



EMPLOYMENT TRIBUNALS

Claimant: Mr E Walters

Respondent: Aneurin Bevan University Local Health Board

HELD AT/BY: Wrexham by CVP **on:** 25th September 2024

BEFORE: Employment Judge T. Vincent Ryan

REPRESENTATION:

Claimant: Mr Walters represented himself (a “Litigant in person”)

Respondent: Mr J Walters, Counsel

CASE MANAGEMENT ORDERS

Introduction

1. This case management hearing took place after a substantive preliminary hearing on the Respondent’s Strike Out application. A separate Judgment (dismissing the public interest disclosure detriment claims) and Deposit Orders (in respect of claims of Sex Discrimination) will be issued.
2. The following preparatory timetable was agreed, with a built in time lapse for the Claimant to consider whether to pay the Deposits ordered.
3. There have been earlier such hearings and the Claimant is familiar with the Orders and their meaning, requirements. In those circumstances I have not set out in these minutes a narrative account. I explained matters as requested and as required.

Final hearing

4. The parties are referred to the:
 - 4.1 [Presidential Practice Direction on remote hearings and open justice](#) (Practice Direction) which defines the way in which hearings may be conducted in the following formats: ‘wholly remote’, ‘partly remote’/‘hybrid’ or ‘in person’;

- 4.2 [Presidential Guidance on remote and in-person hearings](#) (Presidential Guidance) which confirms that the format of the hearing is a judicial decision and is based on various factors (paragraphs 16 and 17).
5. I consider that the hearing is suitable to be held in-person. On this basis, it is understood that parties and witnesses shall attend in person, save for the first day (a reading day) and the last day (delivery of judgment). The first and last days will be by CVP, the parties joining at 10:00 a.m. (or later on the last day if so directed). Permission must be sought in a timely manner for a party or witness to appear remotely by video, save on those two days. The application will be determined by a Judge and must set out why remote attendance is necessary in the interests of justice. The separate question of whether permission is required from a foreign country is dealt with administratively (see below).
 6. The hearing will be listed for 8 days on **14 – 16 May and 19 – 23 May 2025 at the Wales Employment Tribunal sitting at Cardiff Magistrates’ Court, Fitzalan Place, Cardiff.**
 7. The hearing will deal with liability only, i.e. whether the claimant's case succeeds or not. It will not deal with remedy, although the Tribunal may address matters such as contributory fault, if relevant. A remedy hearing will be listed on a later occasion, if the claim succeeds.
 8. Sometimes hearings start late, are moved to a different address or are cancelled at short notice. You will be told if this happens. Please check for emails or missed-calls from the tribunal, especially nearing the hearing date.

Hearing timetable

9. The Claimant intends to call **NUMBER** witnesses. The Respondent intends to call **NUMBER** witnesses.
10. The parties will co-operate on a proposed timetable for the hearing. There will be a short preliminary hearing a few weeks before the final hearing to finalise arrangements. The final timetable will be agreed at that stage, subject to any changes approved by the Tribunal at the hearing.

OR

11. The hearing is listed for **XX** days. The hearing timetable is a matter for the Tribunal hearing the case but is likely to be: **ADD WHICH DAYS BY CVP / IN PERSON IF APPLICABLE:**

Day 1 CVP		Tribunal reading and preliminary matters
Days 2 & 3		Claimant’s evidence
Days 4 - 6		Respondent’s evidence
Day 7	2 hours	Submissions Tribunal making decision

Day 8 CVP		Tribunal making decision and giving Judgment.
		Dealing with compensation or other remedies if necessary case management in respect of Remedy hearing, if appropriate

12. If you think that more or less time will be needed for the hearing, you must tell the Tribunal as soon as possible.
13. Adjustments: none known of for now.

