide by its legal duties.

In the light of the foregoing, I believe that the argument that a fresh appeal can be made following the Open Preliminary Hearing on 8 and 9 August 2018 cannot be used as a justification for shielding crucial decisions made before the OPH, and which affect the process and outcome of the OPH, from scrutiny for their compatibility with law and natural justice. There are justifiable concerns about the absence of fairness, the legality of Case Management Directions and sufficient guarantees of impartiality on the part of the Tribunal.
Those decisions have had significant costs and impact on me and my family, my work and my health.

If the EAT would prefer to grant me leave to appeal to the Court of Appeal instead of activating Rule 3(10), I would be very pleased to follow its guidance on this.

If, on the other hand, the EAT does not wish to grant me leave to appeal to the Court of Appeal, I would be grateful if you could let me know the arrangements for the oral hearing under Rule 3(10) at your convenience.

Yours sincerely,

Professor T. Kostakopoulou'

64. While the appeals were lodged at the EAT, the Preliminary Hearing took place in Birmingham on 8 August 2018. I was represented by my husband, Dr E. Dochery.

65. Contrary to what was discussed and noted at the preliminary hearing of 8 August 2018, in his Reserved Judgment of 5 October 2018 Employment Judge Camp:

a) Decided to strike out the entire whistleblowing claim of continuing detrimental treatment under section 47B of the Employment Rights Act 1996 on the ground that it has no reasonable prospects of success;
b) compartmentalised and fragmented my continuing victimisation claim under section 27 of the Equality Act 2010, including the disciplinary process which commenced on 27 June 2016 and ended on 24 February 2017 with the confirmation of a final written warning and the dismissal of my appeal by Professor Ennew, Provost of Warwick University, and which included a suspension of four months by Professor Croft, Vice Chancellor of Warwick University, and decided to strike out all my complaints of victimisation apart from those relating to the final appeal of 15 February 2018 and one protected act I made on 19 December 2015. By so doing, Employment Judge Camp intentionally decided to tear the parts of the whole apart, presented them as unmediated, disconnected and abstracted from the whole without examining both the complex process of victimisation and re-victimisation for doing protected acts for a very long period of time as well as the evidence (predominantly documentary evidence) and the fact that both the facts and evidence had not been presented to the Tribunal. This was done in order to excuse Professor Croft, Professor Probert and Ms McGrattan and to shield them from personal liability for unlawful acts.
c) Following the fragmentation of my continuing victimisation claim, Employment Judge Camp proposed to 'prune' further the victimisation complaints by proposing to strike out all complaints against the Respondents Professor Probert, Professor Croft and Ms McGrattan (Director of Human Resources) on the ground of having no reasonable prospects of success and all complaints of victimisation against the University of Warwick apart from three related to the dismissal of the disciplinary appeal (Strike out warning, paras 4 and 5).
d) Although the Tribunal was informed about the kidney colic I had suffered which prevented me from attending the Preliminary Hearing on the 4 and 5 June 2018 and Employment Judge Rose did not consider it appropriate to impose costs on me, Employment Judge Camp revisits the issue in the Judgment of 5 October 2018 (contrary to the decision he made at the hearing on 8 August 2018) and gave the green light for

the Respondents to make an application for costs connected with the adjournment of the hearing on 4 June 2018 within 21 days of the date of the Judgement.

e) Although the OPH had been listed for two days because the Respondents had stated on 28 November 2017 that evidence from the Respondents' witnesses would be given, and none of the witnesses were present on 8 August 2018, Employment Judge Camp gave the green light for the Respondents to submit an application for costs connected with the hearing on 8 August 2018 within 21 days;

f) E. J. Camp refused my application of 15 September 2018; this was the 15th application for further and better particulars made since September 2017.

Several other issues which were included in the Reserved Judgment were submitted to the EAT and will also be noted below.

66. On 5 November 2018 I addressed E. J. Camp's Order to provide comments on the strike out warning and on 8 November 2018 I posted an appeal against his Reserved Judgment of 5 October 2018 to the EAT by (Royal Mail) recorded delivery. A signature was obtained on delivery and the appeal was registered (UKEATRA/0961/18/RN).

67. My letter of 5 November 2018 for the attention of E. J. Camp (- it is included with this Notice of Appeal) contained:

a) A reiteration of my communication to both the Birmingham Employment Tribunal and the EAT that an appeal against the whole Reserved Judgment of 5 October 2018 was forthcoming including a number of grounds (para 2 of the letter);

b) Sections of the ET1 (section 8 and the section entitled 'The Respondents' which included the factual and legal complaints about the actions and omissions of Professor Probert, Professor Croft and Ms McGrattan);

c) Paragraphs 62-85 of the Grounds of Appeal which was submitted on 8 November to the EAT (UKEATPA/0961/18/RN); these paragraphs showed inter alia that E. J. Camp had erred in striking out the entire whistleblowing claim and 80% of the continuing victimisation complaints.

THE TRIBUNAL'S JUDGMENT OF 19 NOVEMBER 2018 AND THE ENSUING DENIAL OF MY REQUESTS FOR WRITTEN REASONS FOR THE JUDGMENT

68. On 19 November 2018 I received E. J. Camp's judgment implementing the strike out warning he had given on 5 October 2018.

69. The Judgment did not address at the paragraphs of my letter of 5 November 2018. E. J. Camp stated on para 4, 'It is neither necessary no desirable for me to go through the Claimant's letter of 5 November 2018 in these reasons. Suffice it to say that there is nothing in it that causes me to revise my provisional view to this effect…'

70. As the Judgment of 19 November 2018 did not include any reasons for 1(a), that is, the striking out of all complaints against Professor Probert, Professor Croft and Ms McGrattan and the Reserved Judgment of 5 October 2018 included only 2,5 lines in relation to them (i.e., para 132: 'so far as I am aware, the claimant does not allege in her further particulars that any of the second to fourth respondents is responsible for subjecting her to those detriments'), I wrote on 30 November 2018 to request written reasons for E. J. Camp's Decision to strike out all complaints against Professor Probert, Professor Croft and Ms McGrattan.

71. In my letter of 30 November 2018, I pleaded the following:

a) Striking out is a very serious step and the case law contained in the tables distributed by my representative at the OPH on 8 August 2018 and in the appeal against E. J. Camp's whole judgment, including the strike out warning, of 5 October 2018 counsels against its use in whistleblowing or discrimination cases as these issues are fact-sensitive and dependent on evidence being heard.

b) The facts have not been established, the evidence has not been heard, my documents were excluded from the bundle for the OPH and E. J. Camp was aware of it, the documents which were part of the Tribunal's case file were not considered by him, including my ET1 and the related documents and the requirements of Article 6 (ECHR), Articles 1 and 47 EUCFR, the general principles of EU law, natural justice and the related case law were not met.

c) The appeal to the EAT against E. J. Camp's Reserved Judgment of 5 October 2018 had been submitted on 8 November 2018 and that I was convinced that 'a fair hearing and an effective judicial remedy are no longer possible at the Birmingham ET. The requisite equality of arms is absent and has been absent for more than a year – hence a case that should have been heard fully within 26 weeks has reached this stage….'

d) The Human Rights Act 1998 and EU law, including the general principles relating to Article 47 EUCFR, which is also a fundamental right, require that the Employment Tribunal must not act in a way that is incompatible with the right to a fair trial (Article 6 of the European Convention on Human Rights) and this requirement applies to proceedings in their entirety and not to the final hearing only (ECtHR, Stran Greek Refineries and Stratis Andreadis v Greece, para 49). It also includes the requirement that when a party makes applications and submits observations to the Tribunal, these must be 'actually heard', that is, duly considered and properly examined.

e) In my letter to E. J. Camp of 5 November 2018, I included sections from the ET1, which did not receive consideration in his decision making process, such as: the ET1's section 8 (page 6), the section of the ET1 entitled 'The Respondents', paragraphs on page 7 of the ET1, including its concluding section on page 7: 'It is my belief that the final written warning, the unjustified disciplinary process which lasted from 27 June 2016 to 24 February 2017, my wrongful suspension (2 August 2016 - 8 December 2017) and the false allegations were cruel and intensely vindictive acts of victimisation as defined by the EA 2010 procured in bad faith.' The attached 4 pages of the ET1 continue the presentation of 'my subjection to a continuing regime of victimisation by reason of protected acts', paragraphs on page 12 of the ET1, including the last paragraph on page 12 of the ET1 which stated that: 'Ten days later, on 27 June 2016, Professor Probert falsely accused me of disruptive behaviour during the staff meeting of June 15 and informed me via email that she instigated a Stage 1 disciplinary action against me. I immediately raised my complaints concerning the breach of the principle of natural justice, Statute 24 and Ordinance 20, the substantive unfairness of the allegation and victimisation to Mrs McGrattan, initially, and subsequently, to the Vice Chancellor, Professor Croft, requesting an independent investigation by someone who had not been previously involved, the application of the procedures of the University and their protection. Professor Croft also received my written concerns about the breaches of the Data Protection Act 1998 (9 July 2016; 23 July 2016), and the Equality Act 2010 (23 July 2016). Eight days later (on 2 August 2016),

Professor Croft suspended me while I was on annual leave. The breaches of the DPA 1998 (a failure to comply inter alia with the data protection principles and a breach of my fundamental right to personal data protection enshrined in Article 8 EUCFR and the recognised rights of data subjects under EU and UK law) were reported to appropriate senior personnel and were also raised before, during and following my appeal hearing of 15 February 2017. I believe that the false and malicious allegations against me, my wrongful suspension of four months by Professor Croft and the disciplinary sanction of a final written warning which was confirmed on 24 February 2017, have been detriments for making protected disclosures, in addition to protected acts….'".

f) Both the whistleblowing and victimisation claims were submitted in time and thus E. J. Camp clearly erred in this respect (- the last act was the confirmation of a disciplinary sanction short of dismissal by Professor Ennew on 24 February 2017; no reasonable tribunal properly directed and impartial can disregard the date of the final act).

g) Given that the continuing nature of my victimisation and detrimental treatment, including quite a lot of documentary evidence, features centrally in the only protected act he had not struck out, that is, in my internal appeal against Professor Gilson's disciplinary sanction of a final written warning (- the appeal document, the appeal presentation and the amended notes of the appeal hearing, which E. J. Camp had in his possession, contain considerable complaints about Professor Probert, Professor Croft and Ms McGrattan, including those he has struck out and thus it is impossible for E. J. Camp to evade the continuing nature of my victimisation and detrimental treatment by artificially fragmenting the protected acts, protected disclosures and the detriments flowing from those), could E. J. Camp furnish written reasons including the leading authorities (i.e., the case law) in striking out individual Respondents following a preliminary hearing which did not include the Claimant's evidence and had disputed facts and no witnesses?

72. On Thursday 6 December, I received the following response by E. J. Camp:

"I have already provided reasons. I don't think I even have power to provide further reasons, unless directed to by the EAT. In my view, the reasons I have provided are adequate in any event. If all parties agreed that the reasons I provided are inadequate and that I have power to add to them, I probably would do so; but not otherwise.'

