



EMPLOYMENT TRIBUNALS

Claimant: Mr I Judson

Respondent: Opieka Ltd

PUBLIC PRELIMINARY HEARING

Heard at: Leeds by CVP video link **On:** 3 July 2025

Before: Employment Judge Shepherd

Appearances

For the claimant: In person

For the respondent: Ms Mather, counsel

JUDGMENT

1. The respondent's application for the claim to be struck out as having no reasonable prospect of success is refused.
2. The respondent's application for the claimant to pay a deposit as a condition of proceeding with the claim is refused

REASONS

1. This Public Preliminary Hearing was listed to be heard following an application by the respondent for the claim to be struck out as having no reasonable prospect of success under Rule 38 of the Employment Tribunals Procedure Rules 2024 or that the Tribunal should make a deposit order pursuant to rule 40 as a condition of the claimant continue to advance the claim of unfair dismissal on the basis that this allegation had little reasonable prospect of success.
2. The final hearing had been listed to be heard today. However, as a result of the respondent's application an amended notice of preliminary hearing was sent to the parties on 26 June 2025. This information had not been provided to Ms Mather, who represented the respondent.

3. I heard submissions from the claimant and Ms Mather on behalf of the respondent. The reasons for the claimant dismissal were that the claimant was subject to bail conditions which prohibited him from engaging in employment in any work environment involving working with persons which required a position of trust. I was provided with a copy of the bail conditions during the course of this hearing. This document conditions that the claimant should not contact or communicate with the complainant and should not enter Nottingham Road Aldbrough. It was agreed that there was 1/3 condition that the claimant was prohibited from employment working in a position of trust.

4. The claimant said that he had spoken to the police and it had been indicated that the criminal case was not going anywhere and the police officer offered to discuss this with Sally Kelly who said that that was not appropriate.

5. The respondent said that there had been a decision to summarily dismiss the claimant for failure to disclose the relevant bail conditions, conduct potentially bringing the respondent into disrepute and breach of safeguarding policies.. There had been a thorough investigation and the decision was within the band of reasonable responses.

6. It was contended by the respondent that the claimant had a relationship with the vulnerable adult in a building in which he worked and that had resulted in the loss of some work for the respondent. The claimant said that the complainant in the criminal case was not within accommodation to which the respondent provided services to vulnerable adults.

7. It was clear to me that it would be necessary to hear evidence in order to determine this case. I could not reach the conclusion that there was no reasonable prospect of success as the claimant had been suspended for some time. He said that he could have been redeployed to other work or his suspension could have been continued.

8. In those circumstances, I am not satisfied that there is little reasonable prospect of success.

Case Management Orders

Final hearing

1. 10. The final hearing will now take place before an Employment Judge by CVP video link on **21 August 2025** commencing at **10 am**. A further notice of hearing will be sent to the parties. The case will be heard by an Employment Judge and the length of hearing is **one day**. The hearing will start at **10.00 am**. You must arrive by **9.30 am**.

File of documents

1. The respondent must prepare a file of those documents relevant to the issues in this case with an index and page numbers. They must send one hard copy and one electronic copy to the claimant by **31 July 2025**.
2. The file should contain:
 - 2.1 The claim and response forms, any changes or additions to them, and any relevant tribunal orders. Put these at the front of the file.
 - 2.2 Other documents or parts of documents that are going to be used at the hearing. Put these in date order.
 - 2.3 Paginated documents (with the first page being the index and the first numbered page being the start of the claim form). Please **do not** insert additional pages using e.g. "73A, 73B" etc. – please insert any additional pages at the end of the hearing file.
3. The claimant and the respondent must both bring a copy of the file to the hearing for their own use.

About the case management orders

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.

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.

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

Writing to the Tribunal

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

Useful information

All judgments 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.

There is information about Employment Tribunal procedures, including case management and preparation, compensation for injury to feelings, and pension loss, here:

<https://www.judiciary.uk/publications/employment-rules-and-legislation-practice-directions/>

The Employment Tribunals Rules of Procedure are here:

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

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>

Employment Judge Shepherd

3 July 2025

Sent to the parties on:

4 July 2025

Linda Shackleton

For the Tribunal: