



EMPLOYMENT TRIBUNALS (SCOTLAND)

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**Case No: 4102663/2020 Preliminary Hearing by Cloud Video Platform on 24
January 2022**

Employment Judge: M A Macleod

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Paul Douglas

**Claimant
Represented by
Ms E Matheson
Solicitor**

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North Lanarkshire Council

**Respondent
Represented by
Ms S Raza
Solicitor**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The Judgment of the Employment Tribunal is that:

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- 1. The claimant's application to amend the claim is granted insofar as set
out in paragraphs (3) and (4) of the application submitted on 15 July
2021; and**
- 2. The claimant's application to amend the claim is refused in hoc statu
insofar as set out in paragraph (5) of the application submitted on 15
July 2021.**

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REASONS

- 1. In this case, the claimant submitted an application to amend his claim on 15
July 2021. The respondent opposed that application, and a Preliminary**

Hearing was listed to take place by Cloud Video Platform (CVP) on 24 January 2022 in order to determine whether or not the application should be granted.

2. Ms Matheson appeared for the claimant, and Ms Raza for the respondent.

5 3. The hearing was conducted successfully by CVP. All participants were able to see and hear each other throughout the hearing, and I was satisfied that the hearing proceeded in such a way as to ensure that the interests of justice were served for both parties.

10 4. Having heard arguments from both parties, I determined the application as follows:

15 **The claimant's application for amendment of his claim is granted in part. The application to amend the claim is granted insofar as it seeks to introduce a claim of automatically unfair dismissal, on the grounds of having made protected disclosures to the respondent, under section 103A of the Employment Rights Act 1996; and a claim that the respondent subjected the claimant to detriments on the grounds of having made protected disclosures, under section 47B of the Employment Rights Act 1996.**

20 **The application is granted insofar as set out in paragraphs (3) and (4) of the application dated 15 July 2021, on the basis that there is a clear basis for the addition of such a claim from the facts pled in the ET1, that the new claims amount to no more than re-labelling of the complaints made by the claimant and that the respondent did not, ultimately, oppose the application in relation to paragraphs (3) and (4).**

25 **However, the application is not granted, insofar as it seeks to introduce a claim of discrimination on the grounds of disability, in paragraph (5) of the application to amend of 15 July 2021. The respondent opposed that application on the basis that there is a lack of specification of the unlawful acts said to have been committed by**
30 **the respondent and amounting to discriminatory acts.**

There is therefore insufficient clarity in the pleadings set out at paragraph (5) of the application to amend. It is clear that the claimant wishes to raise before the Tribunal complaints that he was subjected by the respondent to direct discrimination (section 13, Equality Act 2010); indirect discrimination (section 19); harassment (section 26); discrimination arising in consequence of disability (section 15) and the respondent's failure to make reasonable adjustments (section 20/21). The application indicated that further specification would be provided. The respondent objected to the application on the basis of the lack of specification.

It is my judgment that the application under the Equality Act 2010 to introduce claims of discrimination on the grounds of disability cannot be granted at this stage on the basis that there is no detail provided from which the Tribunal or the respondent can discern what unlawful act or acts are to be relied upon in relation to each head of claim identified. It is therefore refused at this stage, but the claimant will, if so advised, renew the application with further specification within the next 21 days from the date of this Note; and the respondent will then have 14 days within which to set out both their response to the proposed amendment and their opposition, if any, to the application to amend the claim.

5. Once the process of further amendment has been completed, the Tribunal will review the proceedings and determine the next step in the procedure to be followed.

Employment Judge: M MacLeod
Date of Judgment: 26 January 2022
Entered in register: 27 January 2022
and copied to parties