

C v D UKEAT/0132/19

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A case on practice and procedure. This was an appeal against a refusal to allow amendments to add claims of harassment and reasonable adjustments.

The Claimant had brought claims of unfair dismissal and discrimination and her particulars of claim ran to 37 paragraphs across six pages. Whilst they set out a lengthy and detailed narrative of events, they failed to set out clearly which facts related to which protected characteristic, the alleged type of discrimination or the relevant statutory provisions. The Respondent lodged its response, also in a narrative style, and requested further and better particulars. Following a Case Management PH, the Claimant provided further particulars alongside a List of Issues. However, the Respondent objected arguing that the document raised new claims and facts. Following a subsequent PH, an employment judge refused to allow certain amendments to the claim and the Claimant appealed.

In the appeal judgment, HHJ Tucker set out some general observations which discourage the use of 'narrative' style Claim forms and response documents: *A narrative style of Claim Form and Response appears to now be more the norm than the exception. I can understand where the temptation for adopting it has come from: a fear that a relevant fact might not be included and fear that a witness might be challenged in a hearing because a detail was not included within the claim. That can be managed: a document can make it clear that it sets out key facts; requests for further details of factual matters can be made; parties and representatives can remember that the purpose of the Claim Form and Response is not to exhaustively set out factual detail in the way a witness statement does, but to set out the claim.*

[Click here to read the full judgment.](#)

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