Litigants in Person: a trap for the unwary

Looking for an easy Monday morning CPD fix? This new EAT decision is for you.

It's a good example of what can happen when obvious questions are not asked of a litigant in person. An expensive trip to the EAT could have been avoided if the right questions had been asked at the remedy hearing about re-engagement options: instead, the ET fudged their reasons for refusing re-engagement, and when asked to clarify under the Burns/Barke procedure, they relied on assumptions that had never been tested with the claimant.

So it was that a claimant, who had no children and was separated from her husband, was assumed by the ET to be unable to relocate from the North-East of Scotland because she was "settled in Aberdeen where she lived with her husband and young family".

There is also a handy case law summary here on the initial "practicability" test in ERA section 116(3)(b), plus good analysis of the meaning of "successor employer" in section 115(1). Enjoy!

Mrs O Dafiaghor-Olomu (1) -v- Community Integrated Care (2) Cornerstone Community Care

http://employmentappeals.decisions.tribunals.gov.uk/Public/r