EMPLOYMENT TRIBUNALS

Claimant: Mr L Banham

Respondent: BOC Limited

Heard at: Manchester **On:** 27 April 2017

Before: Employment Judge Holmes

Representation:

Claimant: Mr A O'Neill, Solicitor
Respondent: Mr J Wynne , Counsel

RESERVED JUDGMENT ON PRELIMINARY HEARING AND CASE MANAGEMENT ORDERS

PRELIMINARY HEARING
Employment Tribunals Rules of Procedure 2013
Rule 53(1)(a)

It is the judgment of the tribunal that:

1. The application by the respondent that the claimant do give full disclosure of his medical records going back to 2008 is granted, and the claimant is ordered to give such disclosure by **17 July 2017.**

2. The claimant shall complete his disclosure by disclosing to the respondent by **17 July 2017** all potentially relevant documents , including, but not limited to , any diaries, notes, correspondence with his union, medical treatment records, documents relating to receipt of, or applications for, state benefits and all mitigation documents.

3. The claimant's application to amend his claim to add a second protected act to that which was originally pleaded , namely that in his appeal meeting on 30 August 2016 his union representative did a protected act in stating that his treatment amounted to an act of discrimination on the grounds of disability within s.27(2)(d) of the Equality Act 2010 is granted.

4. The claimant's application to amend his claim by adding an alternative plea of victimisation under s.27(1)(b) of the Equality Act 2010 is refused.

CASE MANAGEMENT ORDERS

The tribunal makes the following case management orders:

1. The respondent have permission to amend the response by **31 July 2017.**

2. The date by which the respondent is required to concede disability, or otherwise, is extended to **7 August 2017.**

3. The claimant do serve a Schedule of Loss by **11 May 2017**.

4. There be a further preliminary hearing on **4 September 2017**at Manchester at 10.00 a.m. , listed for one hour.

REASONS

1. By a claim form presented on 15 November 2016 the claimant brings claims of unfair dismissal and disability discrimination arising out of the termination of his employment on 5 August 2016. The claimant was represented by Mr Andrew O'Neill of Chambers O'Neill , solicitors, and it was they who drafted and submitted the claim form on his behalf. A response was entered on 16 December 2016 , by solicitors acting for the respondent. A preliminary hearing was held by telephone on 13 February 2017, by Employment Judge Feeney. Mr O'Neill appeared for the claimant on that occasion, and Mr James Wynne of counsel appeared for the respondent. The parties have been so represented again in this preliminary hearing.

2. In that hearing , as recorded by the Order sent to the parties on 27 February 2017, there was discussion of the issues, and a draft List of Issues was before the tribunal. The respondent had raised the need for further particularisation of some of the claimant's claims, and this was provided orally in course of the hearing. The position was left that the draft List of Issues would be updated to take account of the further particularisation provided.

3. In that hearing there was also discussion of the medical evidence that was to be disclosed by the claimant. The respondent had sought disclosure of all of the claimant's medical records over the relevant period. This was resisted, on the basis that only medical records relating to the alleged disabilities should be disclosed. Employment Judge Feeney agreed, noting in para. 5 of the Preamble that if, on receipt of the medical records the respondents wished to make a further application, they were free to do so. Case management orders were therefore made for disclosure of "all relevant medical records", and for the claimant to provide an "impact statement" in relation to his alleged disability.

4. The claimant duly, after some variation to these orders, subsequently disclosed medical records, and served his impact statement. The respondent was to indicate, thereafter, whether disability was conceded.

5. A further preliminary hearing by telephone was listed for 7 April 2017. In the meantime, a dispute arose between the parties as to the extent to which the claimant's claims of victimisation were or were not presently before the tribunal, or whether

amendment would be required. By correspondence in March 2017 the respondent's solicitors maintained that victimisation based upon a second alleged protected act had not been pleaded, and that any such pleading would amount to an amendment, which would be opposed.

6. The claimant's position was that this further protected act had been referred to orally in the hearing before Employment Judge Feeney, and was to be dealt with by including it in the revised List of Issues. The position therefore was that there was no need for amendment. Alternatively, if there was, the amendment should be granted.

