



# EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

and

Respondents

Mr R Godfrey

Natwest Markets Plc

## JUDGMENT AND ORDER ON PRELIMINARY HEARING

HELD AT: London Central

ON: 4-5 August 2020

BEFORE: Employment Judge A M Snelson (sitting alone)

On hearing Mr David Gray-Jones, counsel, on behalf of the Claimant and Ms Amy Smith, counsel, on behalf of the Respondents, the Tribunal adjudges and orders that:

### JUDGMENT

- (1) The complaints of disability discrimination identified in the Claimant's table of particulars served on 5 June 2019 ('the table of particulars'), boxes (1)-(13) (*ie* all complaints based on events prior to 2017) are struck out under the Employment Tribunals Rules of Procedure 2013, r37(1)(e).
- (2) At all times material to the complaints of disability discrimination summarised in the table of particulars, boxes (14)-(18) (which include, at box (18), that added by amendment pursuant to the Order below, para (1)) ('the surviving complaints'), the Claimant was, by virtue of an autistic condition, disabled within the meaning of the Equality Act 2010, s6 and schedule 1.

### ORDER

- (1) The Claimant's application to amend the claim form to add the complaint summarised in the table of particulars, box (18) is granted.
- (2) No later than 4 September 2020 the Claimant shall deliver to the Respondents' representative and copy to the Tribunal the further information requested on behalf of the Respondents in their representatives' document dated 10 June 2019, paras 4.14-4.18 inclusive, save to the extent

that the request is for documentary evidence.<sup>1</sup>

- (3) On or before 18 September 2020 the Claimant shall deliver to the Respondents' representatives and copy to the Tribunal a schedule of all remedies claimed in the proceedings.
- (4) No later than 25 September 2020 the Respondents shall deliver to the Claimant amended grounds of resistance incorporating all grounds on which the claims as clarified under para (2) above will be resisted.
- (5) On or before 2 October 2020 the parties shall exchange:
  - (a) lists of all documents which are, or have been, in their possession or control and which are, or may be, relevant to any issue in the proceedings including, for the avoidance of doubt, any document which may not assist the disclosing party's case and/or may assist the opposing party's case; and
  - (b) copies of all listed documents.
- (6) A preliminary hearing for case management shall be held at 10.00 a.m. on 4 December 2020, with two hours allocated.
- (7) The parties shall cooperate to agree a common bundle of documents for use at the hearing referred to below ('the hearing'), primary responsibility for its preparation resting with the Respondents. The form of the bundle shall be finalised no later than 15 February 2021 and one copy supplied at once to the Claimant for his own use. At the hearing the Respondents shall produce five further copies of the bundle for the Tribunal's use.
- (8) On or before 1 March 2021 the parties shall exchange witness statements in the names of all witnesses (including the Claimant) whom they intend to call to give evidence at the hearing. Every witness statement shall:
  - (a) be typed in double line spacing;
  - (b) be laid out in short, numbered paragraphs;
  - (c) set out the relevant events in chronological order, with dates;
  - (d) contain all the evidence which the witness is called to give;
  - (e) exclude any matter not relevant to the issues to be determined;
  - (f) state the source of any information not acquired at first hand;
  - (g) be signed and dated.

At the hearing the parties shall produce four further copies of every witness statement exchanged pursuant to this direction. Except with the special permission of the Tribunal, no witness may be called at the hearing unless a statement in his/her name has been prepared and delivered to the opposing party in accordance with the above directions.

- (9) A final hearing of all liability issues shall be held at 10.00 a.m. on 26 April 2021, with three consecutive sitting days allocated.

---

<sup>1</sup> Such evidence would, however, be disclosable under para (5) in any event.

**NOTES:**

- (1) Any person who without reasonable excuse fails to comply with an Order to which section 7(4) of the Employment Tribunals Act 1996 applies shall be liable on summary conviction to a fine of £1,000.00.
- (2) The Employment Tribunals Rules of Procedure 2013 (to which any reference below to a rule refers) provide by rule 6 that if an Order is not complied with, the Tribunal may take such action as it considers just, which may include waiving or varying the requirement, striking out the claim or response (in whole or in part), barring or restricting a party's participation in the proceedings and/or awarding costs.
- (3) You may apply under rule 29 for this Order to be varied, suspended or set aside.
- (4) Where reasons have been given orally on any disputed issue, 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.

**OBSERVATIONS**

1. I gave oral reasons for the above adjudications, to the extent that they were in dispute. As a result of my decisions summarised in the above judgment, paras (1) and (2), it was agreed that any time-based jurisdictional defence must be addressed at the final hearing.
2. The hearing for case management arranged for 4 December 2020 should not be necessary. The surviving claims are not complicated and will be further clarified under my order, para (2). There should not be a dispute about disclosure. Identification of relevant categories of document should not be difficult. Nor should arrangements to conduct a suitable and proportionate search for documents in those categories. I hope that the parties will co-operate to implement my directions in such a way that the 4 December hearing can be vacated and further intervention by the Tribunal avoided.
3. I was quite narrowly persuaded to permit three days for the final (liability-only) hearing. The four-day allocation proposed by Mr Gray-Jones seemed to me entirely disproportionate, even allowing for the fact that suitable adjustments in favour of the Claimant may include more breaks than normal.

EMPLOYMENT JUDGE – Snelson  
07/08/20

**Judgment entered in the Register and copies sent to the parties on 07/08/2020**

..... for Secretary of the Tribunals