



EMPLOYMENT TRIBUNALS

Claimant: Mr G King
Respondent: Capital Business Services Ltd
Heard at: Manchester (remote public hearing via CVP)
On: 14 July 2021
Before: Judge Brian Doyle

Representation

Claimant: In person
Respondent: Mr Ishfaq Ahmed, counsel

JUDGMENT

1. The effective date of termination of the claimant's employment was 27 May 2020.
2. The claimant's complaints of unfair dismissal and disability discrimination in respect of the respondent's redundancy exercise, the claimant's selection for redundancy, his dismissal by reason of redundancy and his appeal against dismissal have been presented in time and those complaints may proceed to a final hearing.
3. The claimant's remaining complaints of disability discrimination have not been presented in time, and it is not just and equitable to extend time. Those complaints are dismissed.

ORDERS

Final hearing

1. The final hearing will take place at **Manchester** on **3-5 April 2023**. The case will be heard by an Employment Judge and two non-legal members. The hearing will start at 10.00 am. You must arrive by 9.30 am.
2. Either or both parties may apply to the Tribunal **within 28 days** for those dates to be relisted once availability of witnesses has been ascertained.
3. Sometimes hearings start late, are moved to a different address or are cancelled at short notice. You will be told if this happens.
4. The hearing may be suitable for a remote hearing conducted using video technology, or a hybrid hearing using a combination of personal attendance and video or telephone technology. The Tribunal will advise the parties of what form the hearing will take closer to the date.
5. Whatever form the hearing takes, the Tribunal is usually assisted by having copies of documents and witness statements in electronic form as well as in paper form in accordance with the latest Presidential Guidance available at: <https://www.judiciary.uk/publications/employment-rules-and-legislation-practice-directions/>.
6. The hearing is listed for **3 days**. If you think that more or less time will be needed for the hearing, you must tell the Tribunal as soon as possible.
7. So far as remains relevant, reference should also be made to Employment Judge Hodgson's case management orders and case summary of 7 May 2021.

Schedule of Loss

8. The claimant must by **14 September 2021** send to the respondent and the Tribunal an updated Schedule of Loss setting out how much compensation for lost earnings or other losses he is claiming and how the amount has been calculated.
9. If the claimant has been dismissed and wants to be reinstated or re-engaged, the Schedule of Loss must say so.

Documents

10. By **14 October 2021** the claimant and the respondent must send to each other copies of all documents relevant to the issues in the claim.
11. Documents includes recordings, emails, text messages, social media and other electronic information. You must send all relevant documents you have in your possession or control even if they do not support your case. A

document is in your control if you could reasonably be expected to obtain a copy by asking somebody else for it.

File of documents

12. The claimant and the respondent must agree which documents are going to be used at the hearing so that by **14 December 2021** the respondent must prepare a file of those documents with an index and page numbers. They must send a hard copy to the claimant by that date.
13. The file should contain:
 - 13.1 The claim and response forms, any changes or additions to them, and any relevant tribunal orders. Put these at the front of the file.
 - 13.2 Other documents or parts of documents that are going to be used at the hearing. Put these in date order.
14. The claimant and the respondent must both bring a copy of the file to the hearing for their own use.
15. The respondent must bring four more copies of the file to the hearing for the Tribunal to use by 9.30 am on the first morning.

Witness statements

16. The claimant and the respondent must prepare witness statements for use at the hearing. Everybody who is going to be a witness at the hearing, including the claimant, needs a witness statement.
17. A witness statement is a document containing everything relevant the witness can tell the Tribunal. Witnesses will not be allowed to add to their statements unless the Tribunal agrees.
18. Witness statements should be typed if possible. They must have paragraph numbers and page numbers. They must set out events, usually in the order they happened. They must also include any evidence about financial losses and any other remedy the claimant is asking for. If the witness statement refers to a document in the file it should give the page number.
19. At the hearing, the Tribunal will read the witness statements. Witnesses may be asked questions about their statements by the other side and the Tribunal.
20. The claimant and the respondent must send each other copies of all their witness statements by **14 March 2022**.
21. The claimant and the respondent must both bring copies of all the witness statements to the hearing for their own use.
22. The respondent must bring four more copies of the witness statements to the hearing for the Tribunal to use by 9.30 am on the first morning.