73. On 8 December 2018 I wrote to the Tribunal to explain that the requested written reasons were needed for the appeal against the Judgement of 19 November which I was preparing and that, following several re-readings of the Judgment, I was unable to 'discern any reasons (please see my comments in the margins of the attached copy of the judgment). The only reference to the Respondents is contained in para 132 of the Judgment of 5 October 2013 (2.5 lines: 'So far as …. those detriments). These 2,5 lines can hardly fulfil the obligation of adequate reasoning underpinning the requirements of natural justice and Rule 62.'

74. On Thursday 11 December, E. J. Camp stated that 'reasons I consider adequate have already been provided'.

THE GROUNDS OF APPEAL

75. The grounds of appeal include both the grounds I submitted in the appeal of 8 November 2018, since those included the strike out warning, and which are replicated below as well as more specific grounds relating to the Judgment of 19 November 2018 and its aftermath.

76. I will commence with the latter grounds (in paras 77 – 90 below) while the remaining grounds in this section (i.e., para 91 et seq.) replicate the grounds of the appeal against the Reserved Judgment of 5 October 2018 which included the strike out warning.

77. The provision of reasons which have been requested in writing by a party is not a matter falling within judicial discretion. Nor is it a matter that requires the consent of the Respondents. It is a clear obligation resulting from natural justice, statute, international law (Article 6(1) ECHR) and EU law (General Principles of EU law and Article 47 EUCFR in conjunction with Article 20 EUCFR if a Tribunal acts in bad faith and violation of the principle of equality. For this reason, the wording of Rule 62 (1) includes the word 'shall'; 'The Tribunal shall give reasons for its decision'.

Rule 62(4) states that 'the reasons given for any decision shall be proportionate to the significance of the issue'.

Rule 62(5) states that: ‘in the case of a judgment the reasons shall: identify the issues which the Tribunal has determined, state the findings of fact made in relation to those issues, concisely identify the relevant law and state how the law has been applied to those findings in order to decide the issues.’

78. The above legal provisions have not been observed in E. J. Camp’s Judgment of 19 November 2018 and this is an error of law.

79. As the ET1 and the related documents contain a very detailed account of Professor Probert’s unlawful conduct over a long a period of time, including inter alia the fabrication of allegations against me in order to cause injury and the placing of false data in my employment file without my knowledge in order to harm my career, reputation, employment relations and health, unlawful disciplinary procedures and continuous targeting (please see the ET1 documents and the extracts included in my request for written reasons included below for convenience), I believe that E. J. Camp has an obligation to engage with those facts and to state how (and which) law and case law have been applied to his decision to strike out all my complaints against Professor Probert. Nor is E. J. Camp legally empowered to remove Professor Probert as a Respondent (party) on the basis of Rule 37. The removal of parties is regulated by Rule 34 and is only allowed when ‘a party is apparently wrongly included.’ Accordingly, E. J. Camp has not acted within the bounds of Rule 34 of Employment Tribunals Regulations 2013.

80. E. J. Camp also wrongly decided to strike out the complaints against Professor Probert without a full evidential hearing given that both my continuing victimisation and continuing detrimental complaints had been submitted in time (- he erroneously considered the whistleblowing complaint out of time).

81. E. J. Camp also knew that that there is extensive documentary evidence on my protected acts, protected disclosures and the detriments I suffered as a result in the Tribunal’s case file (- documents I had forwarded to the Tribunal on 19 August 2017) and following the OPH of 8 August 2018 which he decided to exclude. E. J. Camp erred in not considering them and in proceeding to strike out all complaints against Professor Probert without a full evidential hearing.

82. As the ET1 provided a detailed account of Professor Croft's unlawful conduct and omission to investigate my complaints of discrimination, victimisation and re-victimisation, and detrimental treatment for making protected disclosures, including breaches of data protection legislation, my suspension of 4 months by him without giving me an opportunity to be heard and without a prior investigations into the allegations, which he knew were unfounded, and all the other facts and detriments contained in my ET1 documents, including my psychiatric injuries and the significant damage to my reputation, career and professional progression, family and health and personal well-being, E. J. Camp had an obligation to engage with those facts and to state how (and which) law and case law have been applied to his decision to strike out Professor Croft. Nor is E. J. Camp legally empowered to remove Professor Croft as a Respondent (party) on the basis of Rule 37. The removal of parties is regulated by Rule 34 and is only allowed when 'a party is apparently wrongly included.' Accordingly, E. J. Camp has not acted within the bounds of Rule 34 of Employment Tribunals Regulations 2013.

83. E. J. Camp also wrongly decided to strike out the complaints against Professor Croft given that both my continuing victimisation and continuing detrimental complaints had been submitted in time (- he erroneously considered the whistleblowing complaint out of time) and that a disciplinary process cannot be fragmented in order to omit the raising of false allegations by Professor Probert and Ms McGrattan, the suspension stage ordered by the Vice Chancellor of Warwick University, Professor Croft, without a prior investigation and in non-compliance with the internal policies of the University, the law and the ACAS guidelines and the wrongful disciplinary hearing and sanctions by Professors Gilson and Ennew.

84. E. J. Camp also knew that that there is extensive documentary evidence on my protected acts, protected disclosures and the detriments I suffered as a result in the Tribunal's case file (- documents I had forwarded to the Tribunal on 19 August 2017) and following the OPH of 8 August 2018 which he decided to exclude. E. J. Camp erred in law in excluding this evidence and in striking out my complaints against Professor Croft without a full evidential hearing.

85. The same applies with respect to the conduct of Ms McGrattan, Director of Human Resources of Warwick University. Ms McGrattan failed to investigate my complaints of victimisation and detrimental treatment and to fulfil her obligations under the Data Protection Act 1998 and the Public Interest Disclosure Act 1998, to prevent Professor Probert from taking retaliatory steps against me, to correct Professor Probert's oppressive conduct with respect to

the disciplinary hearings in July 2016 (- I received via email and without any prior discussion Professor Probert's four letters of formal notice of disciplinary proceedings, the last of which was sent twice at 4. 57 pm on Friday 22 July 2016 as I was starting my annual leave) by suspending the disciplinary process, ordering an investigation of her Professor Probert's allegations that I disrupted the staff meeting of June 15 by an independent investigator given my previous complaints about wrongful actions on Professor Probert's part and thus applying the standard procedure advised by ACAS and required by natural justice requirements. Mrs McGrattan further victimised me as the complainant by bringing false allegations about me which led to my suspension and knowingly not following the procedures of the University. These allegations were the manifestation of untrue and malicious reactions to protected acts and protected disclosures (please see section 15 of the ET1) I had made.

86. E. J. Camp has a positive obligation to address those facts and let me know why he decided to strike out the complaints against Ms McGrattan without my consent by wrongly arguing inter alia that my whistleblowing claim is out of time, while it is clearly in time, and by omitting inter alia to address Ms McCrattan's role in my unlawful suspension, unjustified disciplinary proceedings and their effects and sanctions at the various stages of the disciplinary process which lasted from 27 June 2016 to 24 February 2017 (- that is, 8 months in total and which was preceded by unimaginable horror and unethical practices in the workplace for a considerable period of time). Nor is E. J. Camp legally empowered to remove Ms McGrattan as a Respondent (party) on the basis of Rule 37. The removal of parties is regulated by Rule 34 and is only allowed when 'a party is apparently wrongly included.' Accordingly, E. J. Camp has not acted within the bounds of Rule 34 of Employment Tribunals Regulations 2013.

87. Citizens and residents of the United Kingdom who have been victimised for a considerable period of time have a legitimate expectation to know why their claims have been struck out against individual respondents. This is a very serious step and a rare exception in not fully heard whistleblowing and discrimination cases. In my case, my documentary evidence was excluded and there were no witnesses at the Preliminary Hearing of 8 August 2018. Accordingly, E. J. Camp erred in law in striking out all the complaints against individual Respondents following a preliminary hearing which did not include the Claimant's evidence, the evidence of the Respondents and had disputed facts and no witnesses.

88. In the light Rule 62(5), it is an error of law if a judicial organ fails to provide reasons and to justify his decision to deviate from the leading authorities (i.e., the case law) on the general principles on striking out.

89. Positive Obligations under the ECHR and EU Law: E. J. Camp's decision to strike out the complaints against the individual respondents would also require justification in the light of Article 6(1) ECHR as well as EU law, in terms of both the general principles of EU law and the Articles of the Charter of Fundamental Rights I have noted, which is directly applicable since it has the status of primary EU law and is a source of directly effective rights. Since issues of protection of directly effective rights have been pleaded by me (please see my letter of 30 November 2018), E. J. Camp had a positive duty to examine those issues and to give full effect to the principle of effectiveness of EU law and the EU Charter of Fundamental Rights. His refusal to engage with those issues in his decision to strike out all complaints against the individual respondents is quite problematic and an error in law. E. J. Camp has a legal duty to render EU law effective.

90. It is a longstanding principle that the positive obligation of national courts and tribunals to observe the effet utile of EU law means that they must not render the protection of individuals' EU rights practically impossible or excessively difficult (Case 45/76 Comet [1976] ECR 2043). Recent case law of the Court of Justice of the EU has also made clear that effective judicial protection is both a general principle of EU law (- as such it must always be observed by national courts and tribunals) and a fundamental right under Article 47 EUCFR (LM Judgment of 25 July 2018). The direct effect of Article 47 EUCFR allows individuals to invoke the Charter article in judicial proceedings and obligates judicial organs to give it full effect. It is an error of law if judicial organs do not meet their obligations under Article 20 (equality before the law) and 47 EUCFR.

91. The subsequent grounds replicate the grounds I included in my appeal against E. J. Camp's Reserved Judgement of 5 October 2018 which included the strike out warning.

92. The concerns I expressed in my letter to the EAT of 5 August 2018 referred to above (para 63) were confirmed by the Reserved Judgment of 5 October 2018. It is a very long document consisting of 134 paragraphs giving the impression that the conclusions were derived following a careful examination of the case and adequate reasoning. In reality, however, the reasoning is

unclear (- I really struggled to understand how E. J. Camp reached his conclusions about the striking out of the whistleblowing claim, for example), the content contradicts what was stated very clearly by E. J. Camp at the hearing, disregards both evidence and the case law on strike out applications and, more importantly, instead of examining my claims as they were articulated in the ET1 and the consolidated ET1 and FBP submitted to the Tribunal and in the lengthy documentary evidence which both the Respondents and the Tribunal have in their possession, the Judgment is based on the Respondents' Counsel's incorrect perceptions and partial representations of my claims and Employment Judge Dimbylow's mistaken depictions and reframing of those despite my protests and appeals to the EAT about it.

93. Before elaborating on the grounds of appeal, I would like to briefly substantiate the above statement by focusing on pages 2-4 of the Judgment of 5 October 2018 (paras 2-9), as follows. By shedding light onto these paragraphs, the EAT will also discern the elements of perversity and bias clothing the judgment.

