



EMPLOYMENT TRIBUNALS

Claimant: Mr CT

Respondent: The Forward Trust

Heard at: London South via CVP

On: 14 July 2022

Before Employment Judge Wright

Representation:

Claimant: In person

Respondent: Mr C Crow - counsel

JUDGMENT having been given on 14/7/2022 and written reasons having been requested in accordance with Rule 62(3) of the Employment Tribunals Rules of Procedure 2013, the following reasons are provided:

1. The entirety of the preliminary hearing on 30/4/2022 was devoted to considering, one-by-one each claim/allegation, in the List of Issues. The details are set out in the Order following that hearing.
2. The claimant applied for a reconsideration of that outcome and the result was the application was refused as there was no prospect of it being varied or revoked.
3. There had been lengthy and protracted discussion about the List of Issues. The List of Issues was first considered at the Preliminary Hearing

before EJ Mason on 30/4/2021. Despite his difficulties and disabilities, the claimant has had every opportunity to point out an error or to correct it. The claimant has seen this process as an opportunity to expand the List of Issues (it would seem absent an application to amend), such that at the time of this hearing, it ran to 25-pages.

4. It is accepted that the respondent has simply attempted to comply with its duty under the overriding objective and to assist the Tribunal in clarifying the claimant's case. The claimant's responses have been prolix and verbose. For example, there is a 52-page letter dated 22/4/2022 and a 67-page objection to the respondent's strike out and deposit order application. A great deal of Judicial time has been spent both during hearings and in chambers to attempting to clarify the claimant's case. The claimant has been reminded that he knows his case better than anyone else and it is difficult to understand, why, if he says there are errors, that he cannot simply correct them.
5. The claimant was given guidance by EJ Mason as to what was required in April 2021 and he has not followed that guidance.
6. It is a concern, that the claimant does not in fact ever want to be in a position where the List of Issues is finalised; and that he just wishes to prolong the litigation.
7. If that is disingenuous, then it is not clear why the List of Issues cannot be finalised. As the respondent submitted, this process has been ongoing since April 2021 (and in fact prior to that) and it is not reasonable or proportionate to continue to prolong this process.
8. The claimant suggested items are missing from the List EJ Mason drafted, but having checked, it is not clear what is missing. Again, it is a simple matter for the claimant to say what is missing, rather than to keep making the assertion, without substantiating it.
9. In accordance with the overriding objective, it is proportionate to now move on and to confirm the List is finalised and to then consider the next steps in this litigation. Directions have been given separately.

Employment Judge Wright
14/9/2022

Case Numbers: 2301822/2020
2305071/2020
2301847/2021

Public access to employment tribunal decisions

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.