7. The respondent having been told by the tribunal that any issues relating to disclosure should be the subject of an application, by letter of 29 March 2017 made an application to the tribunal for further disclosure, contending that what had been disclosed did not comply with the order made, and seeking disclosure of the claimant's full medical records for the relevant period. By letter of 29 March 2017 from his solicitors, the claimant objected to the respondent's application, contending that the tribunal's order was clear, and had been complied with.

8. The tribunal vacated the hearing of 7 April 2017, and re-listed it for 2 hours. After a further postponement to accommodate representation by Mr Wynne at the hearing, this preliminary hearing was convened to deal with the outstanding issues and applications.

9. That, then, is the procedural history which has led up to this hearing. The tribunal accordingly had before it at the start of the hearing:

a) The respondent's application for disclosure of the claimant's medical records;

b) The respondent's application for disclosure generally;

c) The claimant's application to amend.

10. Additionally , a potential further new claim was indicated by the claimant, in that in the draft List of Issues proposed by the claimant , on or about 26 April 2017, there appeared at Para. 14, under "Victimisation" an alternative plea that, in the event that the two alleged protected acts referred to in paras. 13.1 and 13.2 were found not to be protected acts, the claimant sought to plead in the alternative that the respondent believed that that claimant had done, or may do, a protected act, so as to bring the claims within the ambit of s.27(1)(b) of the Equality Act 2010. The respondent contended that this was a yet further amendment, to which objection would be made. As Mr O'Neill accepted that this alternative plea had not been raised previously, and this could be considered to be a further application to amend, the tribunal afforded the respondent an opportunity to respond to it, which was one in writing by letter of 4 May 2017, in which the respondent objected to the application, and set out its reasons for doing so.

11. In addition to the respondent's Skeleton Argument, there were two Bundles before the tribunal, one from the respondent, and one from the claimant, the latter bearing page numbers beginning "C", so differentiating references to each Bundle in the ensuing discussion.

12. The tribunal having reserved judgment pending those further representations, now

gives its judgment. The tribunal apologises for the delay in promulgation, occasioned by the pressure of judicial business.

i)The claimant's medical disclosure.

13. This was the first contentious issue. It is unclear what the terms of the order made by Employment Judge Feeney mean, and whether the order was limited to disclosure relating solely to the claimant's alleged disability. The term used in para.5 of the Preamble is "the relevant medical evidence", and in that paragraph the Employment Judge expressly declines to order, at that stage, disclosure , as sought by the respondent, of all the claimant's medical records "over the relevant period". The claimant has interpreted this as meaning that he need only disclose those medical records which relate to his alleged disability. That view is supported by the wording of para. 10 of the Orders made, under the heading "Disability Status", where the claimant was ordered to provide the respondent with "all relevant medical records".

14. The claimant has therefore disclosed only records relating to his alleged disability. The respondent contends that even that is incomplete, and points to apparent gaps in the records, where there appear to be no consultations recorded. For the claimant Mr O'Neill maintains that this is all there is. He points out that it is for the claimant to establish disability, and if this is inadequate, that is his problem. He resists the respondent's application for more extensive medical disclosure covering non – disability conditions and absences, saying that this has not been, and should not be, ordered by the tribunal.

15. For the respondent Mr Wynne argues that what has been disclosed is insufficient to enable the respondent to take a view on disability. He also expressed concern that the documents disclosed include a letter from the claimant's GP of 24 February 2017, addressed to the claimant's solicitor (pages 2 to 3 of the Bundle) which makes reference to a letter dated 13 February 2017 from the solicitor. Mr Wynne argued that this was, in effect a letter of instruction, and was disclosable. Further, this letter from the GP, and two others post – dated the preliminary hearing, and appeared to be prepared for the purposes of the claim, and were not "records".

16. Additionally, there was a letter from the claimant's GP, dated 25 August 2016 , addressed "to whom it may concern" (page 1 of the Bundle). There was no disclosure, however, of any correspondence which gave rise to this letter.

17. Mr Wynne contends that the claimant and his solicitor cannot "filter" the medical evidence in this way. The respondent is considering the instruction of an expert, not only on the issue of disability, but also issues as to ***Polkey*** . That expert would need to see the totality of the medical evidence, not merely what the claimant's side considered to be relevant.

18. The respondent's application, however, goes further than that, in that it seeks disclosure of all of the claimant's medical records from 2008, and not simply those which pertain to his alleged disability. The basis for that is the respondent's contention that it will be necessary for the tribunal to consider the claimant's sickness absence record, and his reasons for absences, in determining , firstly, liability, and secondly, an issue, raised on the pleadings and contained in the List of Issues, as to whether , if successful, the claimant's compensation should be reduced on the basis of ***Polkey*** .

