



# EMPLOYMENT TRIBUNALS

## At an Open Attended Preliminary Hearing

**Claimant:** Mr J Bevis  
**Respondent:** Lincolnshire County Council  
**Heard at:** Lincoln  
**On:** Wednesday 30 January 2019  
**Before:** Employment Judge Blackwell (sitting alone)

### Representation

**Claimant:** In person  
**Respondent:** Mr L Middleton, Solicitor

## JUDGMENT

1. The hearing is adjourned to 28 March 2019 and will be heard by a Judge sitting alone at the Lincoln Magistrates Court, the Court House, 358 High Street, Lincoln LN5 7QA with a time estimate of one day.
2. The issues to be determined are:-
  - 2.1 Whether, having regard to rule 37 of the first schedule of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, any of the Claimant's claims have a reasonable prospect of success.
  - 2.2 Whether the tribunal has jurisdiction to hear any of the Claimant's claims having regard to the time limits specified in the Employment Rights Act 1996 and the Equality Act 2010.

# REASONS

## Introduction

1. Regrettably, this case had to be adjourned because the file of papers was not delivered until after 12 noon and had not been delivered when I took the decision to adjourn because at that point, there was no certainty (a) that the papers would be delivered, and (b) that there would be sufficient time to deal with the issues.
2. I have now had the opportunity to read the file and it is far from clear what claims are being put forward by Mr Bevis. On the face of the Claim Form received by the tribunal on 17 August 2018, the claim would appear to be confined to complaints concerning four job applications made by Mr Bevis to Lincolnshire County Council between April and June of 2018 though the County Council's Response only gives the detail of two applications. The Response notes that Mr Bevis recorded himself as being disabled but did not require any reasonable adjustments to be made during the application process.
3. It is far from clear on what basis Mr Bevis advances a claim in respect of the four job applications referred to.
4. Also, as the County Council note, Mr Bevis's Claim Form is equivocal as to whether he is claiming unfair dismissal in relation to the termination of his contract by the County Council with an effective date of termination of 21 October 2012. If that is indeed a claim put forward by Mr Bevis, then as the County Council say, it is nearly 6 years out of time.
5. During the brief discussion we had in agreeing a date for the adjourned hearing, Mr Bevis made reference to the calling of witnesses on his behalf. Given the nature of the issues to be determined, witnesses are not normally required. However, if Mr Bevis is bringing a claim of unfair dismissal, then he will need to explain why it was not reasonably practicable to bring the claim within the 3 months required. If Mr Bevis, in explaining that delay, is advancing the case that he was not able so to do by reason of a physical or mental impairment, then he will need to provide evidence of that physical or mental impairment.
6. Mr Bevis indicated that he would wish to call a consultant psychiatrist, though it was not clear to me why such evidence would be relevant unless it relates to Mr Bevis's inability to bring proceedings within the requisite period. Mr Bevis handed to me a number of medical reports by a consultant psychiatrist, Dr Elwood, but refused to provide copies to the County Council. I made it clear that if he wished to rely on medical evidence, he would need to disclose relevant reports to the County Council. Mr Bevis indicated that he would prefer to call Dr Elwood to give evidence. Having now had the opportunity to read the

papers, I cannot see that it will be necessary to call live evidence from Dr Elwood. The medical reports relating to the period of 2012 and 2013 which Mr Bevis showed me would suffice, provided that they were disclosed to the County Council.

**Directions**

1. The parties are to disclose to each other by not later than **7 March 2019**, any documents upon which they seek to rely.
2. The County Council are to provide a skeleton argument for the use of the tribunal no later than **9.30 am on the date of the hearing**.

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Employment Judge Blackwell

Date: 01 February 2019

JUDGMENT SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE

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