94. Section 8(1) of the ET1 depicted my claim in very clear terms: 'This is a complaint of continuing victimisation under section 27 of the Equality Act 2010 and detrimental treatment under section 47B of the Employment Rights Act 1996 because I made a number of protected acts, as defined by 27(2)(c) and 27(2)(d) of the Equality Act 2010 as well as protected disclosures, as defined by sections 43B and 43C of the Employment Rights Act 1996.
I am a professor of Law with a distinguished and unblemished employment career of 26 years in the United Kingdom. I have significant international and national reputation and have never been issued with any disciplinary warnings or been subject to any formal or informal disciplinary proceedings. I have recently been issued with a final written warning by the University of Warwick on the basis of false and malicious allegations of harassment which remain unsubstantiated to date and was suspended for four months by the Vice Chancellor of Warwick University, Professor Croft (2 August – 8 December 2016). I believe that I have been subjected to such a detriment, which is the last in a series of detrimental acts, and deliberate failures to act, by Professor Croft, Mrs McGrattan, Director of Human Resources, and Professor Probert, the former Head of Warwick Law School, because I have exercised my rights in relation to discrimination on the grounds of race and gender I have suffered and have made qualifying protected disclosures in good faith and in the public interest. My latest protected disclosures concerned breaches of the Data Protection Act 1998 by Professor Probert,

former Head of Warwick Law School, and deliberate failures to conceal it by officers of the University'.

95. On page 7 of the ET1, I continued: ' 1. The last detriment in a continuing discrimination by means of victimisation case and compliance with time limitations. As any discrimination act by means of victimisation extending over a period shall be treated as done at the end of that period, the last detriment I suffered was the confirmation of a final written warning (a disciplinary sanction short of dismissal) by Professor Christine Ennew on 24 February 2017. The ACAS conciliation process was initiated on 13 April 2017 and was concluded on 26 May 2017'. The section proceeds to outline all the complaints of victimisation and revictimisation and page 7 of the ET1 concludes 'It is my belief that the final written warning, the unjustified disciplinary process which lasted from 27 June 2016 to 24 February 2017, my wrongful suspension (2 August 2016 - 8 December 2017) and the false allegations were cruel and intensely vindictive acts of victimisation as defined by the EA 2010 procured in bad faith.' The attached 4 pages of the ET1 continue the presentation of 'my subjection to a continuing regime of victimisation by reason of protected acts'.

96. On page 12 of the ET1, I presented the whistleblowing claim. The first paragraph on page 12 of the ET1 states: 'The detrimental treatment I have been subjected to (please see section 8.2 above and the attached pages) was also by reason of protected disclosures I had made, as defined by sections 43B and 43C of the ERA 1996. Under section 47B of the ERA 1996, the ET has jurisdiction over such complaints and the test is whether the protected disclosure was 'a material factor in the employer's decision to subject the claimant to a detrimental act' (NHS Manchester v Fecitt and Others [2011] EWCA Civ 1190, [2012] IRLR 64).'

97. The last paragraph on page 12 of the ET1 stated that: 'Ten days later, on 27 June 2016, Professor Probert falsely accused me of disruptive behaviour during the staff meeting of June 15 and informed me via email that she instigated a Stage 1 disciplinary action against me. I immediately raised my complaints concerning the breach of the principle of natural justice, Statute 24 and Ordinance 20, the substantive unfairness of the allegation and victimisation to Mrs McGrattan, initially, and subsequently, to the Vice Chancellor, Professor Croft, requesting an independent investigation by someone who had not been previously involved, the application of the procedures of the University and their protection. Professor Croft also received my written concerns about the breaches of the Data Protection Act 1998 (9 July 2016;

23 July 2016), and the Equality Act 2010 (23 July 2016). Eight days later (on 2 August 2016), Professor Croft suspended me while I was on annual leave. The breaches of the DPA 1998 (a failure to comply inter alia with the data protection principles and a breach of my fundamental right to personal data protection enshrined in Article 8 EUCFR and the recognised rights of data subjects under EU and UK law) were reported to appropriate senior personnel and were also raised before, during and following my appeal hearing of 15 February 2017. I believe that the false and malicious allegations against me, my wrongful suspension of four months by Professor Croft and the disciplinary sanction of a final written warning which was confirmed on 24 February 2017, have been detriments for making protected disclosures, in addition to protected acts….'

98. The above statements were also replicated and amplified in the following documents:
a) Consolidated ET1 and further and better particulars on protected disclosures of 19 August 2017 ordered by the Tribunal following the Respondents' request;
b) consolidated ET1 and further and better particulars on protected acts of 22 August 2017 ordered by the Tribunal following the Respondents' request;
c) the marked up copy of the latter document (i.e., b above) containing also the succinct description of the protected acts and the detriments which had been ordered by E. J. Dimbylow of 25 November 2017.

99. Despite the clear articulation of my claims in the ET1 and the further and better particulars, in paragraph 2 of the Judgment, E. J. Camp does not even mention that this is a continuing victimisation and detrimental treatment case having as the last act the confirmation of the final written warning on 24 February 2017 (- thereby resulting in the whistleblowing and the victimisation claims being in time). In paragraph 3, the Judge disregards all the above statements of the ET1 and presents the Counsel's view that:

'Through Counsel, the respondents suggested to me [The Employment Judge] at this hearing that in reality the claim was about and only about the imposition of a final written warning on the claimant on 29 November 2016 (and the upholding of that warning on appeal in February 2017 (- *the actual date is missing, my insertion*)). There is considerable support for that suggestion in what has been put before the tribunal by the parties, the claimant as well as the respondents. However, this doesn't alter the fact that the claim that has been presented is broader than that. According to the respondents, the warning was imposed because of: the

claimant's behaviour at a meeting on 15 June 2016; her refusal to engage meaningfully with the University's requests to attend a disciplinary meeting concerning her behaviour; harassment of other University staff, including the circulation of intimidating emails'.

100. Nothing else is written about my claims and there is no reference to the ET1. Para 5 of the Judgment proceeds with the preliminary hearing of 21 and 28 November 2017. In addition, no references are made to my complaints about that preliminary hearing and the conduct of E. J. Dimbylow and the subsequent appeals to the EAT (please see section 1 'Introduction and Context' above). Furthermore, no reference is made to the fact that four appeals requesting the remission of the case before a different tribunal had been lodged at the EAT a few days before the OPH chaired by E. J. Camp.

101. No reasonable Tribunal, properly directed and impartial, would have made the Claimant's ET1 claims invisible, not mentioning once the continuing nature of victimisation and detrimental treatment and presenting the Counsel's views as the authoritative source of the Claimant's case. This is done intentionally in paras 2-4 because the pre-conceived idea of E. J. Camp is to strike out the whistleblowing claim and all claims of continuing victimisation which implicate Professor Probert, Professor Croft and Mrs McGrattan by unlawful actions and unlawful omissions to act, apart from the final act, that is, the appeal.

102. By reframing the Claimant's claims, the Claimant is reduced to a mere spectator in a process of adjudication where the judicial organ and the Respondents' legal representative will proceed to pervert the Claimant's words, documentary evidence and actions advantageously by misconstructions, partial representations, instilling negative suggestions about the Claimant, impressing falsehoods at the hearing and following the hearing and suppositions.

103. This happens immediately in the subsequent paragraph of the Judgment, that is, in para 6: 'At the hearing on 4 June 2018, before Employment Judge Rose QC, neither the claimant nor anyone on her behalf attended.' This statement intentionally suppressed the fact that I had an acute colic and thus could not attend the hearing because of illness which was immediately reported to the Tribunal.

104. By concealing these circumstances, E. J. Camp not only depicts me in a negative light but also opens the way for para 134 'Adjournment of June 2018 hearing – costs'. No reasonable

Tribunal, properly directed, would have suppressed part of the truth relating to the OPH of 4 June 2018 and entertained a consideration of applications for costs knowing that under the Rules costs are awarded only where proceedings were 'unnecessary, improper or vexatious' or 'where there has been 'unreasonable delay or other unreasonable conduct in bringing or conducting the proceedings'. Merely because the Claimant was suffering by sudden kidney colic, it could not be said that she acted in the manner described above.

105. A related manifestation of the same perversity and bias is found in the fact that E. J. Camp on page 32 of the Judgment under case management order 9 entertains the possibility of the Respondents submitting an application for costs in connection with the hearing of 8 June 2018 despite the fact that their many witnesses had not attended it as they had initially stated before E. J. Dimbylow and the Claimant was not at fault at all.

106. In fact, the Claimant was represented by her husband, Mr E. Dochery. But in para 8, the opening line of this paragraph is: 'The claimant did not attend the preliminary hearing; her husband appeared on her behalf'. Accordingly, the impression E. J. Camp seeks to create in both paras 6 and 8 is that the Claimant behaves in an unreasonable and improper manner in order to lay the foundation for paragraph 134 and the applications for costs; only a biased Tribunal would entertain such a misrepresentation. And only an unreasonable tribunal would be willing to 'bend' the rules relating to costs. These are errors in law.

107. Paragraph 8 of the Judgment (last paragraph on page 3) includes also the statement 'During the course of the day, he [my representative] made two, and only two, applications. He decided not to pursue either of them after some discussion. The first was an application for a specific disclosure. The second was for a reference to be made to the Court of Justice of the European Union. As neither of them was pursued, it is not necessary to mention them further'. This statement does not accord with the notes and the actual refusal of both applications by E. J. Camp during the hearing.

108. E. J. Camp does not mention that my representative's application for an order for further and better particulars on what I am supposed to have done in order to harass Professor Probert and other members of academic and administrative staff which was requested for the 14th time since September 2017. Both the President, Mrs Justice Simler, at the EAT and the Regional

Employment Judge, E. J. Findlay, had instructed me that this information could be made available at the OPH. Yet, it was refused once again.

109. The only explanation as to why I have not been told yet what I am supposed to have done wrong despite the fact that my life and career fell apart by a suspension of four months, unfounded allegations, disciplinary proceedings and a disciplinary sanction short of dismissal is because the Tribunal seeks to aid the Respondents thereby sanctioning the violation of standard civil procedure rules which govern the obligation of the parties to disclose exculpatory evidence and the withholding of such evidence which would have exonerated me.

110. Paragraph 8 also does not provide any details about the application for a preliminary ruling to the Court of Justice which was refused without reasons (- this is an error of law, in accordance with the case law) and incorrectly states that 'it was not pursued'. This application was made in the light of the appeals to the EAT which had been submitted a few days before the OPH and were grounded on complaints of breaches of natural justice, Article 6(1) ECHR, Article 47 EUCFR and the related general principles of EU law.

111. The preliminary ruling reference under Article 267 TEFU contained the question 'have the requirements of Article 47 EUCFR coupled with the General Principles of EU law been met so that a preliminary hearing taking place notwithstanding the above[1] can legitimately be considered to produce a just result?'

