



5A. Case Management Orders

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Hearing Preparation: Acquiring Information



When preparing for your Merits Hearing, you may require some information or documentation held by your employer/former employer.



This information should assist with preparation and help to establish some of the facts you need to prove.

Hearing Preparation: Acquiring Information

- ▶ Equally, your employer/former employer may also want to get some information or documentation from you.
- ▶ For example, it is very common for an employer to ask for evidence that you have taken steps in order to keep your loss to a minimum following dismissal/leaving employment.

What is a Case Management Order?



The process of accessing information held by the other party is governed by 'case management rules'.



These rules can be found in the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013/1237: Schedule 1 paras 29-40.



It's helpful to familiarise yourself with these rules.

What is a Case Management Order?



A Case Management Order is an order by a Judge that something must be done.



If a Case Management Order is not complied with, you could be liable for expenses.



In extreme circumstances, not complying with a Case Management Order can result in the case being struck out, meaning that you cannot continue your claim.

Who can ask for a Case Management Order?

1. Both parties can make an application to the Tribunal to obtain a Case Management Order.
2. Orders can also be used to ensure the smooth running of the case. In this scenario the Tribunal Judges themselves issue an Order:
 - ▶ Orders need to be applied for and justification given. They are not issued routinely;
 - ▶ A good reason for granting one is where the other party would be prejudiced without the information or document;
 - ▶ Orders can also be used to ensure the smooth running of the case. In this scenario the Tribunal Judges themselves issue an Order.

Case Management Order Procedure



An application for a Case Management Order may be made at any time throughout the process but the earlier you ask for it, the better.



You must ask the other party to voluntarily provide the requested information/documents *before* making an application for a case management order.



The request must be made to the Tribunal in writing. *It cannot be asked for less than 10 days before a hearing begins.*

Case Management Order for the Recovery or Production of documents

A common example of a Case Management Order is an Order for the Recovery or Production of documents by one party to the other.

- ▶ Further documents or information would only be ordered if a party would be prejudiced without such information.
- ▶ Furthermore, you cannot ask for documents in order to find out if it exists.
- ▶ Information should only be asked for if it is necessary for establishing a point that is important to the case at hand.
- ▶ Please see the template request for documents (Resource 5D).