



EMPLOYMENT TRIBUNALS

Claimant:

Mr M Bhuiyan

v

Respondent:

1. Valuation Office Agency
2. Ms T Costin
3. Mr A Ricketts
4. Mr N Riggott
5. Mr A Todd

PRELIMINARY HEARING

Heard at:

Reading

On: 8 March 2017

Before:

Employment Judge J Hill

Appearances

For the Claimant:

In person

For the Respondent:

Mr D Masserella of Counsel

JUDGMENT

1. The respondents shown as R 2-5 are discharged from the proceedings.

CASE MANAGEMENT SUMMARY

Listing the hearing

1. After all the matters set out below had been discussed, we agreed that the hearing in this claim would require a preliminary hearing – listed below. The full merits hearing is also listed.

Preliminary hearing

2. It has been listed at **Reading Employment Tribunals, 30-31 Friar Street (Entrance in Merchants Place), Reading RG1 1DX** to start at 10.00 am or so soon thereafter as possible on **15 August 2017**. (1-day time allocation) The parties are to attend by **9.30 am**.

The issues to be addressed at the preliminary hearing:-

1. Whether there is jurisdiction to consider all or some of the claims as they were presented outside the time limits prescribed in s.123 of the Equality Act 2010;
2. Whether all or any of the claims should be struck out as no reasonable prospect of success;
3. Whether all or any of the claims should be the subject of a deposit order as having little reasonable prospect of success;
4. To give further case management directions, if appropriate, for the future conduct of the claim.

Full merits hearing

3. It has been listed at **Reading Employment Tribunals, 30-31 Friar Street (Entrance in Merchants Place), Reading RG1 1DX** to start at 10.00 am or so soon thereafter as possible on **22 – 26 January 2018**. The parties are to attend by **9.30 am**.

The complaint(s)

4. By a claim form presented on 7 December 2016, the claimant brought complaints of race discrimination: direct; indirect; harassment and victimization. The respondent defended the claims.

The issues

5. It was not possible to record accurately what are the issues between the parties which fall to be determined by the tribunal as the claimant needs to complete the further and better particulars ordered below.

Other matters

6. I made the following case management orders in relation to the preliminary hearing only by consent

ORDERS

Made pursuant to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013

1. Further information

- 1.1 By **7 April 2017** the claimant is ordered to serve on the respondent and the tribunal the response to the request for further and better particulars served on him on 7 March 2017.
- 1.2 The respondent is given leave to present an amended response to arrive with the tribunal and the claimant on or before **28 April 2017**.

2. Disclosure of documents

- 2.1 The respondent is ordered to give disclosure of documents relevant to the issues identified above by list and copy documents to arrive with the claimant on or before **5 May 2017**.
- 2.2 The claimant is ordered to give disclosure of documents relevant to the issues identified above to arrive with the respondent on or before **26 May 2017**.
- 2.3 This order is made on the standard civil procedure rules basis which requires the parties to disclose all documents relevant to the issues which are in their possession, custody or control, whether they assist the party who introduces them, the other party or appear neutral.
- 2.4 The parties shall comply with the date for disclosure given above, but if despite their best attempts, further documents come to light (or are created) after that date, then those documents shall be disclosed as soon as practicable in accordance with the duty of continuing disclosure.

3. Bundle of documents

- 3.1 It is ordered that the respondent has primary responsibility for the creation of the single joint bundle of documents required for the hearing.
- 3.2 To this end, the claimant is ordered to notify the respondent on or before **16 June 2017** of the documents to be included in the bundle at their request. These must be documents to which they intend to refer, either by evidence in chief or by cross-examining the respondent's witnesses, during the course of the hearing.
- 3.3 The respondent is ordered to provide to the claimant a full, indexed page numbered bundle to arrive on or before **30 June 2017**.
- 3.4 The respondent is ordered to bring **sufficient additional copies (at least three)** to the tribunal for use at the hearing, by **9.30 am** on the morning of the hearing.

4. Witness statements

- 4.1 It is ordered that oral evidence in chief will be given by reference to typed witness statements from parties and witnesses.
- 4.2 The witness statements must be full, but not repetitive. They must set out all the facts about which a witness intends to tell the tribunal, relevant to the issues as identified above. They must not include generalisations, argument, hypothesis or irrelevant material.
- 4.3 The facts must be set out in numbered paragraphs on numbered pages in chronological order.

- 4.4 If a witness intends to refer to a document, the page number in the bundle must be set out in the reference.
- 4.5 It is ordered that witness statements are exchanged so as to arrive on or before **21 July 2017**.
- 4.6 Each party must bring to the tribunal **at least five additional copies** of the statements which it has served. The parties are reminded of rule 44, which requires a copy of each statement to be provided to the public.

CONSEQUENCES OF NON-COMPLIANCE

1. **Failure to comply with an order for disclosure may result on summary conviction in a fine of up to £1,000 being imposed upon a person in default under s.7(4) of the Employment Tribunals Act 1996.**
2. **The Tribunal may also make a further order (an “unless order”) providing that unless it is complied with, the claim or, as the case may be, the response shall be struck out on the date of non-compliance without further consideration of the proceedings or the need to give notice or hold a preliminary hearing or a hearing.**
3. **An order may be varied or revoked upon application by a person affected by the order or by a judge on his/her own initiative.**

Employment Judge J Hill

Date: 8 March 2017

Sent to the parties on: 22 March 2017