112. Paragraph 9 of the Judgment is also crucial. E. J. Camp states: 'The only thing I shall explain in these Reasons that ought to be noted before dealing with the preliminary issues is that I am dealing with them on the basis of the material that was before me at the preliminary hearing and not additional documents emailed by the claimant to the tribunal afterwards'. In other words, E. J. Camp concedes that his decisions are the product of partial and incomplete evidence and that quite a lot of crucial documents and evidence had been excluded from the bundle prepared by the Respondents without addressing the implications of this for justice and the overriding objective.

[1] This referred to the consistent denial of 13 applications for further and better particulars on my alleged harassing conduct, the denial of the equality of arms since my applications for strike out applications and deposit orders had been refused, the Tribunal's non-decision on crucial applications, the denial of the application to submit a bundle containing my documents and so on.

113. At the same time, E. J. Camp chose not to take into account 'material that was before him at the preliminary hearing', such as my ET1 and the consolidated ET1 and FBPs, as well as the documents which I had submitted to the Tribunal on 19 August 2017 (together with the FBPs) which included protected acts and protected disclosures as well as the correspondence with Sir Cox, Chair of the Council of the University and which had not been included in the bundle prepared by the Respondents.

114. E. J. Camp also chose not to take into account two tables on protected disclosures and protected acts which were submitted by my representative at the hearing. These incorporated the case law on strike out applications which advises against the use of strike out applications in ways that deter access to justice and when material facts are still an issue and evidence has not been presented. Lord Steyn has also given a clear view on strike out applications in discrimination cases 'which are fact sensitive and their proper determination is always vital in our pluralistic society'. The Judgment of Hon. Mr Maurice Kay LJ made it clear that this applies to whistleblowing cases too; '[para 30] Whistleblowing cases have much in common with discrimination cases, involving as they do an investigation into why an employer took a particular step, in this case dismissal' (Ezsias v North Glamorgan NHS Trust; please see also Tayside Public Transport Company v Reilly; Qdos Consulting Ltd and Ors v Swanson; Balls v Downham Market High School and College [2011] and Lord Steyn in Anyanwu v South Bank Student Union [2001] in para 24). In this respect, the Tribunal erred in law.

115. Having shed ample light onto the 'Introduction and Background' of the Reserved Judgment (paras 2-9), I will now focus more directly on the grounds of appeal. These are perversity, bias (- or the appearance of bias), a failure to provide clear and intelligible reasons for the striking out of the whole whistleblowing claim and all the victimisation complaints apart from two and errors of law in those decisions, the insufficiency of natural justice and due regard to Article 6(1) ECHR and Articles 1 and 47 EUCFR and the related principles of EU law, and decision-making under a misapprehension as to the facts, that is, where the Tribunal took into account an improper factor, or failed to take a proper factor, into account.

Did E. J. Camp err in striking out the whistleblowing claim on the grounds that all complaints of detriment for making protected disclosures have no reasonable prospects of success? (para 1 of the Reserved Judgment)

116. As noted above, the ET1 states that the last act complained of was done on 24 February 2017 (- the dismissal of my appeal by Professor Ennew and the crystallisation of the disciplinary sanction of the final written warning). Considering the dates of the ACAS conciliation process, the whistleblowing claim was presented in time. It thus legally perverse for the Tribunal to argue the opposite. In Clarke v Hampshire Electro-plating Co Ltd [1991] IRLR 490 EAT, by analogy, it was ruled that 'in determining when "the act complained of was done", the question is whether the cause of action had crystallised on the relevant date….The phrase "the act complained of was done" indicates that there was at that time an act of discrimination and that the cause of action could properly be said to be complete at that time, because otherwise there would be no point in bringing proceedings'. (I enclose the notes of the appeal hearing of 15 February 2017 which attest the continuing detrimental treatment owing to protected disclosures and that the claim was submitted in time. As noted above, I received the decision dismissing my appeal on 24 February 2017).

117. On pages 5-7 of the Judgment one would assume to find clear and intelligible reasons as to why E. J. Camp decided to strike out the entire whistleblowing claim. Failure to give reasons amounts to a denial of justice and this is an error of law. It is also unsatisfactory and amounts to an error of law for a Tribunal to simply state a conclusion or a decision without showing how it arrived to this conclusion. There is considerable case law on this issue.

118. On page 5, paras 13 and 14, E. J. Camp cites Lord Steyn's speech and Ezsias, defines the 'no reasonable prospects of success' tests and notes that this is an exceptional thing to do. In para 15, the Employment Judge states that he does not have to consider deposit issues because he strikes out all complaints. It seems to be that the presentation of the case law in these paragraphs is incomplete: Ezsias included the ruling that a claim should not be struck out when material facts are still in issue (- this is the case, here, since I contend that the false allegations against me, the disciplinary process, the suspension, the disciplinary hearing in my absence, the sanction imposed, the disregard of my evidence at the appeal stage and the dismissal of my appeal on 24 February 2017 were manifestations of continuing victimisation/detrimental treatment while the Respondents argued that they were a consequence of my alleged misconduct). H. H. J Serota QC in Qdos also ruled that 'Applications to strike out on the basis that there is no reasonable prospect of success should only be made in the most obvious and plain cases in which there is no factual dispute and which the applicant can clearly cross the

high threshold of showing that there are no reasonable prospects of success. Applications that involve prolonged or extensive study of documents and the assessment of disputed evidence that may depend on the credibility of the witnesses should not be brought …. But must be determined at a full hearing. Applications….. that involve issues of discrimination must be approached with particular caution. In cases where there are real factual disputes the parties should prepare for a full hearing rather than dissipate their energy and resources, and those, of Employment Tribunals, on deceptively attractive shortcuts'. In Ezsias, it was also noted that 'Tribunals had also to exercise appropriate caution before making an order that would prevent an employee from proceeding to trial in a case which involved serious and sensitive issues…'. In Balls [2011] IRLR 217 EAT, it was noted that the requirement is that the claim must have no reasonable prospects of success, not just that success is thought unlikely.

119. One would assume that E. J. Camp has powerful reasons for disregarding the facts (i..e, the date of the final act complained of) and the case law mentioned above and which he states in paras 13 and 14. But in para 16, he writes about vagueness or opacity in stating the case without telling us what was vague in my ET1 and the consolidated FBP about the breaches of the Data Protection Act 1998 and the related EU law. In fact, in para 16 he does not refer to protected disclosures at all, while in para 17 E. J. Camp makes irrelevant statements about English being not my mother tongue and that I am not an expert in the Law of England and Wales or in employment law and employment practice and procedure (lines 2-4, para 17). It is noteworthy, here, that I have never met E. J. Camp in person. Nor has he ever heard my voice or accent. Nor has he ever tested my knowledge of employment law. At the end of para 17, he announces that he is not willing to 'give me the benefit of the doubt' without stating which sentences about the breaches of data protection law in the ET1 and the consolidated ET1 and FBP of 19 August 2017 do not meet the requirements of clear and accurate description of disclosures as well as how one can reach such a conclusion without examining the textual wording of the documentation relating to the 36 dates included in my ET documents (- these correspond to documents which are in the possession of the parties).

120. In paras 18 et seq, E. J. Camp presents the manifestation of his closed mind or the predetermined conclusion with respect to time limits. He writes: 'The time limits issue is potentially an issue in its own right, but I prefer mainly to consider it as part of the strike out issue in relation to the whistleblowing complaints. In other words, one of the factors I am considering is the claimant's prospects of successfully persuading the tribunal at trial that it has

jurisdiction pursuant to ERA section 48.' And in para 20, E. J. Camp, without a single reference to the facts and the ET1 documents, not to mention the extensive documentary evidence which was excluded from the bundle and the documentary evidence that the Tribunal had in its possession since 19 August 2017 (i.e., including the appeal, the appeal presentation and the corrected notes of the appeal hearing), he concludes: 'However, in practice in this case, I have not had to think very much about the test, except to remind myself that it is for the claimant to show that she "passes" it. The reason I have not had to think very much about it is that the claimant has put forward no evidence whatsoever in relation to it, or even made any coherent submissions about it. What this means is that if I am satisfied that a particular whistleblowing complaint was not presented within the primary time limit (- or, which effectively amounts to the same thing, that she has no reasonable prospects of successfully arguing at trial that it was presented within the primary time limit), there is no proper basis for extending time and the complaint is liable to be dismissed'.

121. The reasoning becomes even more confusing, unclear and erroneous[2] in para 21: 'It is no part of my decision that any particular complaint was presented in time and/or was 'an act [that] extends over a period….The only final and binding decisions I am making are to the effect that particular complaints should be struck out because they have no reasonable prospects of success – and one of the reasons why a particular complaint may have no or little reasonable prospects of success may be my assessment of the chances of the tribunal at trial deciding that it was presented within the relevant time limits'. But the date 24 February 2017, the date of the last act in a continuing detrimental treatment, is a matter of fact; no tribunal can possibly erase it or disregard it. Accordingly, E. J. Camp erred in law.

122. In paras 22 and 23, E. J. Camp speculates as to whether I would be able to show that the disclosures on the breaches of the data protection legislation were made in the public interest. The reasoning is abstract, highly speculative (percent of chances) and without regard to the extensive documentary evidence and my statements in the ET1 and ET1 and FBPs of 19 August 2017. As already noted above, para 12 of the ET1 stated: 'The breaches of the DPA 1998 (a failure to comply inter alia with the data protection principles and a breach of my fundamental right to personal data protection enshrined in Article 8 EUCFR and the recognised rights of

[2] Reasons should be proper, intelligible and adequate. If they are improper, unintelligible and inadequate this might be equivalent to giving no reasons at all.

data subjects under EU and UK law) were reported to appropriate senior personnel and were also raised before, during and following my appeal hearing of 15 February 2017.' Given the entry into force of the General Data Protection Regulation, the strict fines imposed in cases of breaches of it, the elevation of the right to data protection into a fundamental right of individuals, the public interest in misconduct in office by high profile individuals and in workplace cultures that routinely victimise whistleblowers and misuse suspension by design in order to breach the law and which affect many employees, it is very difficult to see how E. J. Camp arrived at that conclusion. Furthermore, E. J. Camp has in his possession my amended notes of the appeal hearing which include the public interest considerations and my letters to the Chair of the Council of the University, Sir Cox, which contain statements about my motivations in making those disclosures. All the above relevant and proper factors were disregarded by E. J. Camp.

123. Para 24 reveals the bias underpinning E. J. Camp's strike out decision: 'Rule 37 does not oblige me to strike out a claim or part of a claim that I decide has no reasonable prospects of success; I have discretion as to whether or not to do so come that may. However, I think I would have to have some very particular reason for permitting a complaint I thought was bound to fail to continue. My decision in the present case is that it is appropriate for me to exercise my discretion to strike out whenever a particular complaint has no reasonable prospects of success. This is because there is no discernible special or particular reason to do otherwise'. I believe that E. J. Camp's exercise of discretion, here, also falls short of the requirements of natural justice, Article 6(1) ECHR, Article 47 EUCFR and the related principles of EU law.

