



THE EMPLOYMENT TRIBUNALS

Claimant
Mr Ian Warde

Respondent
Capita Property and Infrastructure Limited

MADE AT NORTH SHIELDS
EMPLOYMENT JUDGE GARNON

ON 3 March 2020

JUDGMENT (Liability Only) Employment Tribunals Rules of Procedure 2013 –Rule 21

The claims are well founded. Remedy will be decided at the hearing already listed on 18 March 2020 with a revised time estimate of three hours

REASONS

1. The claim form, thoroughly pleaded, was presented on 6 January 2020 and sent on 21 January by post to the registered office of the respondent as confirmed by a company search. A response was due by 18 February but none was received. However, on 21 February a Ms Amy Bolton, HR Operations Partner emailed the Tribunal saying the respondent had only just received the claim, intended to defend and asked for an extension of time to do so until 20 March. On 26 February she emailed the claim had gone to the wrong HR team members. The claimant's solicitors did not object to an extension of time

2. Employment Judge Sweeney directed the respondent be informed rule 20 of the Employment Tribunals Rules of Procedure 2013 requires it to comply with various points in order to enable an application for extension of time to be granted. He asked it to respond by return of email, the Tribunal having sent that letter by email on 27 February. By 3.30 pm on 3 March no reply had been received Rule 21 says an Employment Judge in such circumstances must decide on the available material whether a determination can be made and, if so, **is obliged** to issue a judgment which may determine liability only or liability and remedy. I have in the claim form sufficient to find the claims proved on a balance of probability, but not to determine remedy.

3. It appears to me, as it did to Employment Judge Sweeney, Ms Bolton should have had an opportunity to rectify the situation but the respondent has not done so. At the remedy hearing, it will not be permitted to contest the claims as to liability but may be heard as to remedy.

TM Garnon Employment Judge
Date signed 3 March 2020 .