19. For the claimant Mr O'Neill resists the widening of the scope of the disclosure order, and urges the tribunal to restrict it, as the orders of Employment Judge Feeney had done, to disability related material only. He was prepared to provide the respondent with a copy of his letter of 13 February 2017 which resulted in the GP's letter referred to, and he was not (now at least) claiming privilege in relation to this document. In relation to the GP's letter of 25 August 2016, Mr O'Neill could not assist, as at that time the claimant was being assisted by his union, and that letter was taken with him to his appeal hearing.

20. Mr O'Neill accepted that the disclosure given had been confined to the issue of disability, as that was what was ordered. To that extent he accepted that it was not full, there would probably be other, non – disability related material. The burden of proof of disability, however, lies with the claimant, and if the disclosure is insufficient for this purpose, ultimately it will be the claimant who is prejudiced.

21. The claimant did object to disclosing medical records going back to 1999 or 2008. The respondent had its own Occupational Health reports, so knows the relevant medical history. There was some discussion as to whether any disclosure ordered should be restricted to a nominated expert, or the respondent's legal team and perhaps an HR adviser of the respondent, but this was not pursued.

The tribunal's ruling.

22. The tribunal accepts that the previous orders made were limited to the issue of disability, and to that extent the claimant was entitled to limit his disclosure to that issue. Whether he has given full disclosure, however, remains in doubt, and to that extent there may be more that is required.

23. The real issue, however, is whether now, as was not ruled out, and indeed, never could be, the tribunal should order disclosure from the claimant on a wider basis, in relation to all of his medical records from 1999 or 2008.

24. The touchstone of disclosure is relevance. Disclosure will generally be ordered if the documents are relevant to the issues in the claims. That said, disclosure has to be proportionate, and should not merely be permitted for speculative purposes.

25. It is important to focus upon the claims made in this case, and the responses put forward. The claimant was dismissed for failing to attend work on a regular and consistent basis. He was subject to a final written warning at the time of his last absence. The claim form and the response both make reference to the claimant's absence history. Para. 9 of the Grounds of Complaint sets out absences going back to 2012. Complaint is made of the warning issued in October 2013, and of the application of the respondent's policy (said to be unfair in itself) to him as a person with a disability.

26. The claimant's disclosure thus far covers the period 2010 to 2015, and it seems that the point from which he is alleging that he had a relevant disability was 2010. It is clearly the case that he contends that this was the case from September 2015, but when prior to that the condition is alleged have constituted a disability is unclear. His Impact Statement suggests August 2010, and his medical disclosure goes back that far.

27. In support of its ***Polkey*** plea, the respondent will rely upon the claimant's absence record from 2008 onwards. The details of those absences , some or all of which may not be disability related , have been pleaded.

28. The tribunal's conclusion is that the claimant should now give disclosure of all his medical records going back to 2008. Going further back to 1999 would, the tribunal considers be disproportionate. Other than absence of relevance, the claimant has advanced no further real arguments against disclosure. No particularly sensitive medical issues have been referred to (in any event, those issues which could be viewed as sensitive, the claimant's depression and his heavy drinking are already referred to in the disclosure given thus far) in support of the opposition to the application. Whilst there was discussion of limiting disclosure to lawyers, or any nominated medical expert , that has not been pressed on behalf of the claimant. To a large extent, the more sensitive elements of the claimant's medical and personal history, including his heavy drinking, and the breakdown of his marriage, are already contained in the disclosure thus far. The claimant has not identified or suggested that there are any other (possibly unrelated) sensitive issues in his , as yet, undisclosed , medical history which he would not want to be known to his former employers, so the tribunal sees no reason to limit disclosure to legal or medical advisers, the respondent being aware of the limitations upon the use and dissemination of information received by way of disclosure in legal proceedings beyond the legitimate use for the purposes only of the proceedings.