124. The passage by Lord Hope of Craighead in Anyanwu [2001] ICR 391, para 37, is very relevant here:

'I would have been reluctant to strike out these claims, on the view that discrimination issues of the kind which have been raised in this case should as a general rule be decided only after hearing the evidence. The questions of law that have to be determined are often highly fact-sensitive. The risk of injustice is minimised if the answers to these questions are deferred until all the facts are out. The tribunal can then base its decision on its findings of fact rather than on assumptions as to what the claimant may be able to establish if given an opportunity to lead evidence'.

125. Bias is also discerned in paragraph 26 of the Judgement. Having created the misleading view that my claims were vague or opaque, E. J. Camp seeks to place fault on me for not giving evidence at the OPH. He cites para 4.1. of Employment Judge Dimbylow's case management orders, but he intentionally cites it incorrectly in order to impress false suggestions:

'We discussed whether or not oral evidence would be received from witnesses…It is likely the claimant will give oral evidence, possibly limited to the time points, but…the decision is hers'.

The actual sentence in E. J. Dimbylow's case management orders in para 4.1., however, is:

'We discussed whether or not oral evidence would be received from witnesses. The respondents have yet to make a decision. It is likely that the claimant will give oral evidence, possibly limited to the time points, but again the decision is hers'.

126. In other words, I was under no obligation to give oral evidence in an OPH which had been listed for two days because the Respondents had stated that they would have a considerable number of witnesses, including Professor Croft, Professor Probert and Mrs McGrattan. None of them appeared and there were no witness statements from their witnesses.

127. My submissions on time limits were included in the ET1 very clearly and were also made at the Preliminary hearing of 21 November 2017 with reference to the case law on continuing discrimination. I recall I quoted passages from Hendricks. I had complained about the fact that the Case Management Notes of E. J. Dimbylow omitted all references to those submissions.

Was E. J. Camp correct to rule that there was no continuing detrimental treatment and to strike out the entire whistleblowing claim? ('Protected Disclosures and Time Limits, paras 48-81 of the reserved judgement)

128. In paragraphs 48-49, E. J. Camp states that his reasoning and decision is based on E. J. Dimbylow's account of my protected disclosures disregarding that I have repeatedly submitted to both the ET and the EAT that his written record is inaccurate and that he inserted statements that do not feature in all the ET1 documents and in voluminous documentary evidence about what I said and wrote. This is an error of law falling within the scope of a breach of Article 6(1) ECHR and Article 47 EUCFR and the Overriding Objective.

129. E. J. Camp erroneously writes that ‘Dr Dochery accepted that the Judge had not made any relevant mistakes or omissions in this respect’. Dr Dochery, my representative, expressed clearly very strong views about E. J. Dimbylow’s notes and repeated that the notes were inaccurate at the hearing.

130. In paragraph 99, E. J. Camp writes ‘In relation to time limits, in particular, I am taking it as read that what he set out in that written record accurately reflects the claimant’s case. I appreciate that the claimant has expressed about its accuracy, but: she has done so in an unhelpfully unspecific way; no obvious inaccuracies were identified at this preliminary hearing before me; given the amount of time the Judge devoted to the hearing, I should be very surprised if any significant mistakes were made by him; and the claimant had the opportunity to give evidence at this preliminary hearing and has chosen not to do so’. E. J. Camp did not consider it just and proper to examine the ET1 and the consolidated ET1 and FBP of 19 August 2017 in order to examine the relevant dates which impact on the time limits. Nor did he take into account my representative’s submissions at the hearing with respect to time limits and the continuing nature of the detrimental treatment. No reasons are provided why both my ET1 and my representative’s submissions were deemed to be irrelevant.

131. No reasons were provided in para 50 as to why ‘the relevant “cut-off date” is 14 January 2017, in that any complaint about a detriment allegedly suffered before then potentially has a time limits problem’. E. J. Camp did not explain why he chose to state that date. He, of course, knew that the entire disciplinary process commenced on 27 June 2016 and finished on 24 February 2017 with the crystallisation of the final written warning and that it was causally linked to the protected disclosures concerning the breaches of the DPA 1998 (a civil obligation) as well as the continuing pattern of false allegations made by Professor Probert which preceded it for several months. This is clearly stated in the ET1 and its two FBPs. It is legally perverse to disregard all this. Crucial facts are intentionally discounted.

132. The reasoning becomes more confusing in para 51, where Employment Judge Camp admits that my complaints about breaches of the Data Protection Act 1998 to ‘Professor Croft, Professor Ennew, HR Personnel’ which took place before 14 January 2017 ‘were presented within the relevant time limits’, but then proceeds to that ‘Given that all the other alleged whistleblowing detriments occurred well before 14 January 2017 and given that there is – see

above- no evidence for extending time, the question for me is:…'. This is legally perverse in so far as a disciplinary process cannot be fragmented into small and supposedly disconnected acts so that the actions of Professor Probert, who started it, Mrs McGrattan, who sanctioned it and did not investigate my complaints of reprisals and finally made a formal complaint against me leading to my suspension, and Professor Croft, who ordered my suspension for four months as soon he received my disclosures and kept me in suspension for four months without even telling me in what way I was involved in harassment and giving me the opportunity to be heard thereby causing two psychiatric injuries, could be disregarded.

133. It is an error of law if a Tribunal examines a series of detrimental treatment incidents in isolation and splits the disciplinary process in moments, thereby arbitrarily excluding the causal linkages among these moments. The Tribunal must consider the 'eloquence of the whole' (per Anya v University of Oxford and Qureshi v Victoria University of Manchester by analogy). A fair hearing is not possible under such circumstances. The ET must examine the documentary evidence and listen to evidence as a whole (Kuzel v Roche Products Ltd [2008] IRLR 530, CA).

134. In para 52, E. J. Camp does not proceed to explain why there has not been a continuing detrimental treatment with reference to the facts. Instead, he states that E. J. Dimbylow split the whistleblowing complaints up into six claims, number 1 to 6' and 'each claim is separate and distinct from the others' without explaining how he arrived at this conclusion.

135. Paras 53 -55 are also confusing, the reasoning is inadequate and the content of the paragraphs is not coherently unfolding. For example, in para 53, E. J. Camp states 'The last lot of alleged PDs – PD6 – may be slightly different, in that it appears to be the Claimant's case [why? My insertion] that PDs 6.1.2 and 6.1.3 and 6.1.4 and the detriments stemming from each of them are independent of each other in the same way that each of the other claims, 1 to 5 is. I shall return to this below'. [But how could this be the case?] And he continues:
'54. For the time being, however, I shall treat claim 6 as single entity and consider how the time limits issue would apply to whistleblowing claims 1 to 5 if I do so'.
55. In relation to claims 1 to 5, the first and most obvious factor pointing away from there being any relevant act extending over a period or a series of similar acts or failures is, as just mentioned, the fact that alleged PD 6, and the detriments to which the claimant was allegedly

subjected as a result, are independent of and separate from the PDs 1 and 5 and the detriments resulting from them'. [But why are they independent of and separate?]

136. The absence of clear and adequate reasons for the above assertions is an error of law. To make such assertions without due regard to the documentary evidence and the ET1 and the ET1 related document of 19 August 2016 is an error of law.

137. The statements in para 56 are also incorrect. The breaches of data protection legislation were reported to Mrs McGrattan, Professor Croft and to Professor Probert. The letters to the Chair of the Council, Sir Cox, were written following my decision to lodge legal proceedings and were included in the ET1 as additional evidence. E. J. Camp also admits that there were 'connected alleged detriments, inflicted from July 2016 onwards' in contradiction to what he stated in the previous paragraphs.

138. I submit that E. J. Camp's reasoning in para 57 is erroneous. The fact that earlier disclosures were made to 'someone different from the alleged recipients of the PDs making up PD6' is an irrelevant consideration for the University of Warwick (Respondent 1) is responsible for the conduct of those employees. As it was ruled in Nagarajan [1994] IRLR 61 EAT, on a complaint against an employer, it does not matter that different employees were involved at different stages. The acts of employees are treated as done by the respondent employer.

139. Furthermore, in para 58, the incorrect legal test is applied in so far as the linkage is applied to the whistleblowing claims of the disclosure of breaches of the Equality Act and financial irregularities with the breaches of the Data Protection Act and not with respect to the connections among the detriments that flew from the reporting of the above in assessing whether there was a relevant series of similar acts or failures or any act extending over a period. This is also done without a detailed examination of the written evidence and my submissions in the originating application. Nor was there any examination of the possibility of the existence of a policy or practice of victimisation of employees who raise concerns or complain about wrongdoing committed by managers and heads of department and a routine refusal to investigate those concerns by the University of Warwick with a view to evading any liability. This is a reason why I forwarded a copy of the Kahn v University of Warwick case to the Respondents' representative for its inclusion in the bundle (- this was refused) and to E. J.

Camp following the hearing (-this is assessed to have been irrelevant by E. J. Camp in para 87.1 of the Judgment).

140. In paras 59-64, once again, connections are sought among the content of the protected disclosures in order to extend time as part of similar acts or failures or any act extending over a period and not among the detriments that ensued, the causal linkages among them and the temporal synchronicity (please para 64, for example). There are factual errors (the financial irregularities was contained in one email (para 62, line 3), while a whole dossier was sent to the Respondents' representative for the bundle (- it was not included) and to the E. J. Camp following the hearing of 8 August. The same applies with respect to the absence of documentary evidence for the breach of Equality Act (PD 1) (- a whole chain of emails consisting of a number of pages was submitted to the Respondents' Representative and E. J. Camp following the hearing).

141. Similar errors are made with respect to the theft of my annual confidential review documents (theft of confidential data and a breach of the data protection principles), the persistent interferences with my staff webpage for several months and the deletion of data without my knowledge (one again, these bring into play the data protection legislation which is a civil obligation and torts) and the wider public interest in reporting those breaches of the legislation and in breaches fundamental rights by public figures in office. In paragraphs 59 – 73, E. J. Camp relies exclusively on E. J. Dimbylow's incorrect insertions in his notes (e.g. the criminal offence of theft had been committed; I have never said this) and the Counsel's misrepresentations and speculative assertions without examining the documentary evidence a) available to him, b) a very significant number of documents submitted following the hearing and c) oral evidence from the Respondents' witnesses and myself.

142. An example of the above can be derived from E. J. Camp's sentence in para 65: 'The relevant information she disclosed was simply that some documents had gone missing from her pigeon-hole'. He does not state that these documents were confidential annual review (staff appraisal) documents and the relevant incident was a personal data breach, which is defined by the GDPR as a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed. Data protection breaches carry significant fines and call for an

investigation which the Vice Chancellor, Professor Croft, did not order when he became aware of it.

143. In para 66, Professor Probert's pattern of making false allegations about me with a view to causing me injuries which started in November 2015 is artificially split between a process of allegations that did not result in disciplinary action and those that did (since 27 June 2016), in an attempt to untangle the connecting links among the continuing detriments I was subjected to by her for a considerable period of time. This is legally perverse and an error in law.

