



EMPLOYMENT TRIBUNALS

Claimant: Mr B Patel

Respondent: North Property Group Limited

RECORD OF A PRELIMINARY HEARING

Heard at: Leeds (in private; by video)

On: 8 July 2024

Before: Employment Judge T Knowles

Appearances

For the claimant: In person

For the respondent: Mr L Geary-Smith, Solicitor

CASE MANAGEMENT ORDERS

Final hearing

1. The final hearing will take place by video on 26 and 27 November 2024. The case will be heard by an Employment Judge. The hearing will start at 10.00 am. You must join the video hearing by 9.45 am.
2. Sometimes hearings start late, are moved to a different address or are cancelled at short notice. You will be told if this happens.

Hearing timetable

3. The hearing is listed for [2] days. The hearing timetable is likely to be:

Day 1	3 hours	Respondent's evidence
	2.5 hours	Claimant's evidence
Day 2	1 hour	Submissions
	1 hour	Tribunal making decision
	1 hour	Tribunal giving Judgment
	2.5 hours	Dealing with compensation or other remedies if necessary

4. If you think that more or less time will be needed for the hearing, you must tell the Tribunal as soon as possible.

Amendment

5. The Claimant has withdrawn his complaints of race discrimination. A separate Judgment is attached.

Claims and Issues

6. The claims and issues, as discussed at this preliminary hearing, are listed in the Case Summary below. If you think the list is wrong or incomplete, you must write to the Tribunal and the other side by 22 July 2023. If you do not, the list will be treated as final unless the Tribunal decides otherwise.

Schedule of Loss

7. The claimant must by 22 July 2024 send to the respondent and the Tribunal a document setting out how much compensation for lost earnings or other losses they are claiming and how the amount has been calculated. This is called a Schedule of Loss.
8. If the claimant has been dismissed and wants to be reinstated or re-engaged, the Schedule of Loss must say so.

Documents

9. By 5 August 2024 the claimant and respondent must send to each other copies (with a cover page index) of all documents relevant to the issues listed in the Case Summary below.
10. Documents includes recordings, emails, text messages, social media and other electronic information. You must send all relevant documents you have in your possession or control even if they do not support your case. A document is in your control if you could reasonably be expected to obtain a copy by asking somebody else for it.

File of documents

11. The respondent must prepare a file of those documents with an index and page numbers. They must send an electronic copy to the claimant by 26 August 2024.
12. The file should contain:
 - 12.1 The claim and response forms, any changes or additions to them, and any relevant tribunal orders. Put these at the front of the file.
 - 12.2 Other documents or parts of documents that are going to be used at the hearing. Put these in date order.

13. The claimant and the respondent must both have a copy of the file during the hearing for their own use.

Witness statements

14. The claimant and the respondent must prepare witness statements for use at the hearing. Everybody who is going to be a witness at the hearing, including the claimant, needs a witness statement.
15. A witness statement is a document containing everything relevant the witness can tell the Tribunal. Witnesses will not be allowed to add to their statements unless the Tribunal agrees.
16. Witness statements should be typed if possible. They must have paragraph numbers and page numbers. They must set out events, usually in the order they happened. They must also include any evidence about financial losses and any other remedy the claimant is asking for. If the witness statement refers to a document in the file it should give the page number.
17. At the hearing, the Tribunal will read the witness statements. Witnesses may be asked questions about their statements by the other side and the Tribunal.
18. The claimant and the respondent must send each other copies of all their witness statements by 7 October 2024.
19. The claimant and the respondent must both have copies of all the witness statements during the hearing for their own use.

Providing electronic documents to the Tribunal

20. The respondent's representative must provide to the Tribunal electronic pdf copies of the agreed hearing file and witness statements no later than 12 November 2024.
21. If the pdf copies of documents are required be uploaded to the Tribunal's Document Upload Centre, the Tribunal will email with instructions and a link to access the Document Upload Centre. This link will allow parties or representatives to upload pdf documents and files directly to the Tribunal.
22. If only one party is represented, that party will have responsibility for uploading the documents. If both/all parties are represented an Employment Judge will decide which representative will be responsible for uploading the documents. Only one representative will be sent the link to upload the documents; all other Tribunal correspondence will be with all parties.
23. Large document files (exceeding 25mb) must not be sent by email to the Tribunal as they will be rejected. Large files must be uploaded to the Document Upload Centre . Where documents are uploaded to the Document Upload Centre, they must not be sent to the Tribunal in any other way unless directed by an Employment Judge.

24. Parties and representatives must read and follow the guidance and instructions for the Document Upload Centre which the Tribunal will send them separately. Failure to do so may lead to documents not being uploaded or not being accessible. When uploading documents, use the following naming convention with the case number and a brief description of the document e.g. "250000.21 Claimant v Respondent file of documents".