29. Further, whilst it may be to prove a negative, the tribunal shares the respondent's concerns that such disclosure as has been give thus far may be incomplete. That is because there appear to be some gaps in the records produced. Whilst his depressive condition is claimed to have started in , or was first diagnosed in 2010, entries in the records produced only go up to May 20111, and then re-commence (it seems, for the date is very unclear) in June 2015. The claimant's absence record (page 38 of the bundle) shows absences in 2012, 2013 – in particular of 27 days, and 40 days, and 2014 – three periods totalling 14 days. None of the disclosed medical records relate to any of those periods. There may be nothing to disclose in these periods, but only a full record of consultations , treatments and referrals will demonstrate this.

30. Further, the letter from Dr Parveen (page 1 of the Bundle) addressed to "to whom it may concern) of 25 August 2016 states that the claimant had given the doctor permission to disclose "some" of the facts surrounding his recent health issues. That phraseology suggests that there has been some selection, or filtering , of what the doctor has been permitted to disclose.

31. Whilst it is appreciated that the ***Polkey*** plea has been raised by the respondent, and the burden rests upon that party, in a case such as this where the tribunal may be asked to rule upon the chances of the claimant being retained in his employment given his medical and attendance record, the tribunal accepts that the this disclosure does potentially relate to what will be issues in the case, and the claimant must give it.

ii)The claimant's disclosure generally.

32. Mr Wynne's next application relates to the claimant's disclosure generally. He contends that the claimant has further documents which are disclosable. In particular, he cites a diary which the claimant has apparently kept, and which is referred to in the

medical notes which have been disclosed. None of the pages of this diary have been disclosed. Further, no mitigation documents have been disclosed, nor any communications with the claimant's trade union.

33. In reply Mr O'Neill did not really contest any further or wider "general" disclosure of the documents that the claimant may have. He was content to give disclosure of documents relating to four issues, disability, the final written warning, the dismissal and post – termination issues of mitigation, ***Polkey*** and benefits. The claimant had, it is noted , from the correspondence, applied for benefits in March, so one would expect some documentation in this regard.

The tribunal's ruling.

34. The tribunal agrees that the claimant should give further disclosure. It appreciates that he cannot give what he does not have, but the diary entries clearly exist, and should be disclosed, as should all other relevant documents. In relation to remedy these will include all communications with the DWP and other agencies on relation to benefits claimed or received, together with any documents relating to either the claimant's attempts to find other work, or , if he has not done so, why he has not done so.

iii)The applications to amend.

a). A second protected act.

35. The original application before the tribunal was to amend the claims of victimisation. This has its origins in the claimant's solicitors' letter to the tribunal of 23 March 2017, in which they raised this issue, saying that it had arisen between the parties following the preliminary hearing on 13 February 2017. The parties had been directed to prepare a List of Issues for use in the next preliminary hearing, which was to have been 7 April 2017. The claimant had included, or proposed to include, not one protected act, but two. The first had been pleaded, it was accepted, as being a letter from the claimant's solicitors to the respondent dated 14 October 2016.

36. In the draft List of Issues, however, the claimant's solicitors had also included a further alleged protected act, namely "the communications from the claimant's trade union at and/or after the appeal."

37. In the correspondence the claimant's solicitors stated that this had orally been stated in the preliminary hearing, but this was and remains contested by the respondent. Consequently, although they did not consider that the claimant needed to make any application to amend to include this further protected act, they did , and do, so in any event. It is opposed. Mr Wynne's grounds for opposing are that it is a late application, when the claimant has been represented from the outset by professional representatives. It involves further lines of enquiry, as it will be necessary to enquire whether the alleged communication (which is only alleged to have been oral) was made in the appeal hearing. The respondent should not have to continually respond to claims that are being added "on the wing" as it were.

38. Mr O'Neill submitted that there is no prejudice to the respondent. He maintains that as this additional allegation was discussed at the previous preliminary hearing, the

respondent is aware of it, and there should be no need to amend. Alternatively, if amendment is necessary, it should be granted. This is a minor point, and the respondent is going to call the appeals officer anyway, so asking him about this point is not onerous. Further, he pointed out that in the notes of the appeal disclosed by the respondent (pages C25 to C31 of the claimant's Bundle) reference is made by the claimant's union representative to the claimant's mental health and how reasonable adjustments should have been made. On the respondent's own evidence, submits Mr O'Neill, there is evidence that the claimant, or rather his union representative, did a protected act.

39. The tribunal's view is, firstly, there is need to amend the claim. The facts relied upon are not pleaded in the claim form. Quite what happened in the preliminary hearing is unclear, but what is clear is that no permission was granted at that time to add anything further to the facts pleaded in the ET1.