144. In para 67, E. J. Camp repeats E. J. Dimbylow's unwarranted insertion in the notes that 'the claimant alleges that she reasonably believed the information she disclosed tended to show theft' (- I have never said this) (para 67, line 6) and the security of data issue is depicted as '…nor any identifiable legal obligation is made out', in order to E. J. Camp to conclude that 'there is no significant chance of her persuading the tribunal at trial that it was a reasonable belief. The same – if anything, more so – goes for any belief that any disclosure was made in the public interest'.

145. The content of the subsequent paragraphs (69 -73) is equally problematic in so far as assertions without adequate, clear and substantiated reasons are made. Para 72 is completely false – I never stated that tampering with committee minutes is a criminal offence, as E. J. Dimbylow inserted in his notes. But I did say at the hearing of 21 November 2017 that fraudulent representations of the statements of a female professor in the minutes could also bring into play discrimination, victimisation, defamation as well as data protection issues and that all these are breaches of statutory legal obligations. But this was not included in the notes.

146. It is evident that all the above indicate that there are matters of fact and quite a lot of documentary evidence that need to be examined carefully and that the striking out of whistleblowing claim should not have been done at that stage (Roberts v Wilsons Solicitors LLP and Others, CA, Judgment of 28 February 2018). This was the submission made by my presentative at the hearing and was also evidenced by the distribution of the table on the protected disclosures, which is included in the annex.

147. In paragraphs 75-81, there is no evidence to support the contention that 'claim 6 has been divided into groups of complaints each of which appears to rely on a different set of alleged

PDs' (para 75); E. J. Camp admits that the whistleblowing claim with respect to detriments for reporting breaches of the data protection legislation is in time, but he arrives at the legally perverse conclusion that I would not be able 'to show that an unspecified criminal offence has been committed…' (para 77 and para 79), while there is no evidence that I have ever said so. E. J. Camp made no attempt to examine the sentences in my ET1 and the consolidated ET1 and FBP of 19 August 2017. Nor did he examine the documents that were submitted to the Tribunal on 19 August 2017 which provided an extensive account of the disclosure and the motivations for making it. His conclusion are exclusively based on E. J. Dimbylow's misrepresentation of my claims and the Counsel's amended response which was based on the former – and not on my ET1 and the documents of 19 August 2018.

148. In para 79.2, there is an admission that I would 'better than reasonable prospects of showing that she reasonably believed the information she disclosed tended to show one or more breaches of the DPA', but he, nevertheless, concludes that 'claim 6 fails because there is no public interest in any of her disclosures and the chances of a tribunal deciding she reasonably believed any relevant disclosure was made in the public interest are negligible'. Clearly, the reasoning shows a preconceived view that the claim should be struck out since everything is approached with a closed mind and bias.

149. Would it not be in the public interest to report unlawful and unfair processing of personal data, the violation of the principle of individual consent with a view to conspiring to defame and prejudice a professor of law, the breaches of data subjects' rights, the failure on the part of the University to investigate the breaches, to report them to ICO within the specified timeline, and to take steps to ensure the rectification or erasure of inaccurate data which breaches the rights of personality (honour and reputation) and the rights of data subjects? Is it not in the public interest to disclose facts that point to a violation of fundamental rights and could even trigger the imposition of fines on the University? Would not potential employees be interested in knowing that their vital interests under the legislation and EU law are violated and that several articles of the DPA 1998 were not respected? And furthermore, is not there considerable public interest in the detrimental treatment of a whistleblower given that both the Public Interest Disclosure Act 1998 and the internal policies of the University prohibit reprisals? I believe that E. J. Camp erred in concluding that 'I think I can safely say that the public at large would have little or no interest whatsoever in this'.

150. In starting this, E. J. Camp simply repeated the Counsel's view expressed in para 37 of the Skeleton argument, thereby breaching the principle of equality of arms, and wrongly assuming that the Counsel, who did not make these disclosures and did she write pages and pages of letters on these matters to the University, is better placed to explain what the claimant's reasonable belief and the public interest consideration were.

Did E. J. Camp err in law in striking out my entire continuing victimisation claim with the exception of the final appeal hearing and a communication to Professor Pam Thomas on 19 December 2015 (para 8-11of the Reserved Judgment)?

151. The protected acts were clearly identified in the ET1 and the consolidated ET1 and FBP of 22 August 2017 (on victimisation and protected acts). Apart from two conversations (with Professor Croft (- there is some documentary evidence about what was discussed at that meeting) and Professor Swain), the dates stated correspond to actual documents which are in the respondents' possession. The account of my continuing victimisation over a very long period of time is detailed, meticulously documented and the sequence of events was chronologically presented. The document I submitted on 25 November 2017 was the document of FBPS of 22 August 2017 with markings on the margins and the list of 'succinct descriptions' of detriments at the end which E. J. Dimbylow had ordered me to submit. The EAT has in its possession both documents because they were submitted with the previous Notices of Appeal. In this respect, some of the statements made by E. J. Camp in para 28 are incorrect.

152. The Respondents did not submit a detailed notice of appearance engaging with the ET1 and the FBP of 22 August 2017. I requested their amended response from the Tribunal for several months. They provided an amended response consisting of a table that included the protected acts following the preliminary hearing chaired by E. J. Dimbylow and having been instructed by him to base it on his notes. Both the Respondents' actions and E. J. Dimbylow's instruction aimed at 'breaking' the narrative account and the sequence of events thereby creating the impression that these are unconnected acts and that my victimisation did not continue over a period. The skeleton argument produced by the Respondents' Counsel follows the same pattern and E. J. Camp in his Reserved Judgment of 5 October 2018 does the same.

153. Furthermore, instead of scrutinising my documents, paras 27-47 rely heavily on the Respondents' Counsel's narrowing and compartmentalising strategy. In this respect, the

principle of equality of arms is not observed and this is a contravention of natural justice which must always guide the exercise of judicial discretion.

154. There is an additional strategy pursued by E. J. Camp in that section of the judgment which also results in fragmentation and thus the weakening of the links among the parts of a continuing whole as well as confusion; namely, a further categorisation into PAs 1, 3, 4, 5 and 9 (- those in relation to which there is no documentary evidence before the Tribunal) [E. J. Camp omits the documents that were submitted on 19 August 2017 and the documents that were submitted following the hearing] and PAs 2, 6 and 7 (-'where all I have to base my decision on is, at best, a few sentences in the claimant's further information') (para 35). All this resulted in four pages in which incidents are presented by numbers (- they are not named), continuing detriments and repeat victimisation are concealed, numbers corresponding to protected acts are matched differently and thus quite a lot of effort must be made by the reader to understand how E. J. Camp assesses them and arrives at conclusions.

155. The case law on strike out applications mentioned above that counsels against the striking out of victimisation claims at a preliminary stage, that is, before all the evidence is heard was not applied to. At the OPH my representative highlighted the importance of following this case law. The Tribunal knows that if the claimant alleges continuing discrimination or victimisation on the Hendricks principle, it cannot decide at a pre-hearing review whether the evidence proves the discriminatory incidents were in fact linked. I had submitted this via the Table distributed by my representative at the hearing (columns 4 and 5).

156. The EAT in Sutcliffe v Big C's Marine [1998] IRLR 428 and the Court of Appeal in Smith v Gardner Merchant Ltd [1998] IRLR 510 at 512 have commented against the general desirability of embarking upon pre-hearing reviews in this context. E. J. Camp did not apply this to my case and this is an error of law. Nor did he provide a reasoned explanation as to why the case law on striking out applications mentioned above is not applicable and this is an error of law. He proceeded to strike out all complaints of victimisation apart from the final incident (the crystallisation of the final written warning at the appeal hearing) and the email to Professor Pam Thomas on 19 December 2015 thereby effectively denying me justice and a fair hearing.

157. Employment Judge Camp's statement in para 33 is incorrect: 'Dr Dochery conceded on claimant's behalf that, whether or not it was protected act, PA8 is not relevant because the

claimant is not relying on it for the purposes of her victimisation claim'. PA8 referred to a letter consisting of several pages which was sent to the Vice Chancellor, Professor Croft on Sunday 24 July 2016. On Monday 25 July I commenced my annual leave and a week later on 2 August 2016 I was suspended by him without being given an opportunity to be heard. The ET1 clearly states that I consider my suspension to be an act of victimisation and thus it is impossible to disregard that letter and for my representative to have said that this letter, which is clearly identified in my ET1 and the FBPs of 22 August 2017as a protected act, is irrelevant.

158. Before examining the subsequent paragraphs, it is important to note here that the Respondents have been aware from the outset that all matters form a continuous sequence of events. They were presented internally as such and the Respondents dealt with them as a continuous series of events in the appeal. The appeal documents, presentation and the corrected notes of the appeal hearing attest so. A significant number of documents were included in the bundle for the internal appeal hearing (- including the email to Professor Pam Thomas of 19 December 2016) and in omitting those documents from the bundle for the OPH, the Respondents' representative acted improperly and unreasonably and thus failed to serve the overriding objective. All the documents were also sent to him via email on 26 June, 1 July and 3 July 2013, but they were excluded.

159. Present notices of appeal before the EAT include my submission for breaches of Article 6(1) ECHR and Article 47 EUCFR due to the fact that the ET did not allow me to submit a separate bundle by refusing to respond to my applications including the Regional E. J. Findlay's silence when I applied for a stay in the proceedings a few days before the OPH (- these documents are with the EAT).

160. E. J. Camp also received all those documents (- including a dossier which relates to what was discussed during the conversation with Professor Croft on 19 August 2015) following the hearing of 8 August 2018. Yet, paras 36 – 47 are based on the Respondents' arguments and not on the examination of the full documentary evidence. The biased approach is clearly seen in para 36: 'I'll start with the second category of PAs. It consists of PAs 1, 3, 4, 5 and 9. What those PAs allegedly are is explained in Counsel's skeleton argument [- and not in the Claimant's ET1 and FBPs, my insertion], to which I refer [- and not the Claimant's documents]. The Respondents make essentially the same point about all five: that the Claimant has failed to identify anything capable of constituting a protected act. 37. I agree with the Respondents…..

38. …The same goes for the other alleged protected acts that are apparently contained in documents that were not put before me at this hearing but that she appears to be asserting she has copies of: PAs 5 and 9. 39. To an extent, the same goes for PAs 3 and 4 too, which were allegedly protected acts done orally in conversations. To have any chance of success at trial, she will have to tell the tribunal what she alleges she said amounted to a protected act…' And in para 40, I am blamed for allegedly not setting out my case clearly.

