



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr G Fox

**Respondent:** Security Plus Limited

**HELD AT:** Liverpool

**ON:** 3 January 2018

**BEFORE:** Employment Judge Robinson  
Mr G Pennie  
Mrs A Ramsden

## REPRESENTATION:

**Claimant:** Did not attend and was unrepresented

**Respondent:** Mrs I Bishop, Solicitor

# JUDGMENT

The judgment of the Tribunal is that all claims of the claimant are struck out and also dismissed for the reasons set out below.

Although the Tribunal was prepared to order costs against the claimant, on reconsideration after the respondent's representative had left the Tribunal, it was decided that under Rule 77 of the 2013 Regulations the claimant should be given an opportunity to be heard on the question of costs.

The Tribunal therefore directs that the claimant must make any written representations with regard to costs within 14 days of receipt of this judgment as to why costs should not be paid by him to the respondent. If he makes no representations or the representations do not persuade the Tribunal not to make a cost order then costs will be awarded to the respondent. There is no necessity for a hearing. When sending submissions the claimant should send full details of his financial circumstances.

# REASONS

1. The claimant's claims are struck out because the manner in which the proceedings have been conducted is unreasonable - rule 37(1)(b) of the 2013 Regulations applies. The claims are also struck out because there has been non compliance with an order to exchange witness statements (rule 37(1)(c) of the same Regulations), and also because the claims have not been actively pursued (rule 37(1)(d) of the Regulations).
2. The claimant did not attend and therefore under rule 47 of the Regulations the claim is struck out.
3. Furthermore, having read the witness statements of the respondent and noting that there was no witness statement for the claimant, the claimant has not proved that his dismissal was for a reason connected to the infringement of a statutory right.
4. The claimant never asked for paternity leave or flexible working, he simply asked for a reduced number of shifts, from five to four shifts, which Mr Rawlinson would have granted.
5. The reason for the claimant's dismissal was for unsatisfactory performance and because of his poor demeanour, falsification of the DOB book and not engaging in the process during his grievance and his capability hearing. The dismissal was not connected with the claimant's partner's pregnancy.

Employment Judge Robinson

04-01-18

JUDGMENT AND REASONS SENT TO THE PARTIES ON  
12 January 2018

FOR THE TRIBUNAL OFFICE