



EMPLOYMENT TRIBUNALS

Claimant

Mr S Lane

Respondent

Ford Motor Company Limited

v

(OPEN) PRELIMINARY HEARING

Heard at: Cambridge

On: 24 April 2018

Before: Employment Judge G P Sigsworth

Appearances:

For the Claimant: Mr M Sprack, Counsel.

For the Respondents: Ms M Bayoumi, Counsel.

JUDGMENT

1. The judgment of the Tribunal made under rule 21 of the Employment Tribunals Rules of Procedure 2013, and sent to the parties on 28 October 2017, is hereby revoked.

Note: Reasons for the decision having been given orally at the hearing, written reasons will not be provided unless a written request is received from either party within 14 days of the sending of this record of the decision.

CASE MANAGEMENT SUMMARY

Case management discussion

1. The Tribunal heard the Respondent's application to set aside the default judgment issued on 28 October 2017. Arguments and submissions were made on both sides. After consideration of these, the Judge decided to revoke the default judgment and set it aside. The default judgment was in respect of the second claim in these proceedings.

2. The second claim is essentially a repetition and continuation of the original claim. The legal heads of claim are unfair dismissal and disability discrimination of various types. Disability is not conceded by the Respondent and it is likely that a preliminary hearing on the issue of disability will be required, and this will be listed now. Further medical evidence is not required by either party, and there are expert's reports on each side in existence. The medical experts are not required to attend the preliminary hearing. A disability impact statement from the Claimant will be ordered.
3. The Claimant is permitted to amend his claim in the way set out in the current amended grounds of complaint. The Respondent is permitted to amend their response, in the way set out in the current amended grounds of resistance. The Claimant now wishes to further particularise the disability discrimination complaint and/or possibly also make an application to amend the claim further to add a wages/breach of contract claim for lost earnings. The Respondent will then be permitted to further amend their response and object to any amendment application. If the Respondent objects to any amendment application, then an Employment Judge will decide the issue on the basis of the written application and written response, without the need for a further hearing.
4. The Respondent will reconsider its stance on Judicial Mediation (negative) after the determination of the preliminary hearing on disability.

ORDERS

Made pursuant to the Employment Tribunal Rules 2013

The Employment Judge made the following case management orders:

1. **Amended response/Further information**
 - 1.1 On or before **8 May 2018**, the Claimant is ordered to send to the Respondent, with a copy to the Tribunal, further and better particulars of the disability discrimination claims and any application to amend the claim (see above).
 - 1.2 On or before **22 May 2018**, the Respondent is ordered to send to the Claimant, with a copy to Tribunal, any amended response and any objection to any amendment application.
 - 1.3 On or before **5 June 2018**, the Claimant is ordered to send to the Respondent, with a copy to the Tribunal, a disability impact statement. No further medical evidence is required by either side.
 - 1.4 On or before **5 June 2018**, the parties are ordered to agree a final and definitive list of issues and factual allegations, and send the same to the Tribunal.

2. **Disclosure of documents**

2.1 On or before **12 June 2018**, each party is ordered to disclose to the other all documents in their possession, custody or control which are relevant to any issue in the case, which that party wishes to rely. Disclosure to be effected by way of list with inspection/copies 14 days thereafter.

3. **Bundle of documents**

3.1 On or before **8 October 2018**, the parties are ordered to agree a bundle of documents for the hearing, which should be indexed, paginated and in chronological order. The Respondent will prepare the bundle and ensure there are sufficient copies available for the hearing.

4. **Witness statements**

4.1 On or before **29 October 2018**, the parties are ordered mutually to exchange witness statements for the merits hearing. The Claimant's witness statement should include any updated schedule of loss, as necessary. It is noted that the Claimant has already disclosed to the Respondent, and given the Tribunal, a copy of the current schedule of loss.

5. **Other matters**

5.1 On or before **5 November 2018**, the parties will agree, if possible and appropriate, a statement of agreed facts.

5.2 On or before **12 November 2018**, the parties are ordered to agree a detailed and neutral chronology. The Claimant will prepare the first draft. The Respondent will also prepare a cast list.

6. **Open Preliminary Hearing**

6.1 An open preliminary hearing is listed to determine the issue of disability. It is listed for **1 day** on **6 July 2018**, at 10am, before a Judge sitting alone at **Bury St Edmunds Employment Tribunal, 1st Floor, Triton House, St Andrews Street North, BURY ST EDMUNDS, IP33 1TR.**

6.2 The parties should agree a bundle of documents for that open preliminary hearing on or before **22 June 2018**, and exchange any further witness statements for it on or before **29 June 2018**.

7. **Full Merits Hearing**

7.1 The time estimate for the merits hearing is currently 5 days, to include the Tribunal's determination of the claims of unfair dismissal and disability discrimination. The Respondent has 3 or 4 witnesses, and the Claimant 2 witnesses in addition to himself. There will be approximately two lever arch files of documents. The parties agree that there is a

relatively narrow factual matrix, despite the number of legal claims. It may be possible to agree facts. Accordingly, the case is listed for a **5 day** hearing, from **19 to 23 November 2018** inclusive, at 10am on each day, before a full tribunal sitting at **Cambridge Employment Tribunal, Cambridge County Court, 197 East Road, CAMBRIDGE, Cambridgeshire, CB1 1BA**. Save in exceptional and unforeseen circumstances, no postponement of that hearing will be granted.

CONSEQUENCES OF NON-COMPLIANCE

1. Failure to comply with an order for disclosure may result on summary conviction in a fine of up to £1,000 being imposed upon a person in default under s.7(4) of the Employment Tribunals Act 1996.
2. The tribunal may also make a further order (an “unless order”) providing that unless it is complied with, the claim or, as the case may be, the response shall be struck out on the date of non-compliance without further consideration of the proceedings or the need to give notice or hold a preliminary hearing or a hearing.
3. An order may be varied or revoked upon application by a person affected by the order or by a judge on his/her own initiative.

Employment Judge G P Sigsworth
30/4/2018

Sent to the parties on:

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For the Tribunal:

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