



EMPLOYMENT TRIBUNALS

Claimant

Mr M Jones

v

Respondent

Northamptonshire Police

ORDER

1. The Claimant's application to amend his claim to add a complaint of disability discrimination is granted/allowed.
2. The claim of indirect age discrimination is dismissed on withdrawal of it by the Claimant.

REASONS

1. The proposed application to amend was made late on by the Claimant – three months after the response was submitted, and only at the listed closed preliminary hearing. The proposed new claim of disability discrimination is therefore substantially out of time. The Claimant has had legal representation from the outset.
2. However, the claim is clearly a re-labelling exercise. No or very few new facts are pleaded. It is based on the same set of events that led to the existing age discrimination claim. Further, the Claimant has streamlined his case by withdrawing his indirect age discrimination complaint.
3. Not to allow the application would cause substantial prejudice to the Claimant, as he would lose the opportunity to be compensated for any disability discrimination to which he has been subjected. The prejudice to the Respondent is small. It is not accepted that the nature of the evidence required will be different, as the factual basis for the claim remains as it was and is under age discrimination – namely, the refusal of the Claimant's application to further extend his employment, and his enforced retirement.
4. Further, the Respondent has plenty of time in which to prepare their case on the altered legal claims. Indeed, they have already amended their response in the event that the Claimant's application succeeds. The hearing is not listed until September 2018. Case management orders for a list of agreed issues and

disclosure of documents can be varied to accommodate any difficulty the Respondent may have by reason of the amended claim.

Employment Judge G P Sigsworth

Sent to the parties on:

...06/05/2018.....

For the Tribunal:

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