



EMPLOYMENT TRIBUNALS

Claimants: Mr M Hynes
Ms D Jones
Ms S Garrett

Respondent: G4S Care and Justice Services (UK) Limited

Heard at: Nottingham **On:** Wednesday 8 January 2020

Before: Employment Judge Blackwell (sitting alone)

Representatives

Claimants: No parties attending
Respondent: No parties attending

RESERVED JUDGMENT

The decision of the Employment Tribunal Judge is that:-

1. The Claimants' application for an unless order on the basis that the Respondents have failed to comply with order 3.3 of Employment Judge Camp's orders sent to the parties on 31 August 2019 is refused.

REASONS

1. The Claimants' application which I wrongly dated as 31 October 2019 when in fact it is dated 29 October 2019 was intended to be dealt with at an attended closed Preliminary Hearing which I held on 18 December 2019. Unfortunately I did not have the opportunity to read the various Scott Schedules which contained the Respondent's response to Judge Camp's orders. I have now had the opportunity to do so and I note that they run to more than 180 pages. Orders 3.3 and 3.4 of Judge Camp's orders read as follows:

"3.3 The Respondent must by 21 October 2019 respond in writing to the Claimants' further information by providing the following information:-

3.3.1 In relation to each alleged protected disclosure, do they agree that the alleged disclosure was made and if they do, do they accept that it was a protected disclosure and if not, why not?

3.3.2 In relation to each alleged detriment, what is their version of events and do they accept that what happened was a detriment as a matter of law?

3.4 The above further information may in part be provided simply by the parties referring to particular paragraphs of their particulars of claim and grounds of defence, so long as what is referred to is sufficiently specific to enable their case to be fully understood.”

2. As indicated I have now had the opportunity to read the Scott Schedules which contain the Respondent’s response to the Claimants’ further and better particulars in respect of alleged protected disclosures and detriments and the responses to Employment Judge Camp’s Orders.

3. It is not proportionate for me to comment seriatim on the material provided by the Respondents.

4. Mr Hynes on behalf of the Claimants submits that there is a failure to answer the specified questions of Employment Judge Camp. He also submits that the responses contained within the Scott Schedule and the general correspondence is confusing, incoherent and nebulous.

5. I do not agree. I accept that there are deficiencies within the Respondent’s responses but they are matters for the full Tribunal to take into account in reaching its decision on liability.

6. Although he asserts to the contrary Mr Hynes is, in seeking an unless order, asking for a mini trial of the issues on liability and that is not in accordance with the overriding objective. Insofar as there are deficiencies either of fact or law in the Respondent’s responses then that is a matter for the full hearing to determine.

7. In conclusion I am satisfied that the Respondent’s responses taken as a whole comply with Judge Camp’s orders in that they enable the Claimants to understand the Respondent’s case. The Claimants’ application is therefore refused.

Employment Judge Blackwell

Date 22 January 2020

JUDGMENT SENT TO THE PARTIES ON

FOR THE TRIBUNAL OFFICE

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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