Alternative Dispute Resolution

14. The parties are referred to the [Presidential Guidance on Alternative Dispute Resolution](#) dated 7 July 2023
15. **Judicial mediation:** If the parties agree that they are both interested in Judicial Mediation, and that there are reasonable prospects of a mediated settlement, they shall write jointly to the Regional Employment Judge requesting it (Adding “Judicial Mediation” in the subject line of the email/letter). It is likely that a short preliminary hearing (by telephone or video) will be arranged for the prospects of a successful mediation to be assessed by an Employment Judge trained in mediation. If mediation is offered by the Tribunal and accepted by the parties, some preparatory matters will be discussed and agreed.
16. **Dispute Resolution Appointments:** Wales Employment Tribunal has introduced non-consensual Dispute Resolution Appointment (DRA) preliminary hearings for cases with long final hearings, such as this case. When settlement of such cases happens late/shortly before the final hearing, this causes inefficiency in the use of judicial resource and prevents the Tribunal from listing other cases waiting for hearing into the available time slot. The parties should read the Presidential Guidance and the attached information sheet which explains the purpose of DRA hearings.

Further Information

20. By no later than **22 November 2024** the parties shall agree a List of Issues and send a copy to the Tribunal.

Presidential Guidance

21. Depending on the format of the hearing, as determined by a Judge, the parties should have regard to the applicable directions at **paragraphs 19 to 36** of the Presidential Guidance. In particular parties must adhere to:
 - 21.1 **paragraph 19** (witnesses participating remotely)
 - 21.2 **paragraph 24** (creation of electronic bundles)
 - 21.3 **paragraph 25** (sending paper and electronic documents to the Tribunal)

21.4 **paragraph 26** (sending scanned documents to the Tribunal)

The Respondent has responsibility for the creation and submission of electronic documents (see below).

Documents, bundle and witness statements

22. By no later than **6 December 2024** the parties shall provide disclosure of evidence by list.
23. By no later than **20 December 2024** the parties shall complete disclosure of evidence by provision of copies or inspection as agreed.
24. The party disclosing any recording (whether an audio recording or a video recording with audio) should prepare a typed transcript of the recording. They should provide that transcript to the other side with a copy of the recording itself. The parties should agree the transcript and that can be included in the file of documents (or “Bundle”) if it is relevant. Where any part of the recording is disputed the alternative versions should be included and highlighted for ease of reference in the transcript. In general terms the Tribunal will only view and/or listen to the recording itself (or the relevant part of it) if the parties have been unable to agree in the transcript what words were actually used, or if the tone of the voice is thought to be significant. It is up to the party asking the Tribunal to view and/or listen to the recording to bring the equipment (e.g. a laptop) so the recording can be played during the hearing if the Tribunal agrees.
25. By no later than **10 January 2025** the parties shall agree an index to the joint bundle, the Respondent providing the first draft.
26. By no later than **24 January 2025** the Respondent shall provide the Claimant with a copy of the final hearing bundle.

The bundle shall be no more than **750** pages. Permission is required from the Tribunal for any file exceeding this limit.

27. By no later than **7 February 2025** the parties shall send to each other copies of the witness statements on which they respectively rely. The parties shall not be permitted to rely on the evidence of a witness whose statement was not provided in compliance with this direction, without permission of a Judge.
28. By no later than **14 February 2025** the parties shall agree a:
 - 28.1 List of issues;
 - 28.2 neutral chronology;
 - 28.3 cast list/list of people;
 - 28.4 list of agreed facts.

29. The Respondent must bring **two** more copies of the file to the hearing for the Tribunal to use by 9.30 am on the first morning.
30. The Respondent must bring **two** more copies of the witness statements to the hearing for the Tribunal to use by 9.30 am on the first morning.
31. By **7 May 2025**, the Claimant and the Respondent must both write to the Tribunal to:
 - 31.1 confirm that they are ready for the hearing or, if not, to explain why;
 - 31.2 confirm any adjustments sought for anyone participating in the hearing.