161. And yet, not only all the documents relating to PAs 1, 2, 3, 5 and 9 were submitted to the Respondents' Representative on 26 June, 1 and 3 July 2018, but E. J. Camp also witnessed so in the table that was distributed at the hearing (Column 4) and received copies of all the documents after the hearing. The ET1's statements were also ignored: I would like to draw the EAT's attention, for example, to lines 1-4 of para 39 of the Judgment: 'To an extent, the same goes for PAs 3 and 4 too, which were allegedly protected acts done orally in conversations. To have any chance of success at trial, she will have to tell the tribunal what she alleges she said amounted to a protected act'. The relevant extract from the Consolidated ET1 and FBPs of 22 August shows the opposite:

'*In addition, in my email communication to Professor Norrie, dated 31 May 2014, I complained that the circulation of committee minutes to a significant number of law school members (more than 100 people) with a yellow line and a blank space next to my name was not respectful. I also encountered less favourable treatment on the ground of gender and detrimental treatment concerning the Modern Law Review reward I had attained which was reported to the University (to Professor Croft on 19 August 2015 and to Professor Swain in December 2015) subsequently.*

Before Professor Probert's Headship (1 September 2015), I met with Professor Croft in his office (19 August 2015) and complained about my differential treatment in the department. I informed him that:

- *there had been unauthorized interventions to my personal staff webpage which had resulted in the deletion of sub-pages I had created and in the loss of statistical data. These had caused me reputational damage.*
- *I was falsely accused of copyright breaches for simply forwarding my publications for the inclusion into the Warwick Law School's SSRN portfolio.*
- *My statements and contributions during committee meetings were omitted from the minutes or recorded incorrectly in order to depict me in a negative light.*

• *I had faced obstructions in the organisation of seminars and workshops (- invited speakers not being offered accommodation, the seminars beings advertised on the wrong dates and with mistaken information about the venue so that they would attract no audience) and so on.*

I expressed my deep sadness and distress about my less favourable treatment.

I also showed Professor Croft a questionnaire form which, in my opinion, had been planted among ordinary student questionnaires stating that 'Dora can't speak English well enough'. Having taught more than 20,000 students in an admirable way and having had excellent student reports for 26 years, as well as expert assessments in several UK Universities as well as in other European countries where I have delivered lectures and seminars, this act was extremely hurtful. It demonstrated the devaluation of my efforts and that I was targeted on racial grounds (- that is, by reason of my (Greek) nationality). I recall I told Professor Croft that I was so upset by this that I was willing to employ the services of a graphologist in an attempt to identify the person who had done this. I said to Professor Croft: 'could you please place me on an "endangered species register"?' I then requested a transfer to the Politics and International Relations Department. Professor Croft told me to discuss the matter with the Head of Politics, which I subsequently did (on 2 September 2015), and reassured me that my future conditions of employment would change. Professor Croft said to me that Rebecca [Professor Probert} would be 'a new chapter'. I believed his assurances and felt that I would be protected by him. I could never envisage that a few months later he would suspend me.'

162. The conclusions thus reached by E. J. Camp in striking out my complaints are not supported by the facts as well as the availability of documentary evidence. I also do not understand why the Respondents did not include in their bundle the documentary evidence of protected acts which they have in their possession. The entire documentation of protected act 9, which was included with the notice of appeal against the Judgment of 5 October 2018, for example, consists of my letters and emails to the University's Human Resources. They have all these. I discern both perversity and bias in the statements made in para 41, where E. J. Camp relied once again on the Counsel's incorrect views. I insert para 41 below for its contrast with the paragraph of the ET1 inserted above:

'Further, in her account in the further particulars, of the part of a conversation with Professor Croft (the third respondent) relied on as PA 3 (see paragraph 45 of counsel's skeleton argument), the claimant does not even allege that she made a complaint of any kind. Instead,

she describes showing Professor Croft a document that she now alleges amounted to targeting on racial grounds. Even in the part of the same paragraph of the further particulars – a part not identified as a protected act – in which she does seem to be alleging she complained about that document to Professor Croft, she does not state at the time she complained to him about racial targeting, or made any other allegation of a breach of the EQA.'

163. In paras 44 and 46, E. J. Camp erred in law in reaching the conclusion that those were not protected acts. Several documents (- and not one email re para 44) were submitted to the Respondents' Representative for their inclusion in the bundle (- they were excluded) and to E. J. Camp following the hearing. To know that the documents exist, were presented and were excluded, coupled with the fact that Claimant had appealed to the EAT including this ground, and to regard them as non-existent fails to serve the Overriding Objective.[3] In addition, the Counsel's views on which the Judge relies are inaccurate and unsupported by the facts. And by failing to examine the case as whole and engaging in process tracing, both the Counsel and E. J. Camp failed to see that one protected act was inextricably linked with the rest and often referenced in them. There deliberate fragmentation of the case cannot be considered to produce a just result. This leads me to conclude that the exercise of judicial discretion in striking out all victimisation complaints apart from the final incident and the email to Professor Pam Thomas was not exercised within the bounds prescribed by natural justice, Article 6(1) ECHR, 47 EUCFR, the related General Principles of EU law and the Overriding Objective.

164. The striking out, and thus, E. J. Camp's conclusion in para 47, occurred because E. J. Camp's pre-determined intention to strike out the case against the individual respondents (Professor Probert, Professor Croft and Professor McGrattan and hence the strike out warning) and thus to make them unaccountable for the significant injuries they caused to an innocent employee for a very long period of time. As far as justice and the fair disposal of the case are concerned, that intention was an irrelevant consideration and E. J. Camp should not have been led or influenced by it.

[3] There is case law on this point. In Tayside Public Transport Company Limited v James Reilly, the Court of Session noted in para 34 that 'It is quite clear, in my view, that the Employment Judge was not entitled to take it upon himself to strike out the respondent's claim. In his conclusion, which I have quoted, he says that his decision is based on "the information that I have before me at present" (supra). In my view, he should have considered whether a full Tribunal conducting a formal hearing into the claim might have fuller information before it than he had. In my view, the Employment Judge made a serious error in deciding the matter as he did. Lady Smith was right in setting the decision aside.'; [2012] CSIH 46, 2012 WL 1933473, Judgment of 30 May 2012, para 34.

165. In these grounds of appeal, I will include the refusal of my application for further and better particulars, the 15th application since 19 September 2019, by E. J. Camp. This in contained in paras 102 et seq (pp. 24 et seq) of the Judgment. Before doing so, it is important to briefly address the issue on the missing documents in paras 83-101 of the Judgment.

166. The exclusion of my evidence from the bundle was included in the appeals before the EAT (UKEATPA/0608/18/RN, UKEATPA/0609/18/RN, UKEATPA/0610/RN, UKEATPA/0648/18RN) and thus I will confine myself to the following:

a) The statements of E. J. Camp in paras 84 and 85 are incorrect. I enclose Employment Judge Rose's Order containing the 6 Orders at the end.
b) The EAT has in its possession my letter of 6 June 2018. Paragraph 4 states:
'Concerning the Preliminary Hearing, my ET1 and the consolidated ET1 and further and better particulars provided on 19 and 22 August 2017 as well as the marked copy of the latter document which was submitted on 25 November 2017 contain a significant number of dates. Most of these dates refer to documents which need to be studied extensively before a decision on the Respondents' applications to strike out is made. As these documents were not included in the Bundle prepared by the Respondents, I would be pleased to prepare an inclusive Bundle for the Tribunal (- which would also contain clean copies of my ET1 and the ET1 and FBP) thereby shielding the Respondents from any further costs.'
c) The EAT has in its possession Mr D. Browne's letter to the Tribunal of 22 June resisting my offer and advising me to submit my documents to them by the end of June, following which they would amend the bundle (para 6 of the letter).
d) The EAT has in its possession my letter to the Tribunal dated 24 June, which was sent on 25 June 2018, in which I seek authorisation for a separate bundle if I encounter objections to the inclusion of the documents and/or no-cooperation by 5 July 2018 (last page, paras 1,2 and 3).
e) The EAT has in its possession E. J. Findlay's response which does not even acknowledge my letter of 24 June 2018.
f) The EAT has in its possession my emailed communication to the Tribunal dated 30 June 2018 in which I state that my previous letter of 25 June had not been addressed at

all and that I need to decision on my applications contained in it as a matter of urgency (para 1).

g) The EAT has in its possession Judge Woffenden's email communication of 4 July 2018 which, once again, does not address my applications.

h) The EAT has in its possession my third email communication to the Tribunal on 5 July 2018 in which I state that neither E. J. Findlay nor E. J. Woffenden had addressed my letter dated 25 June 2018. The last paragraph was 'Could I request for the third time the consideration of my letter dated 25 June 2018 and a reasoned decision on the applications contained therein? The matter is urgent'.

i) The EAT has in its possession E. J. Perry's email communication which acknowledges my letter dated 25 June 2018, but states that 'Your application contains no material change to that of 2nd July and is thus refused. Reasons for refusal have previously been given'.

j) The EAT has in its possession my subsequent Notice of Appeal.

k) The EAT has in its possession my application to the ET for a stay in the proceedings following the appeals which includes on page 3 my complaint about the breach of the right to fair hearing because I am not given an opportunity to submit my documents to the Tribunal which 'Mr Browne excluded from the single bundle Employment Judge Rose ordered on 5 June 2018'. It was submitted on 21 July 2018.

l) The EAT has in its possession the letter of E. J. Findlay dated 31 July 2018 which is silent about the bundle, once again.

m) Following this, I submitted an appeal against that decision to the EAT.

167. In this respect, the statement made by E. J. Camp in that section of the judgment are not correct.

168. In the appeal submitted on 8 November 2018, I enclosed the correspondence with the Respondents' Representative about the bundle. This included:

a) My email communication dated 26 June 2018 which included several documents and concluded 'I am also willing to meet with you or your assistant to check the bundle and to discuss its section.

b) My email communication dated 1 July 2018 including more documents which concluded 'I look forward to your email on Friday confirming that my documents have been incorporated into the bundle for the OPH and to the finalisation of its sections'.

c) My email communication of 3 July 2018 which included more documents as attached files and stated my willingness to post copies of those documents to him.
d) Mr Browne's email communication of 4 July 2018 in which he stated: Thank you for sending through the three emails pertaining to disclosure. You have asked me to confirm the contents of the bundle to you by Friday 6 July 2016. This is an arbitrary deadline set by you, and I note that the Tribunal order for disclosure relates to you sending me all relevant documents by 12 July. Having considered the first two tranches of disclosure it appears as though there is a considerable amount of documentation which is not relevant to the issues to be determined at the open preliminary hearing.' The last two paragraphs stated:

' If you have relevant documents to include for the OPH please provide me with copies of these only, crossreferring them to the listed protected acts/disclosures in the attached document so I can be satisfied as to their relevance. To be clear, I am very happy to include any documents you will seek to rely on provided that they are relevant to the matters to be determined.

I reiterate the content of my email of 22 June as to costs if you continue to insist on the inclusion of irrelevant documents as I consider the correct approach has now been made clear to you.'

e) My email response to Mr Browne dated 4 July 2018 in which I requested his compliance with the Orders of Judge Rose and assured him about the relevance of my documents (with reasons).
f) Mr Browne's email of 6 July 2018 and my response of 6 July 2018 confirming his intention to exclude them from the bundle.