Variation of dates

23. The parties may agree to vary a date in any order by up to **14 days** without the Tribunal's permission, but not if this would affect the hearing date.

About these orders

24. These orders were made and explained to the parties at this preliminary hearing. They must be complied with even if this written record of the hearing arrives after the date given in an order for doing something.
25. If any of these orders is not complied with, the Tribunal may: (a) waive or vary the requirement; (b) strike out the claim or the response; (c) bar or restrict participation in the proceedings; and/or (d) award costs in accordance with the Employment Tribunal Rules.
26. Anyone affected by any of these orders may apply for it to be varied, suspended or set aside.

Writing to the Tribunal

27. Whenever they write to the Tribunal, the claimant and the respondent must copy their correspondence to each other.

Useful information

28. All judgments and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.
29. You can appeal to the Employment Appeal Tribunal if you think a legal mistake was made in an Employment Tribunal decision. There is more information here: <https://www.gov.uk/appeal-employment-appeal-tribunal>.
30. There is information about Employment Tribunal procedures, including case management and preparation, compensation for injury to feelings, and pension loss, here: <https://www.judiciary.uk/publications/employment-rules-and-legislation-practice-directions/>.
31. The Employment Tribunals Rules of Procedure are here: <https://www.gov.uk/government/publications/employment-tribunal-procedure-rules> or here: <https://www.gov.uk/courts-tribunals/employment-tribunal>.
32. Presidential Practice Directions and Guidance can be found at this link: www.judiciary.gov.uk/publications/employment-rules-and-legislation-practice-directions/.
33. That link will provide access to the Presidential Guidance on General Case Management (which incorporates Guidance Notes on a range of matters), and to the Presidential Practice Direction and Presidential Guidance on

remote and in person hearings issued on 14 September 2020. At the same link can be found Presidential Guidance on Alternative Dispute Resolution (including judicial assessment and judicial mediation), on the bands of compensation for injury to feelings (the “Vento” bands), on the principles for compensating pension loss, and on seeking a postponement.

34. During 2020 the President issued a set of FAQs addressing the impact of the COVID-19 pandemic on the work of the Employment Tribunals. This document was updated on 1 June 2020 and may help explain how this case might be affected. A further “Road Map” for 2021-2022 was issued on 31 March 2021. These can all be accessed using the link in paragraph (2) above.
35. The parties may also find the following guidance helpful:
 - On the question of whether the claimant was a disabled person under the Equality Act 2010, the Tribunal will have regard to the Secretary of State’s Guidance on Matters to Be Taken into Account in Determining Questions Relating to the Definition of Disability (2011) available at <http://odi.dwp.gov.uk/docs/wor/new/ea-guide.pdf>
 - In Equality Act cases Tribunals often have regard to the Equality and Human Rights Commission’s Code of Practice on Employment available at <https://www.equalityhumanrights.com/en/publication-download/employment-statutory-code-practice>
 - The Equal Treatment Bench Book is a guide to Courts and Tribunals on steps that can be taken to ensure a fair hearing. It is available at: <https://www.judiciary.uk/wp-content/uploads/2018/02/equal-treatment-bench-book-february2018-v5-02mar18.pdf>
36. Ten short video guides produced by BPP Law School providing an overview of Employment Tribunal procedures, including what happens at a hearing, can be found here: vimeo.com/user/71831050/folder/4038961.

Judge Brian Doyle
Date: 15 July 2021

JUDGMENT SENT TO THE PARTIES ON
19 July 2021

FOR THE TRIBUNAL OFFICE

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.