



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr C Astles

**Respondent:** Cost Effective Communications Ltd

## JUDGMENT ON RECONSIDERATION NOTICE OF HEARING AND CASE MANAGEMENT ORDERS

### Employment Tribunals Rules of Procedure 2013

**1. BY CONSENT** the judgment of the Tribunal sent to the parties on 1 April 2022 is reconsidered, and is revoked.

**2.** The claims will be heard by an Employment Judge sitting alone on **15 November 2022 at Manchester Employment Tribunal , Alexandra House, 14-22 The Parsonage, Manchester, M3 2JA at 10.00** listed for three hours.

### **3. Sending evidence to each other before the hearing**

**3.1** Not less than **35 days** before the final hearing the claimant must send to the respondent by email or in writing:

**3.2** A written document saying how much money the claimant says is owed by the respondent and how it is calculated. The Tribunal calls this a **Schedule of Loss**.

**3.3** Copies of any documents relevant to the case which will help the Judge decide what money (if any) is owed. "Documents" includes paperwork like letters, contracts of employment and pay slips/P45/P60. It also includes emails and social media communications like text messages, WhatsApp messages or Facebook posts. It also includes any audio or video recordings. You have to send the paperwork to the respondent even if it does not help your case, e.g. because it backs up what the respondent says about what you were paid. Guidance Note 2 attached to the Presidential Guidance on General Case Management explains more.

**3.4** Not less than **35 days** before the final hearing the respondent has to send the claimant by email or in writing copies of any additional paperwork relevant to the case.

3.5 Not less than **21 days** before the final hearing you must agree with the other side a single file of papers. This is called the “**bundle**”. It must be in pdf form if possible. It should have an index and page numbers that match the automatic pdf page numbering system (so the index should be page 1). It must contain the claim form, the response form and any letters, emails or orders from the Tribunal, as well as all the documents from both sides. It should also include a written transcript of any audio recordings you want the Judge to take into account at the hearing. You should not include any paperwork marked “without prejudice” where the claimant and respondent are discussing settling the case. If you can’t agree whether a document should be included it should go in the bundle but you should then tell the Judge at the final hearing about it. The Judge will decide whether the document should be included in evidence or not.

3.6 Not less than **14 days** before the final hearing each side must provide to the other a copy of a written statement from each person who will give evidence in the case. The **witness statements** should set out the facts in date order and refer to the bundle of documents by page number where appropriate. . There is information about what a witness statement should look like and include in Guidance Note 3 attached to the Presidential Guidance on General Case Management.

#### **4. What you need to send to the Tribunal before the final hearing**

4.1 Not less than **7 days** before the final hearing the Tribunal must have electronic copies of:

The **bundle** of documents.

The **Schedule of Loss**

All **witness statements**.

4.2 It does not matter who supplies them to the Tribunal. If the parties cannot agree who does it, the claimant must do it.

4.3 If for any reason you cannot send the Tribunal the hearing bundle as an electronic pdf document you should send a paper copy to the Tribunal at least 7 days before final hearing.

4.4 Everyone taking part in the hearing must make sure that they each have a copy of the hearing bundle and witness statements at the final hearing.

5. Further information about Employment Tribunal cases can be found in the Presidential Guidance on General Case Management which is mentioned in the Sources of Guidance page at the end of this order.

**Employment Judge Holmes**

**Date: 15 August 2022**

Sent to the parties on:

15 August 2022

For the Tribunal:

**(1) Any person who without reasonable excuse fails to comply with an Order to which section 7(4) of the Employment Tribunals Act 1996 applies shall be liable on summary conviction to a fine of £1,000.00.**

**(2) Under rule 6, if this Order is not complied with, the Tribunal may take such action as it considers just which may include (a) waiving or varying the requirement; (b) striking out the claim or the response, in whole or in part, in accordance with rule 37; (c) barring or restricting a party's participation in the proceedings; and/or (d) awarding costs in accordance with rules 74-84.**

**(3) You may apply under rule 29 for this Order to be varied, suspended or set aside.**

## Sources of Guidance

*Note: some of these may not be relevant to this case.*

- a) The Employment Tribunal Rules of Procedure can be found at <https://www.gov.uk/courts-tribunals/employment-tribunal>.
- b) Presidential Practice Directions and Guidance can be found at this link: [www.judiciary.gov.uk/publications/employment-rules-and-legislation-practice-directions/](http://www.judiciary.gov.uk/publications/employment-rules-and-legislation-practice-directions/)
- c) That link will provide access to the Presidential Guidance on 'General Case Management' (which incorporates Guidance Notes on a range of matters), and to the Presidential Practice Direction and Presidential Guidance on remote and in person hearings issued on 14 September 2020. At the same link can be found Presidential Guidance on alternative dispute resolution (including judicial assessment and judicial mediation), on the bands of compensation for injury to feelings (the "Vento" bands), on the principles for compensating pension loss, and on seeking a postponement.
- d) During 2020 the President issued a set of FAQs addressing the impact of the COVID-19 pandemic on the work of the Employment Tribunals. This document was updated on 1 June 2020 and may help explain how this case might be affected. A further "Road Map" for 2021-2022 was issued on 31 March 2021. These can all be accessed using the link in paragraph (2) above.
- e) The parties may also find the following guidance helpful:
  - On the question of whether the claimant was a disabled person under the Equality Act 2010, the Tribunal will have regard to the Secretary of State's Guidance on Matters to Be Taken into Account in Determining Questions Relating to the Definition of Disability (2011) available at <http://odi.dwp.gov.uk/docs/wor/new/ea-guide.pdf>
  - In Equality Act cases Tribunals often have regard to the Equality and Human Rights Commission's Code of Practice on Employment available at <https://www.equalityhumanrights.com/en/publication-download/employment-statutory-code-practice>
  - The Equal Treatment Bench Book is a guide to Courts and Tribunals on steps that can be taken to ensure a fair hearing. It is available at: <https://www.judiciary.uk/wp-content/uploads/2018/02/equal-treatment-bench-book-february2018-v5-02mar18.pdf>
- (6) Ten short video guides produced by BPP Law School providing an overview of Employment Tribunal procedures, including what happens at a hearing, can be found here: [vimeo.com/user/71831050/folder/4038961](https://vimeo.com/user/71831050/folder/4038961)