Providing electronic documents to the Tribunal

51. The Respondent must provide to the Tribunal electronic PDF copies of the agreed hearing file and witness statements no later than **7 days** prior to the first day of the hearing (paragraph 25.2 Presidential Guidance).
52. If the Tribunal has also ordered a list of issues, chronology, list of people, list of agreed facts or written submissions, the Respondent must provide electronic PDF copies by the same date.
53. The electronic PDF documents must be uploaded to the Tribunal's Document Upload Centre. The Tribunal will email the relevant party with instructions and a link to access the Document Upload Centre. This link will allow parties to upload PDF documents and hearing files directly to the Tribunal.
54. The **index** to the hearing file should be sent **separately**, so that the page numbers of the hearing file align with the automated PDF page numbering. Any late additions to the hearing file must be inserted at the end of the file. Send the witness statements as a separate PDF bundle.
55. **Bundles which do not conform to the [Presidential Guidance \(paragraph 24\)](#) will be returned to the party providing it, so that they can be formatted correctly.**
56. Where documents are uploaded to the Document Upload Centre, they must not be sent to the Tribunal in any other way unless directed by an Employment Judge. The parties must read and follow the guidance and instructions for the Document Upload Centre which the Tribunal will send them separately. Failure to do so may lead to documents not being uploaded or not being accessible. When uploading documents, use the following naming convention with the case number and a brief description of the document e.g. "250000.21 Claimant v Respondent file of documents".
57. Large document files (exceeding 25mb) must not be sent by email to the Tribunal as they will be rejected.

Witnesses giving evidence from abroad

- 58 If any witness seeks permission from the Tribunal to give evidence remotely from abroad the parties' attention is drawn to the [Presidential Guidance Taking Oral Evidence by Video or Telephone from Persons Located Abroad](#) dated 27 April 2022.
- 59 A party wishing to call such evidence should make an application to the Tribunal as set out in the Guidance to: WalesET@justice.gov.uk. The subject line must include: "**Witnesses Located Abroad**", the case number and the hearing date. The email must confirm a party wishes to call evidence from a witness who is abroad and the country where the witness is situated. It is not necessary to copy the other party into that application. The Tribunal's administration will then consult information from the Foreign, Commonwealth and Development Office (Taking of Evidence Unit) (the 'Unit').
- 60 Parties should be aware that if the stance of the country in question is unknown or unclear; permission has not been given (for example a country has not yet responded to a request made by the Unit). This means that oral evidence cannot be given from that country. Parties should therefore make any application as soon as possible so that they have time to consider alternative arrangements if permission cannot be granted.

Variation of dates

- 61 Save for exchange of witness statements, the parties may agree to vary a date in an order by up to 14 days without the Tribunal's permission, but not if this would affect the hearing date. The parties should notify the Tribunal if they agree a variation and must **always** seek permission for variation of the date for exchange of witness statements.

About these orders

- 62 These orders were made and explained to the parties at this preliminary hearing. They must be complied with even if this written record of the hearing arrives after the date given in an order for doing something.
- 63 If any of these orders is not complied with, the Tribunal may: (a) waive or vary the requirement; (b) strike out the claim or the response; (c) bar or restrict participation in the proceedings; and/or (d) award costs in accordance with the Employment Tribunal Rules.
- 64 Anyone affected by any of these orders may apply for it to be varied, suspended or set aside.

Writing to the Tribunal

- 65 Whenever they write to the Tribunal, the Claimant and the Respondent must copy their correspondence to each other.

Useful information

- 66 All judgments (apart from judgments under Rule 52) and any written reasons for the judgments are published, in full, on [the Employment Tribunal Decisions website](#) shortly after a copy has been sent to the parties. The Tribunal has no power to refuse to place a judgment or reasons on the online register, or to remove a judgment or reasons from the register once they have been placed there. If a party considers that a judgment or reasons should be anonymised in any way prior to publication, they need to apply to the Tribunal for an order under Rule 50.
- 67 There is information about Employment Tribunal procedures, including case management and preparation, compensation for injury to feelings, and pension loss, on the [Employment Rules and Legislation: Practice Directions website](#).
- 68 [The Presidential Practice Direction on the use of the Welsh language in the Employment Tribunal](#).
- 69 Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings. You can access the Direction and the accompanying Guidance [here](#).

CASE SUMMARY

- 20 Earlier hearing minutes, 11/06/24 and 01/08/24, contain this information.
- 21 It is not possible to define the extant claims and issues pending the Claimant deciding whether to pay Deposits, and paying them if he wishes to pursue claims of unlawful discrimination.

Employment Judge T V Ryan

27 September 2024

Sent to the parties on 30 September 2024

For the Tribunal Office MR N Roche