



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs Kamila Dent

**Respondent:** Mohammad Afzal Shaheen t/a Global Link Associates

## RECORD OF A PRELIMINARY HEARING

**Heard at:** (in private; by telephone)

**On:** 12 December 2022

**Before:** Employment Judge **R Brace**

### Appearances

For the Claimant: Mr I Seabury (Solicitor)

For the Respondent: In person

## CASE MANAGEMENT ORDERS

### Introduction

1. I conducted a preliminary hearing by telephone on the above date and I set out in this document my record of matters discussed with the parties and the orders and directions necessary to prepare the case for a full hearing that had been listed for three days on 20 December 2022, 21 December 2022 and 22 December 2022.
2. The Respondent had not attended the last preliminary hearing on 22 August 2022, instead writing in on 16 August 2022 indicating that he recently had an eye operation and that he was visually impaired, that he was on permanent medication for a heart operation, that he had decided to wind down the business and retire. He confirmed that he would attend the main trial in December.
3. On 30 November 2022, the Respondent wrote to the Tribunal indicating that he may need to travel abroad for further surgery and asking for the final hearing to be adjourned until after June 2023 as he was not in a position to defend himself on health grounds. He included a copy of his GP's letter of 28 November 2022, which confirmed that the Respondent had suffered post-operative complications following right cataract surgery in April 2022, that he was unable to attend court as he had been unable to read the legal documentation and that he would benefit from the court hearing being adjourned.

4. This preliminary hearing was listed to understand what adjustments if any could be put in place to enable the Claimant to participate before considering the application from the Claimant for a postponement.
5. The Claimant's representative tells me that the Respondent was provided with a copy of the documents that the Claimant relies on by email on Friday 9 December 2022. He has also been sent the Claimant's Schedule of Loss.
6. The Respondent confirmed that he had no documents in his possession that were relevant to the claim and that he did not believe he had been sent the Claimant's documents.
7. The Claimant tells me that he does have some vision in his left eye and that it is right eye that is impacted by complications from the right cataract operation.
8. Whilst the Claimant does have other health issues, dating back to a 2007 angioplasty and following a robbery a number of years ago, the Claimant also informed me that he is still operating a property development business. He also tells me that he has run down and now closed the accountancy side of his business that employed the Claimant (either in the last few weeks or as far back as July 2022, the position was unclear).
9. He sought a postponement of the hearing to January 2023.
10. I declined to grant a postponement on the basis of the current application. The Respondent has been fully aware that this matter has been listed for a final merits hearing since May 2022, he has had considerable opportunity to seek advice and support if that was what he required to participate.
11. Despite relying on his eye condition, and also making oral submissions that his general health is not good, the Claimant still manages to operate a property development business and there is no indication how a postponement of the current hearing would benefit the Claimant.
12. I was not satisfied that the Claimant had demonstrated that he was unfit to attend the hearing and I did not consider allowing a postponement was in accordance with the overriding objective.
13. The Respondent has no documents to rely on. The Claimant can resubmit to the Respondent the documents already sent and the parties can exchange witness statements in advance of the hearing.
14. Both parties were asked if any applications were made to convert the hearing to video as a reasonable adjustment. There were no such applications.
15. The Claimant was directed to the Presidential guidance on Seeking a Postponement of a hearing, if he wishes to make any new applications to postpone the hearing <https://www.judiciary.uk/wp-content/uploads/2014/08/Presidential-guidance-postponement.pdf>

## File and Witness Statements

16. By 4.00pm on **12 December 2022**, the Claimant to send by email a further electronic copy of the bundle that they have prepared to the Respondent.
17. By 4.00pm on **14 December 2022** the Claimant and the Respondent must send each other copies of all their witness statements.

## The Document Upload Centre

18. The **Claimant** must submit electronic copies of the agreed hearing bundle, witness statements and any written submissions/chronology/cast list no later than 4.00pm on **14 December 2022**.
19. The electronic documents must be uploaded to the Tribunal's Document Upload Centre. The Tribunal will email the relevant party with instructions and a link to access the Document Upload Centre. This link will allow parties to upload PDF documents and bundles directly to the Tribunal.
20. Hearing bundles should be sent to the tribunal as a PDF. The **index** to the bundle should sent **separately**, so that the page numbers of the hearing bundle align with the automated PDF page numbering. Any late additions to the bundle must be inserted at the end of the bundle. Send the witness statements as a separate PDF bundle.
21. **Bundles which do not conform to the [Presidential Guidance \(paragraph 24\)](#) will be returned to the party providing it, so that they can be formatted correctly.**
22. Large document files (exceeding 25mb) must not be sent by email to the Tribunal as they will be rejected.

## Variation of dates

23. The parties may agree to vary a date in any order by up to 14 days without the Tribunal's permission, but not if this would affect the hearing date.

## About these orders

24. These orders were made and explained to the parties at this preliminary hearing. They must be complied with even if this written record of the hearing arrives after the date given in an order for doing something.
25. If any of these orders is not complied with, the Tribunal may: (a) waive or vary the requirement; (b) strike out the claim or the response; (c) bar or restrict participation in the proceedings; and/or (d) award costs in accordance with the Employment Tribunal Rules.

26. Anyone affected by any of these orders may apply for it to be varied, suspended or set aside.

## Writing to the Tribunal

27. Whenever they write to the Tribunal, the Claimant and the Respondent must copy their correspondence to each other.

## Useful information

As not all parties are legally represented, I take the opportunity to provide links to further information that may be of assistance:

28. "Streetlaw" presentations are held monthly online during term-time. Law students explain to unrepresented parties how to prepare for and what to expect at a hearing. Details of when sessions will be held can be obtained from the Tribunal.
29. The ELIPS legal advice clinic provides free advice from volunteer solicitors and barristers at fortnightly virtual clinics via Zoom (on Thursdays). Priority is given to those with a hearing or case management deadlines within **two weeks** of the clinic. See [ELA](#) for further details. To request an appointment, email [elips@elaweb.org.uk](mailto:elips@elaweb.org.uk)
30. BPP Law School has published three short guides on YouTube about [What to Expect at an Employment Tribunal Hearing](#).
31. The Tribunal produces leaflets setting further information on sources of advice and support. Further copies are available on request.
32. All judgments and any written reasons for the judgments are published, in full, on [the Employment Tribunal Decisions website](#) shortly after a copy has been sent to the parties. The Tribunal has no power to refuse to place a judgment or reasons on the online register, or to remove a judgment or reasons from the register once they have been placed there. If a party considers that a judgment or reasons should be anonymised in any way prior to publication, they need to apply to the Tribunal for an order under Rule 50.
33. There is information about Employment Tribunal procedures, including case management and preparation, compensation for injury to feelings, and pension loss, on the [Employment Rules and Legislation: Practice Directions website](#).
34. [The Employment Tribunals Rules of Procedure 2013](#).
35. You can [appeal to the Employment Appeal Tribunal](#) if you think a legal mistake was made in an Employment Tribunal decision.

Employment Judge R Brace

Date 12 December 2022

Sent to the parties on 13 December 2022

For the Tribunal Office Mr N Roche