Variation of dates

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

About these orders

26. 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.
27. 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.
28. Anyone affected by any of these orders may apply for it to be varied, suspended or set aside.

Writing to the Tribunal

29. Whenever they write to the Tribunal, the claimant and the respondent must copy their correspondence to each other.

Useful information

30. All judgments (apart from judgments under Rule 52) and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.
31. There is more information about the Employment Tribunals on the judiciary website. In particular, you may wish to read the information behind the tiles "Before the hearing", "At the hearing", "Rules, Orders, Practice Directions and Guidance", "Sources of advice and support" and "Further information". The website is here:

[Employment Tribunals \(England and Wales\) - Courts and Tribunals Judiciary](#)

32. The Employment Tribunals Rules of Procedure are here:

<https://www.gov.uk/government/publications/employment-tribunal-procedure-rules>

33. You can appeal to the Employment Appeal Tribunal if you think a legal mistake was made in an Employment Tribunal decision. There is more information here: <https://www.gov.uk/appeal-employment-appeal-tribunal>
34. Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings. You can access the Direction and the accompanying Guidance here:

[Practice Directions and Guidance for Employment Tribunals \(England and Wales\) - Courts and Tribunals Judiciary](#)

CASE SUMMARY

35. The claimant was employed by the respondent, a property investment company, as an Investment Consultant, from 10 August 2020 until 6 December 2023. Early conciliation started on 29 December 2023 and ended on 9 February 2024. The claim form was presented on 18 February 2024.
36. The claim is about the circumstances leading up to an including the Claimant's dismissal. The respondent's defence is that the Claimant was fairly dismissed for conduct reasons.

The Complaints

37. The claimant is making the following complaints:

37.1 Unfair dismissal;

The Issues

38. The issues the Tribunal will decide are set out below.

1. **Unfair dismissal**

- 1.1 Was the claimant dismissed?

- 1.2 What was the reason or principal reason for dismissal? The respondent says the reason was conduct. The Tribunal will need to decide whether the respondent genuinely believed the claimant had committed misconduct.

- 1.3 If the reason was misconduct, did the respondent act reasonably or unreasonably in all the circumstances, including the respondent's size and administrative resources, in treating that as a sufficient reason to dismiss the claimant? The Tribunal's determination whether the dismissal was fair or unfair must be in accordance with equity and the substantial merits of the case. It will usually decide, in particular, whether:
 - 1.3.1 there were reasonable grounds for that belief;
 - 1.3.2 at the time the belief was formed the respondent had carried out a reasonable investigation;
 - 1.3.3 the respondent otherwise acted in a procedurally fair manner;
 - 1.3.4 dismissal was within the range of reasonable responses.

2. Remedy for unfair dismissal

- 2.1 Does the claimant wish to be reinstated to their previous employment?
- 2.2 Does the claimant wish to be re-engaged to comparable employment or other suitable employment?

It is noted that the Claimant is not, at this stage, seeking re-employment or re-engagement.

- 2.3 Should the Tribunal order reinstatement? The Tribunal will consider in particular whether reinstatement is practicable and, if the claimant caused or contributed to dismissal, whether it would be just.
- 2.4 Should the Tribunal order re-engagement? The Tribunal will consider in particular whether re-engagement is practicable and, if the claimant caused or contributed to dismissal, whether it would be just.
- 2.5 What should the terms of the re-engagement order be?
- 2.6 If there is a compensatory award, how much should it be? The Tribunal will decide:
 - 2.6.1 What financial losses has the dismissal caused the claimant?
 - 2.6.2 Has the claimant taken reasonable steps to replace their lost earnings, for example by looking for another job?
 - 2.6.3 If not, for what period of loss should the claimant be compensated?
 - 2.6.4 Is there a chance that the claimant would have been fairly dismissed anyway if a fair procedure had been followed, or for some other reason?
 - 2.6.5 If so, should the claimant's compensation be reduced? By how much?
 - 2.6.6 Did the ACAS Code of Practice on Disciplinary and Grievance Procedures apply?

- 2.6.7 Did the respondent or the claimant unreasonably fail to comply with it?
 - 2.6.8 If so is it just and equitable to increase or decrease any award payable to the claimant? By what proportion, up to 25%?
 - 2.6.9 If the claimant was unfairly dismissed, did they cause or contribute to dismissal by blameworthy conduct?
 - 2.6.10 If so, would it be just and equitable to reduce the claimant's compensatory award? By what proportion?
 - 2.6.11 Does the statutory cap apply?
- 2.7 What basic award is payable to the claimant, if any?
- 2.8 Would it be just and equitable to reduce the basic award because of any conduct of the claimant before the dismissal? If so, to what extent?

Employment Judge T Knowles
Date: 8 July 2024

Sent to the parties on:

Date: 10th July 2024

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For the Tribunal Office:

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