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26 August 2006

To: The President, Scottish Employment Tribunals,  
The Registrar, Employment Appeals Tribunal, London

Dear Sirs,

**Dr D Quigley vs University of St Andrews**  
**401128/2002 (ET)**  
**UKEATS/0025/05/RN (EAT)**

I was the applicant in the above case which was heard in Edinburgh. It has come to my attention from different sources in the last few days that the Chairman of my tribunal, Mr Mark Sischy, has been retired because of a longstanding 'condition' which severely affected his mental capacities. The nature of this condition has been disclosed to me. That there was indeed some such problem was evident both during the tribunal itself, which lasted almost a year, during the eight months when I had to wait for a judgment, and from the extraordinary nature of the judgment itself.

It has also come to my attention that other cases in which Mr Sischy was involved at the time of my tribunal have proved to be deeply problematic.

I would first like to draw your attention to my website — [www.skorupskislaw.com](http://www.skorupskislaw.com) — on which I have stated that Mr Sischy deliberately perverted the course of justice by suppressing large amounts of evidence which were central to the case. Apart from one short statement, there was no reference whatsoever to the evidence produced by the

witnesses I called in my support. Large amounts of other significant evidence also simply disappeared from the record.

When I first read the judgment my initial reaction was to think that it must have been written by someone who did not attend the tribunal since so much was missing from the record. I now have reason to believe that this was in fact the case and I would like to know who wrote the judgment and on what it was based. Clearly a reasoned judgment cannot be written by someone who did not hear the evidence at the tribunal itself. Of course the fact remains that Mr Sischy signed the judgment and he must therefore take responsibility for the fact that so much evidence was suppressed.

An appeal was lodged and — after a further year and a half — has recently been heard and rejected. The appeal tribunal took the unambiguous stand that the original tribunal's findings in fact were incontrovertible. Yet these findings were constructed by suppressing evidence and employing unsupported allegations in such a wholesale manner that the judgment was a travesty. I have been given to understand by a very senior Edinburgh lawyer that the Chairman of the appeal tribunal clearly knew all the circumstances of Mr Sischy and the production of the judgment, yet none of this was brought to my attention or to the attention of my legal representatives.

In relation to the missing evidence, my barrister decided that, because of legal constraints about what may be brought before the Employment Appeal Tribunal (points of law, not points of fact), only the missing evidence of the three witnesses I called in my support would be appealed, and not other evidence which was also missing. However, at the preliminary hearing the Chairman directed that she would only allow the evidence of one of these witnesses to be discussed. On the 20 January 2006 a written order then came from the EAT which included the direction that 'The parties... shall seek to co-operate in the agreement of a statement or note of Dr Riches' evidence, or such parts thereof that the Appellant seeks to rely on for the purposes of [the ground relating to this missing evidence]!.

However, when my barrister attempted to present this evidence at the appeal hearing, she was prevented from discussing anything other than one specific event on the grounds that she had only referred to this one event in the written skeleton argument she submitted shortly before the hearing. Of course a skeleton is precisely that — a skeleton, which needs to be fleshed out. In view of the ruling on 20

January 2006, my barrister and I were stunned by the appeal tribunal Chairman's peremptory prohibition on producing the evidence which was central to my appeal. The appeal tribunal again effectively suppressed evidence, but in this case with the added bizarre twist that it suppressed evidence it had itself called for.

The Chairman of the appeal tribunal also refused to consider the unacceptable delay in producing the judgment. When asked by my barrister what was regarded as a reasonable delay in Scotland, the Chairman bluntly replied, 'You are not here to ask questions'. You will, of course, be aware that in England any delay of more than three and a half months is regarded as culpable. Indeed Mr Sischy drew attention to this ruling in his closing statement and promised that his judgment would be produced within this timeframe. My case seems to indicate that in Scotland any delay, however unreasonable, is acceptable and no justification needs to be given for it.

There are other aspects of this case that are deeply disturbing. In particular, the concluding written submission of the barrister representing the respondents was a tissue of misrepresentations. In the judgment no mention was made of the 26-page document I submitted to the tribunal cataloguing these misrepresentations, and cross-referencing them to the evidence that had been heard at the tribunal. On the contrary, the judgment frequently reproduced these misrepresentations as 'findings in fact' without regard for the evidence that had been submitted. And the appeal tribunal in turn reproduced these 'findings in fact' as incontrovertible.

What I have seen of the Scottish employment tribunals and appeals procedure is a shambolic and perverted disgrace. It took almost a year to begin the proceedings, a further year to run the tribunal, another eight months to produce a judgment, and another year and a half to hear the appeal. That the Chairman of the tribunal was incapable of doing his job but was allowed to continue is unpardonable. That the appeal tribunal concealed the facts surrounding the tribunal Chairman's incapacity is unpardonable.

In view of the way that legal proceedings have been conducted thus far, and the peculiar playing of the 'Scottish card' by the Chairman of the Appeal Tribunal in relation to delay, I feel that the only redress at my disposal is transparency. To this end I am publishing this letter on my website.

I would appreciate a prompt reply by email as to how the matters referred to here should now be dealt with. Please note that I am now representing myself again since I cannot afford further legal representation.

Yours sincerely,

(Dr) Declan Quigley