



# THE EMPLOYMENT TRIBUNALS

**Claimant:** Mr Glenn Reardon

**Respondent:** Kyles Legal Practice Limited

**Heard at:** North Shields Hearing Centre **On:** Friday 7<sup>th</sup> February 2020

## PUBLIC PRELIMINARY HEARING

**Before:** Employment Judge Johnson

**Members:**

***Representation:***

**Claimant:** In Person (assisted by his sister-in-law Ms A Ruffle)

**Respondent:** No attendance – no appearance

## JUDGMENT ON APPLICATION FOR RECONSIDERATION

The respondent's application for a reconsideration of the default judgment promulgated on 7<sup>th</sup> January 2020 is refused. That judgment is confirmed. At the remedies hearing listed to take place on 11<sup>th</sup> March 2020, the respondent shall only be entitled to take part or to be heard to the extent allowed by the employment tribunal judge.

## REASONS

1. By a claim form presented on 15<sup>th</sup> November 2019, the claimant brought complaints of unfair dismissal, breach of contract (failure to pay notice pay), unauthorised deduction from wages and failure to provide a written statement of terms and conditions of employment.
2. The claim form was served on the respondent by letter dated 7<sup>th</sup> November 2019. The respondent had until 25<sup>th</sup> December 2019 in which to present its response. Allowing for the Christmas bank holidays on 25<sup>th</sup> and 26<sup>th</sup> December, time would

ordinarily have been extended to Friday 27<sup>th</sup> December for presentation of the response. The respondent failed to present a response by that date.

3. On 7<sup>th</sup> January 2020 the employment tribunal promulgated a default judgement in favour of the claimant in respect of all claims. The hearing originally listed for 11<sup>th</sup> March 2020 was converted to a remedy hearing, to consider such remedy as may be awarded to the claimant.
4. Under cover of a letter dated 6<sup>th</sup> January 2020 and received by the employment tribunal on 7<sup>th</sup> January 2020, the respondent sought to present a response. However, the form so presented does not contain the name of the respondent and therefore falls foul of Regulation 17 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, in that it does not contain the respondent's full name. Furthermore, the response form and accompanying correspondence did not make any application for an extension of time for presentation of the response.
5. The response was rejected.
6. Under cover of a letter dated 13<sup>th</sup> January 2020, the respondent applied for a reconsideration of the default judgment. The application contains 34 numbered paragraphs, of which the first 24 deal with the merits of the claim itself and the respondent's purported defence. Only paragraphs 25 – 28 deal with the late submission of the response. The explanation is as follows:-

25 "The situation is that both companies referred in the Claimant's particulars – Kyles Legal Practice Ltd and Crime Direct Ltd – have undergone a period of exceptional turbulence in respect of their affairs. It is a matter of record that there have been disputes between the Directors, culminating in proceedings before this Tribunal. Crime Direct Ltd was wound up on 10<sup>th</sup> October 2019, and Kyles Legal Practice remains in intense negotiations as to its future.

26 The original response time limit set fell over the Christmas period, when the office was shut for the holiday season."

7. The parties were notified by formal notice of hearing issued on 27<sup>th</sup> January, that the respondent's application of a reconsideration would be heard today, Friday 7<sup>th</sup> February 2020 at 10.00am. I am satisfied that this notice was properly served upon the respondent. It has not been returned to the employment tribunal office.
8. By 10.00am this morning, no-one from the respondent had attended the employment tribunal hearing. By 10.20, no-one had attended on behalf of the respondent. I therefore proceeded to hear from the claimant and his sister-in-law Ms Ruffle. Both explained that they suspected the respondent had recently ceased trading, as a number of the claimant's former colleagues had informed him last week that they had been made redundant.

9. The respondent is a firm of solicitors. No-one from that firm has informed the employment tribunal that they would not be attending, nor have they informed the claimant. I consider that to be a breach of their professional obligations to the tribunal.
10. I am not satisfied with the explanation given as to the failure to present the response within the time-limit. It would certainly have required evidence under oath from someone from the respondent to satisfy me that it is in the interests of justice for this judgment to be set aside.
11. In the absence of any such evidence, I am not satisfied that it is in the interests of justice for this judgment to be set aside. The respondent's application is refused and the judgment is confirmed.
12. The hearing for consideration of any remedy which may be awarded to the claimant remains listed for 11<sup>th</sup> March 2020. The claimant to prepare an up to date statement of remedy and to serve that upon the respondent and the tribunal by not later than 28<sup>th</sup> February 2020.
13. The respondent shall only be permitted to take part in the remedy hearing to the extent permitted by the employment tribunal judge.

**EMPLOYMENT JUDGE JOHNSON**

**JUDGMENT SIGNED BY EMPLOYMENT  
JUDGE ON 19 February 2020**

**Public access to employment tribunal decisions**

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