



EMPLOYMENT TRIBUNALS

Claimant: Mr V Khamar

Respondent: Staffline Group Plc

Heard at: Nottingham

On: 22 November 2018 at 10am

Before: Employment Judge Evans

Representation

Claimant: Mr Parchment of the Free Representation Unit

Respondent: Mr MacNaughton

DEPOSIT ORDER

Employment Judge Evans considers that the Claimant's allegations or arguments that the Respondent's decision to dismiss him was outside the band of reasonable responses have little reasonable prospect of success. The Claimant is **ORDERED** to pay a deposit of **£500** (five hundred pounds) not later than **21** days from the date this Order is sent as a condition of being permitted to continue to advance those allegations or arguments. The Judge has had regard to any information available as to the Claimant's ability to comply with the order in determining the amount of the deposit.

REASONS

The Claimant accepts that when he spoke to Ms Krassa on 16 February 2018 he shouted "slightly". After a disciplinary process, the narrow procedural fairness of which is not challenged by the Claimant, the Respondent decided that his actions on 16 February 2018 amounted to gross misconduct because the Respondent concluded that the Claimant had been aggressive and intimidating. The Respondent dismissed him without notice. I conclude that in all circumstances the Claimant has little reasonable prospect of success in persuading the Tribunal which hears his claim that the decision to dismiss was outside the band of reasonable responses open to the Respondent.

Employment Judge Evans
Dated: 22 November 2018

SENT TO THE PARTIES ON

.....
FOR THE TRIBUNAL OFFICE

NOTE ACCOMPANYING DEPOSIT ORDER
Employment Tribunals Rules of Procedure 2013

1. The Tribunal has made an order (a “deposit order”) requiring a party to pay a deposit as a condition of being permitted to continue to advance the allegations or arguments specified in the order.
2. If that party persists in advancing that/those allegation(s) or argument(s), a Tribunal may make an award of costs or preparation time against that party. That party could then lose their deposit.

What happens if you do not pay the deposit?

3. If the deposit is not paid the allegation(s) or argument(s) to which the order relates will be struck out on the date specified in the order.

When to pay the deposit?

4. The party against whom the deposit order has been made must pay the deposit by the date specified in the order.
5. If the deposit is not paid within that time, the allegation(s) or argument(s) to which the order relates will be struck out.

What happens to the deposit?

6. If the Tribunal later decides the specific allegation(s) or argument(s) against the party which paid the deposit for substantially the reasons given in the deposit order, that party shall be treated as having acted unreasonably, unless the contrary is shown, and the deposit shall be paid to the other party (or, if there is more than one, to such party or parties as the Tribunal orders). If a costs or preparation time order is made against the party which paid the deposit, the deposit will go towards the payment of that order. Otherwise, the deposit will be refunded.

How to pay the deposit?

7. Payment of the deposit must be made by cheque or postal order only, made payable to HMCTS. Payments CANNOT be made in cash.
8. Payment should be accompanied by the tear-off slip below or should identify the Case Number and the name of the party paying the deposit.
9. Payment must be made to the address on the tear-off slip below.
10. An acknowledgment of payment will not be issued, unless requested.

Enquiries

11. Enquiries relating to the case should be made to the Tribunal office dealing with the case.
12. Enquiries relating to the deposit should be referred to the address on the tear-off slip below or by telephone on 0117 916 5015. The PHR Administration Team will only discuss the deposit with the party that has been ordered to pay the deposit.

If you are not the party that has been ordered to pay the deposit you will need to contact the Tribunal office dealing with the case.

✂-----

DEPOSIT ORDER

**To: HMCTS Finance Centre
 The Law Library
 Law Courts
 Small Street
 Bristol
 BS1 1DA**

Case Number _____

Name of party _____

I enclose a cheque/postal order (*delete as appropriate*) for £_____

Please write the Case Number on the back of the cheque or postal order