169. Accordingly, the statements made by E. J. Camp in para 83 (last three lines) that I would not engage properly with the Respondents' solicitors are incorrect. The statements in paras 84 and 85 about E. J. Rose's notes are incorrect too. The statements about irrelevant documents in para 87.1 are also incorrect; the Khan v University of Warwick confirmed a habitual practice or policy of victimisation of complainants and thus it was very relevant for my claim of continuing victimisation and detrimental treatment. This is standard supporting evidence (e.g., Chief Constable of Greater Manchester Police v Bailey, CA, reported on June 2018, 2017). Generally speaking, the whole account in that section of the judgment does not depict the truth accurately and this is done in order to effect blame shifting and some kind of irresponsible behaviour on my part. I discern clear bias in all this. I will not comment any further on these

paragraphs apart from stating that my email communication with the attached documents/files of 1 July 2018 was sent to the Tribunal on 10 August at 4.56 pm and Mr Browne and Dr Dochery were copied in this communication (- this refers to E. J. Camp's statement in para 87.1 that 'that email cannot be found on the tribunal's email server and I have not seen it').

170. It might be noteworthy, here, that the attached files of that email communication (that is, of 1 July 2018), included: a) photographs of the unwarranted interference with my webpages and photographs of other incidents of victimisation including the spraying of my office plant with stain remover for washing machines in order to damage it and P. Probert's intentional insertion of statements on my own staff webpage and thus across the world wide web in order to damage my career following my unlawful suspension, b) several pages of email communications confirming protected act 2 and protected disclosure 1, c) diary notes and evidence of interferences with my webpages and breach of data protection principles, d) documentary evidence of how Professor Probert and the Director of Administrator were conspiring to insert false information into my file with a view to harming me and the extent of this conspiracy (18 pages), e) documentary evidence about the tampering with the minutes (protected disclosure 5) and f) several pages documenting protected acts 1 and 2 and protected disclosure 1. Notably, all this evidence relates to the parts of my claim that E. J. Camp decided to strike out on the grounds that they have no reasonable prospects of success.

171. The above exclusion of evidence and its implications are enshrined in the right to a fair trial expressly provided for in Article 6 ECHR which Employment Tribunals must observe in the light of s. 6 of the Human Rights Act 1998 and in Article 47 of the EU Charter of Fundamental Rights, which is applicable, coupled with the General Principle of EU Law pertaining to the right to a fair hearing and to an effective judicial remedy (Case 222/84 Johnston [1986] ECR 1651; Case 222/86 Heylens ECR 4097). According to the Court of Justice of the EU, that General Principle applies to the Member States (and thus, to their courts and tribunals) when they are implementing EU law and Article 47 of the EU Charter applies to the Member States when they are implementing Union law and thus to the UK, notwithstanding Protocol 30. And General Principles must always be observed.

172. That the conduct of an Employment Tribunal litigation accords with the rule of natural justice is emphasised by the 'Overriding Objective' of the Employment Tribunals Regulations 2013. Rule 2 states that the Overriding Objective of the rules is 'to enable Tribunals to deal

with cases fairly and justly' and requires that 'the parties are on an equal footing' and that 'the Tribunal shall seek to give effect to the overriding objective in interpreting, or exercising any power given to it by, these Rules'.

173. The fair disposal of the case means a disposal that is fair to the applicant.

174. The requirement of fairness was captured wonderfully by Lady Smith in T. A. Balls v Downham Market High School and College, UKEAT/0343/10/DM, 2010 WL 4503329. Paragraph 7 of her Judgment stated: 'I would add that it seems only proper that the Employment Tribunal should have regard not only to material specifically relied on by parties but to the Employment Tribunal file. There may, as in the present case, be correspondence or other documentation which contains material that is relevant to the issue of whether it can be concluded that the claim has no reasonable prospects of success. It goes without saying that if there is relevant material on file and it is not referred to by parties, the Employment Judge should draw their attention to it so that they have the opportunity to make submissions regarding it but that, of course, is simply part of a Judge's normal duty to act judicially'.

ORDER SOUGHT

175. I seek an order allowing the appeal, quashing the decision to strike out my entire whistleblowing claim, 80% of my complaints of continuing victimisation against the institutional Respondent, 100% of my complaints of continuing victimisation against the three individual Respondents and the remission of the case to a different Tribunal for case management and an expedited full hearing under the Sinclair Roche guidelines devised by the EAT.

ANNEX: Tables distributed at the hearing by my representative, Dr E Dochery

PROTECTED ACTS (- HOW THE RESPONDENTS DISREGARD THE OVERRIDING OBJECTIVE AND SEEK TO MISLEAD THE TRIBUNAL)				
	Relevant Case Law:	Ezsias v North Glamorgan NHS Trust	[2007] ICR 1126 CA	
		Tayside Public Transport Company v Reilly	[2012] IRLR 755 CSIH	
		Qdos Consulting Ltd and Ors v Swanson	UKEAT/0495/11/RN	
		Balls v Downham Market High School and College [2011]	[2011] IRLR 217 EAT	
		Lord Steyn in Anyanwu v South Bank Student Union stated in para 24	[2001] ICR 391	
ET1 and FBP of 22 August 2017 **(Following E.J. Dimbylow's instruction to provide succinct descriptions of the protected acts and detriments in November 2017,**	Amended ET3 (Table)	What do the Respondents say?	Documents Submitted to them with Dates	Evidence included in the Bundle for the OPH?

the FBP of 22 August were resubmitted on 25 November 2017 with colouring, track changes and a list at the end of the document of 22 August 2017)				
PA1: DIFFERENTIAL TREATMENT WHEN I WAS DIRECTOR OF RESEARCH – LETTER 19 MAY 2014	CORRECT IDENTIFICATION	They cannot locate the document	Submitted the letter and the ensuing correspondence (10 pages) to Mr Browne on 1 July 2018	NO + EVIDENCE NEEDS TO BE HEARD
PA2: ENTIRE PARAGRAPH 3 ON PAGE 3	PARTIALLY CORRECT IDENTIFICATION	'The email states in passing and in insufficiently particularised terms…'	Several email communications and other evidence submitted to Mr Browne on 1 and 3 July 2018	THEY HAVE NOT BEEN INCLUDED + Evidence is needed
PA3: PROTECTED DISCLOSURE TO PROFESSOR CROFT (para beginning with Before Professor Probert…. And ending 'Greek' nationality on PAGE 4	MISIDENTIFICATION in the SKELETON ARGUMENT	'The Respondents have not been able to verify the Claimant's account of her discussion with Professor Croft at this time. As such no admission is made at this time' (Amended Response)	A whole email folder containing several pages was submitted to Mr Browne in addition to email communications on 1 and 3 July	NO + Evidence is needed (P. Croft's and the Claimant's)
PA4: Complaints about my treatment to Professor Swain	CORRECT IDENTIFICATION	'If, which is denied, the Claimant's discussions with Professor Swain constitute protected acts…'	The Respondents admit that these meetings took place	P. Swain and the Claimant need to give evidence

PA5: My complaints about Prof. Probert's in November 2017, December 2017 and the letter dated 28 January 2018	CORRECT IDENTIFICATION	'It is denied that any discussion between the Claimant and Second Respondent constituted a protected act'	Documentation submitted to Mr Browne	All these documents need to be studied carefully and evidence is also needed
PA6: Email communication to Prof. Pam Thomas (para 1 from the bottom on page 5)	CORRECT IDENTIFICATION	'unable to locate this document'	Submitted to Mr Browne for the second time (ACAS also has a copy of this)	NO
PA7: Complaints to McGrattan on 27 June, 28 June and 1 July 2016	CORRECT IDENTIFICATION	'It is denied that any discussion between the Claimant and the Fourth Respondent constituted a protected act' (amended response)	Mr Browne has in its possession all those – I requested the inclusion of my internal appeal bundle	I am not sure
PA8: 'I referred the substantive unfairness of the allegations of disruption and my differential treatment at the staff meeting to him on Sunday 24 July 2016 (another protected act' (page 9, DK26 on the margins)	COMPLETE MISIDENTIFICATION OF THE PROECTED ACT	'No reference was made to any matter or complaint relating to the EqA' (skeleton argument, para 58)	Lengthy documents submitted to Mr Browne (the content of my letter posted on 24 July 2016 to Professor Croft) on 26 June 2018	NO (these need to be studied carefully)
PA9: Complaints to HR (9 November – 2 December 2016)	Correct Identification	'This account contains no particulars of any act done by the Claimant which is capable of constituting a protected act' (Sk. ARG.)	Lengthy documents submitted to Mr Browne on 26 June 2018	I am not sure (the documents are explicit about the EqA and need to be studied)

PA10 – Internal Appeal	MISINDENTIFICATION OF THE PROTECTED ACT	'It is denied that this constituted a protected act'	This protected act requires the reading of: 1) my Appeal Document (7391 words); 2) my Appeal Presentation (15.000 words) and 3) the Corrected Appeal Notes which the Tribunal has in its possession (- sent on 19 August 2016)	Excluded from the bundle

	LIKE THE TABLE ON PROTECTED ACTS SIGNIFICANT EVIDENCE IS MISSING FROM MR BROWNE'S BUNDLE	**EVIDENCE THAT HAS NOT BEEN INCLUDED**
FURTHER AND BETTER PARTICULARS INCORPORATIING THE SECTION OF THE ET1 – DOCUMENT DATED 19 AUGUST 2017 (SECTIONS 1 AND 2)	Unlike the ET3 which does not mention any dates, this document contains 36 dates which correspond to actual documents. Some of these documents contain several pages. These need to be studied before any strike out application	A LARGE AMOUNT OF DOCUMETNS IS MISSING FROM THE BUNDLE THESE DOCUMENTS NEED TO BE STUDIED CAREFULLY BEFORE ANY STRIKE OUT APPLICATION
THE FBP OF 19 AUAGUST 2017 WAS ACCOMPANIED BY DOCUMENTS TO THE TRIBUNAL AND AN APPLICATION FOR THE STRIKE OUT OF STATEMENTS IN THE ET3 WHICH WERE INCORRECT	FOR 3 MONTHS THE TRIBUNAL DID NOT REPLY TO THIS APPLICATION E. J. DIMBYLOW DENIED IT AT THE PRELIMINARY HEARING OF 28 NOVEMBER WITHOUT REASONS IT HAS BEEN RENEWED ON SEVERAL OCCASIONS SINCE THEN - THE TRIBUNAL HAS REFUSED TO ADDRESS IT	
The Respondents' representative stated that they intended to call 9 witnesses at the OPH and hence its listing over 2 days		The EVIDENCE OF : Prof. Norrie, Prof. Croft, Prof. Probert, Prof. Ennew, Prof. Swain,

	Mrs McGrattan, Sir Cox IS MISSING AT THE OPH – FACTUAL CONTENXT ABOUT WHAT WAS DISCLOSED TO THEM HAS NOT BEEN ESTABLISHED
CLAIMANT'S EVIDENCE **(ET1 AND FBP OF 19 AUGUST 2017 INCLUDE ALL THE CLAIMS I WISH TO BRING BUT IT DOES NOT HAVE TO SET OUT ALL THE EVIDENCE AT THIS STAGE OR ARGUE THE LAW IN DETAIL)**	CLAIMANT'S EVIDENCE MISSING