



Case No: 1303963/2017

EMPLOYMENT TRIBUNALS

Claimant: Mr Craig Blakemore

Respondent: Abbey Care Direct Limited

PRELIMINARY HEARING

Heard at: Birmingham (in public) **On:** 26 March 2018

Before: Employment Judge Camp (sitting alone)

Appearances

For the claimant: Mr J Molloy, lay representative (claimant's friend)

For the respondent: Mrs M Peckham, lay representative (consultant)

JUDGMENT

- (1) It was not reasonably practicable for the claimant's complaints of unfair dismissal and breach of contract [notice pay] to be presented within the primary time limits and they were presented within a further reasonable period.
- (2) Reasons for the above decision were given orally. Written reasons were not requested at the hearing and will not be provided unless asked for by a written request presented by any party within 14 days of the sending of this written record of the decision.

CASE MANAGEMENT ORDERS

- (3) This matter remains listed for a 2 day final hearing in May 2018, as set out in the *Notice of a Claim* dated 16 November 2017. 2 days may not be enough to deal both with liability and with the whole of remedy if the claim succeeds, but the hope is that it will and both parties must ensure they are in a position to deal fully with remedy.



- (4) The case management orders set out in the *Notice of a Claim* dated 16 November 2017 relating to documents and witness statements, which were previously set aside by order of the Employment Judge, are reinstated, but with the following revised dates for compliance:
- the date for lists of documents is now **5 April 2018**;
 - the date for the file of documents (“bundle”) is now **12 April 2018**;
 - the date for the parties to send witness statements to each other is now **19 April 2018**.
- (5) The bundle should only include documents relevant to any disputed issue in the case and should only include the following documents:
- the Claim Form, the Response Form, any amendments to the grounds of complaint or response, any additional / further information, any further particulars of the claim or of the response, this written record of a preliminary hearing and any other case management orders that are relevant. These must be put right at the start of the bundle, in chronological order, with all the other documents after them;
 - documents that will be referred to at the final hearing and/or that the Tribunal will be asked to take into account.
- In preparing the bundle the following rules must be observed:
- unless there is good reason to do so (e.g. there are different versions of one document in existence and the difference is relevant to the case or authenticity is disputed) only one copy of each document (including documents in email streams) is to be included in the bundle
 - the documents in the bundle must follow a logical sequence which should normally be simple chronological order.
- (6) The witness statements must contain all of the evidence the parties and their witnesses intend to give at the final hearing. No additional witness evidence will be allowed at the final hearing without the Tribunal’s permission. The written statements must: have numbered paragraphs; be cross-referenced to the bundle; contain only evidence relevant to issues in the case. The claimant’s witness statement must include a statement of the amount of compensation or damages they are claiming, together with an explanation of how it has been calculated.
- (7) The attention of the parties is drawn to the Presidential Guidance on ‘General Case Management’, which can be found at: www.judiciary.gov.uk/publications/employment-rules-and-legislation-practice-directions/



- (8) The parties are reminded of rule 92: “*Where a party sends a communication to the Tribunal (except an application under rule 32) it shall send a copy to all other parties, and state that it has done so (by use of “cc” or otherwise)...*”. **If, when writing to the tribunal, the parties don’t comply with this rule, the tribunal may decide not to consider what they have written.**
- (9) The parties are also reminded of their obligation under rule 2 to assist the Tribunal to further the overriding objective and in particular to co-operate generally with other parties and with the Tribunal.
- (10) The above orders were made and explained to the parties at the preliminary hearing. All orders must be complied with even if this written record of the hearing is received after the date for compliance has passed.
- (11) **Judgments and any written 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 parties in a case.**
- (12) **Any person who without reasonable excuse fails to comply with a Tribunal Order for the disclosure of documents commits a criminal offence and is liable, if convicted in the Magistrates Court, to a fine of up to £1,000.00.**
- (13) **Under rule 6, if any of the above orders 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 rule 74-84.**

Employment Judge Camp
26 March 2018