40. As to whether the amendment should be allowed, the tribunal was referred to and has considered the ***Selkent*** principles. In a sense this is not a new claim, in that the cause of action, victimisation, is the same, and the acts of victimisation alleged have not changed or been added to. What is sought to be added is a further protected act. The protected act is not the cause of action, part it is an essential component of it. It clearly is closely connected to the existing facts and claims pleaded, and is not wholly new. The reason why it was not previously included is, although not expressly stated, inadvertence on the part of the claimant's advisers.

41. As ever, with amendments, a balance has to be struck, and the respective prejudice to each side considered. From the evidence that the tribunal has seen, and the fact that the respondent was likely to have to call the appeals officer in any event, there seems little or no prejudice to the respondents if they have to investigate this matter too. It is a matter of a couple of questions, one would have thought. That said, given that there was a solicitor's letter which is conceded to have raised disability around this time in any event, a second protected disclosure may not add much, or even be necessary, but overall, given that this is still an early stage in the proceedings, which are not to be heard until December, the tribunal will allow this amendment.

b).The further amendment to allege an alternative basis for the victimisation claims.

42. In the course of this hearing a further application to amend has arisen. Its genesis is a further draft List of Issues, prepared on behalf of the claimant, in which at para. 14 , under the heading "Victimisation" after the two protected acts , as they now are, are set out, there appears an alternative issue, as follows:

"14. If the above are not considered to be protected acts for the purposes of section 27(1)(a) EqA 2010 did the Respondent believe that the Claimant had done or may do a protected act for the purposes of section 27(1)(b), EqA 2010?"

43. The respondent contends that this is a yet further amendment. Mr Wynne did not have full instructions upon it, and once it was clear that it was to be pursued by Mr O'Neill, sought and was granted permission to make further written submissions upon it. These were received on 4 May 2017, in a letter from the respondent's solicitors of that date. The objections taken are that this is another, and wholly new allegation, not previously made, or indeed claimed to have been made, at any time prior to the preliminary hearing on 27

April 2017, save in the List of Issues the day before. No factual basis has been set out for the allegation, which is wholly new, and has not been previously advanced when the claimant has been professionally represented from the start of this claim. No explanation has been given as to why this has occurred. Such a claim is now many months out of time. The claimant is "casting around" for way to put this claim, and this process of rolling amendment must cease.

44. For the claimant Mr O'Neill had submitted that this was no more than re-labelling, it was an alternative that was open to the tribunal to find, based on the same facts in the event that the tribunal found that whilst there had been no protected act in fact, if the tribunal found that the respondent had acted as it did because it believed that the claimant had done or may do such an act, this alternative basis for finding victimisation should be open to it. There was no real prejudice to the respondent at this stage, and instructions could be taken so that the issue could be dealt with in the witness evidence. The hearing is not until December 2017, so there is ample time for this to be considered and dealt with by the respondent.

Discussion and findings.

45. The tribunal's view is that this issue raises somewhat fine principles of pleading which are rather out of place in the less formal setting of the tribunal's rules of procedure than they might be in the more rarefied atmosphere of the CPR. Tribunals are essentially fact finding bodies, and purely "pleading points" are deprecated. In essence, the crucial purpose of the claim form and the response, and the particulars supplied under either of them, is that the other party knows the factual case that it has to meet. In the case of the victimisation claims in this case, that primary case is simple – the claimant alleges that he did two protected acts, and that, by reason of his having done so, he was subjected to unfavourable treatment. Whilst he had originally pleaded that he had actually done the protected acts, he now seeks to broaden his claims to add an alternative plea, to cover off the possibility that the tribunal may find that he had not in fact done any protected act, but that the respondent believed that he had done, or may do so.

46. This may appear somewhat esoteric, but the respondent complains that this is yet another instance of the claimant making new claims, at a late stage in the proceedings, which should not be permitted.

47. The first question is whether this alternative way of putting his victimisation claims requires to be "pleaded" at all. On one view, it could be said that it does not, as the provision creating the cause of action of victimisation , s.27 has one sub - section, s.27(1) , with two further sub-sections, which provide two ways of the tort being committed, the one, (a) on the basis that the claimant had done a protected act , and the other (b) on the basis that the respondent believed that the claimant had done, or may do, a protected act. That could be seen as creating one cause of action , and hence it could argued that it would be open to a tribunal, without the point being expressly pleaded, to find the alternative basis for the tort , if not satisfied that the claimant had not actually done a protected act, but the respondent believed that he done, or may do one.

48. Against that, one has to bear in mind that if the claimant establishes that he has done a protected act, the burden of proof, under s.136, is reversed. The same is presumably true if the claimant establishes that the respondent had the necessary belief

that he had done, or may do, one. In each case, however, the claimant has the burden of establishing the prima facie case, by either leading evidence of the doing of an actual protected act, or by leading evidence of the respondent's belief that he had done, or may do, one. It is, of course, possible that a claimant could allege that he had done one particular protected act, but the respondent believed that he had done, or may do, another. There is no requirement that any actual act done, and the belief in an act done, or likely to be done, need relate to the same act.

49. Thus, it is still necessary, if a claimant is relying on either limb of s.27(1) , for him to allege what act he had either done, or he alleges that the respondent believed he had done, or was likely to do.

50. The tribunal's view, therefore is that if a claimant is to rely upon the second limb of s.27(1) , the respondent's belief, that belief does need to be specifically pleaded. The tribunal does not consider that it can make such a finding as some form of "alternative verdict". To that end, the tribunal considers that the claimant does need to amend to add this alternative head of claim, if it is to be relied upon.

51. The question therefore is whether the tribunal should grant this amendment. Again the same ***Selkent*** principles discussed above apply. Again this is a late application, with no real explanation advanced for it, other than omission on the part of the claimant's advisers of this potential head of claim from the original claim form.

52. The respondent's objection , apart from lateness of the application, is that this opens another avenue of enquiry for the respondent's witnesses, who will now have to be asked about what they believed. This will cause delay, and increase expense.

53. The tribunal agrees that this amendment should not be allowed. One of the relevant principles to be considered under ***Selkent*** is the manner and timing of the application. It is late, and follows another application, itself objected to as late, and for poor reason, albeit allowed for the reasons above. This amendment, however, is itself poorly pleaded, as it does not specify what protected act or acts it is alleged the respondent (or indeed precisely who of the respondent) believed the claimant had done, or may do. Further, it was an application effectively only made, with no prior notification, by way of proposed inclusion by the claimant in the draft List of Issues. Whilst that may be consistent with the claimant's view that there was no need to seek to amend at all, it does contrast with the more open approach of raising with an opponent a potentially new issue , and putting the opponent on notice of this potential issue as soon as possible.

54. The tribunal therefore considers that this is indeed an instance of the claimant casting around for alternative bases for his claims, which should not be permitted. The tribunal is also influenced in this decision by the fact that the claimant has a perfectly adequate, and already pleaded, victimisation claim. Denying the amendment thus deprives him of little. As a final consolation, however, given that amendment is possible at any time in proceedings, were it to emerge on the evidence in the final hearing (or before) that the claimant had not in fact done any protected act, but someone on behalf of the respondents believed that he had, or may do so, so as to raise the prospect of the claimant, at least, reversing the burden of proof, or of succeeding in such a claim, the tribunal is unlikely to prevent the claimant at that stage from advancing such a claim on a "pure pleading" point, and it could always be reconsidered then.

55. At present, however, the tribunal considers that to allow this further amendment would be allow a further , somewhat speculative, and probably unnecessary head of claim which will delay and complicate further claims which can and should be progressed in the form that the tribunal has now sanctioned, and no other.

Further case management, and next preliminary hearing.

56. Some further case management was possible, and the claimant agreed to serve a Schedule of Loss. It was recognised that another preliminary hearing was likely to be necessary. The claims cannot progress very much further whilst the position on disability remains unclear, and there is already a suggestion that the 5 day hearing will need to be increased to 8 days. On that basis, the parties were asked to provide their availability for a further preliminary hearing (which can probably be by telephone) at which any remaining case management and listing issues can be resolved. Whilst it had been intended to reserve this case to Employment Judge Holmes, it will be more easily re-listed for a preliminary hearing if it is released, and it accordingly is.

Employment Judge Holmes

Dated : 13 June 2017

ORDER SENT TO THE PARTIES ON

19 June 2017

FOR THE TRIBUNAL OFFICE