



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

AND

Respondent

Mr A Hughes

The Amtico Company Limited

JUDGMENT AND ORDER OF THE EMPLOYMENT TRIBUNAL OPEN PRELIMINARY HEARING BY CVP

HELD AT Birmingham

ON 2 September 2021

(Remotely by CVP)

EMPLOYMENT JUDGE Lloyd

Representation

For the Claimant: In Person

For the Respondent: Ms S Keogh, Counsel

JUDGMENT

1. I dismiss the claimant's application to amend his claim in the terms set out in his "further particulars of claim" dated 7 May 2021.

ORDER

Listing

- 1) I re-list the final hearing of the claimant's claim, which was to have been heard on 2 and 3 September 2021, for **3 Days, on Wednesday, Thursday and Friday, 31 August, 1 & 2 September 2022** before an Employment Judge sitting alone commencing at 10.00am on Day 1.
- 2) The final hearing may be conducted remotely by CVP or in person at the Birmingham Employment Tribunal, at the direction of the tribunal.
- 3) With the agreement of the parties, I have listed a Judicial Mediation (JM) in this case by CVP for **Wednesday 3 November 2021 commencing at 9.30am.**
 - a) The claimant shall produce to the respondent **by Friday 22 October 2021.**

- i) An up-to-date arithmetical schedule of loss
 - ii) A document of his expectation/s at JM, including his expectation of the range, or amount of financial compensation for a successful JM.
 - iii) A position statement of the relevant issues he advances as relevant to a mediated settlement of the claim.
- b) The respondent shall reply to the claimant by **Wednesday 27 October 2021** with
- i) Its own position statement and schedule of issues
 - ii) It's counter financial expectation document
- c) The JM documents of both parties shall be provided by email to the tribunal **by 12.00 noon on Friday 29 October 2021**. The respondent shall take responsibility for that.

Further Information

- 4) The claimant shall have liberty only to provide further background information relating to the incident on 25 August 2020 and the disciplinary investigation and proceedings which followed. Any further such background information, if provided, must be received by the respondent and the tribunal **by Thursday 16 September 2021**.
- 5) The claimant shall not seek to plead wholly new information about alleged previous complaints about health and safety at paragraphs 5 to 10 of the Further Particulars of Claim, which is not relevant to the unfair dismissal claim as pleaded.
- 6) At paragraph 32 of his further particulars, the claimant alleged that the respondent breached the *ACAS Code of Practice on Disciplinary and Grievance Procedures*. The claimant shall provide further particulars of such allegation **by Thursday 16 September 2021**. The claimant must identify in precise terms the breaches of the said Code alleged to have been committed by the respondent.

Amended Response

- 7) The respondent shall provide an amended response to the claimant and the tribunal **by Thursday 30 September 2021**.

List of Issues

- 8) The parties shall agree a schedule of issues in the unfair dismissal claim as acknowledged by the tribunal, **by Wednesday 27 April 2022**.

Disclosure

- 9) The parties shall exchange lists of all documents relevant to the issues in the acknowledged unfair dismissal claim, whether they support the respective cases or not, **by Wednesday 25 May 2022**. Digital copies of all the documents respectively listed shall be attached to the lists upon exchange.

- 10) The respondent will prepare an agreed common bundle of the documents for use at the full hearing, **by Wednesday 22 June 2022.**
- 11) The respondent will supply to the tribunal 7 days before the start of the final hearing, 5 paper copies of the agreed bundle and also an electronic copy.

Witness Statements

- 12) The parties will prepare word processed written witness statements of all witnesses giving evidence at the final hearing. Witness must prepare their statements unassisted by the parties as to content.
- 13) The parties will simultaneously exchange their witness statements with each other **by 4.00pm on Wednesday 20 July 2022.**

Preparation for final hearing

- 14) The parties will agree:
 - a) A neutral chronology of events relevant to the acknowledged unfair dismissal claim.
 - b) A list identifying the names and roles of persons to be referred to in the hearing.
- 15) A schedule of loss up to the date of trial shall be prepared by the claimant.
- 16) Each party shall prepare a written summary of their case arguments, to be exchanged and produced to the tribunal by Day 1 of the final hearing. The parties will have leave to refine their written arguments into a formal skeleton argument in the light of verbal evidence at the hearing, for final submissions.

Other matters

- 17) The claimant, and any party or witness with special needs / need for reasonable adjustments must notify the tribunal with a request in clear terms not later than 28 days before the first day of the substantive hearing or the JM.
- 18) The parties are reminded of their obligation, under Rule 2, to assist the Tribunal to further the "overriding objective" of the Rules, which is to deal with cases fairly and justly. It also means that the parties should co-operate with each other and with the Tribunal.

CONSEQUENCES OF NON-COMPLIANCE

1. Failure to comply with an order for disclosure may result on summary conviction in a fine of up to £1,000 being imposed upon a person in default under s.7(4) of the Employment Tribunals Act 1996.
2. The Tribunal may also make a further order (an "unless order") providing that unless it is complied with, the claim or, as the case may be, the response shall be

struck out on the date of non-compliance without further consideration of the proceedings or the need to give notice or hold a preliminary hearing or a hearing.

3. An order may be varied or revoked upon application by a person affected by the order or by a judge on his/her own initiative.

Signed electronically
by Employment Judge B Lloyd

Signed and Dated: 6 September 2021