



EMPLOYMENT TRIBUNALS

Claimant: Mr N Ingley
Respondent: Derby City Council
Considered on the papers
On: 13 January 2021
Before: Employment Judge Adkinson sitting alone

JUDGMENT ON STRIKE OUT

1. The whole of the claimant's claim is **struck out**.
2. All future hearings are vacated.
3. The reasons for the strike out are as follows:
 - 3.1. The claimant failed to comply with the order of Employment Judge Heap sent to the parties on 16 November 2020. That was an unless order that warned that failure to comply would result in the claim being struck out.
 - 3.2. In brief, the specific details are as follows.
 - 3.3. This is a claim for unfair dismissal.
 - 3.4. In its response the respondent requested further information.
 - 3.5. The Tribunal agreed. On 30 July 2020 Employment Judge Victoria Butler required the claimant to provide full particulars of his claim by 13 August 2020.
 - 3.6. On 3 September 2020 the claimant emailed the Tribunal with documents but it did not set out his claim in detail. Instead it left the Tribunal and the respondent to infer what he felt was wrong.
 - 3.7. The Tribunal considered this was not satisfactory. In order to assist the parties, on 8 October 2020 Employment Judge Heap set out what information the Tribunal required from the claimant. The information was identified in 5 numbered paragraphs and was clear as to what was needed. She allowed the claimant 7 days to comply, warning an unless order may follow if he did not.
 - 3.8. The claimant did not comply, citing the Covid-19 pandemic and lockdown as a reason. On 16 November 2020 after considering correspondence and the file, Employment Judge Heap ordered that the claimant had to comply with Employment Judge Victoria

Butler's order by 27 November 2020 4pm in default of which his claim would be struck out.

- 3.9. The claimant sent in a narrative-style further particulars on 26 November 2020 in response to the order.
- 3.10. Those particulars fail to address the issues that Employment Judge Heap identified in that
 - 3.10.1. It does not set out how the claimant's relationship deteriorated with his manager;
 - 3.10.2. It provides no dates that he had review meetings where the respondent moved goal posts. In fact other than the occasional reference to a year or month and year, there are no dates at all referred to;
 - 3.10.3. While the claimant refers to his probation being extended it does not set out who extended it or who made comments about his ability to tolerate matters;
 - 3.10.4. It provides no detail about the dates on which he took annual leave and returned to problems created by his manager;
 - 3.10.5. He has failed to set out who said he was in the wrong job and when.
- 3.11. The claimant presented his claim on 31 May 2020. When he presented his claim he would have known the relevant facts that supported his claim. He has been afforded plenty of opportunity to clarify his claim since 30 July 2020. The Tribunal has set out in clear and unambiguous terms what information is needed. He has not provided that information. The Tribunal has extended the time for compliance, eventually to 27 November 2020, allowing him in effect just under 4 months to clarify his claim. He has had ample opportunity either to seek advice or to research himself into the bases of the claims he seeks to advance, or to provide the information. Over 1 month passed between Employment Judge heap spelling out what information was needed and the ultimate deadline.
- 3.12. The Tribunal has considered whether to provide another opportunity to the claimant or to extend time for compliance. However in the circumstances the Tribunal has already allocated a disproportionate amount of resources to the claim and has given clear and precise instructions on what information the claimant needed to provide. It allowed him just under 4 months to provide it. He has not done so. He was warned what would happen if he did not do so. To allow the claim to continue would cause further delay, expense and occupy more resources which other cases could use. It would be contrary to the overriding objective to afford more time. Therefore, the file discloses no basis for the Tribunal to vary the orders made to date. The unless order must therefore take effect.

Employment Judge Adkinson

Date: 13 January 2021

JUDGMENT SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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