



EMPLOYMENT TRIBUNALS

Claimant: Mr L Hawkes

Respondent: Manchester City Football Club Ltd

HELD AT: Manchester

ON: 27 March 2017

BEFORE: Employment Judge Horne

REPRESENTATION:

Claimant: Mr R Barker, solicitor

Respondent: Mr P Grasia, counsel

JUDGMENT AT PRELIMINARY HEARING

1. The complaint of direct discrimination because of race is dismissed following withdrawal by the claimant. This judgment does not affect the claimant's complaint of harassment related to race.
2. The tribunal has no jurisdiction to consider the complaint of detriment set out at paragraph 30(c) of the Grounds of Claim (being excluded from the under-18 team lunch), because:
 - 2.1. it is not reasonably arguable that the alleged act was part of a series of similar acts;
 - 2.2. it was reasonably practicable to present the claim within the statutory time limit; and
 - 2.3. in any event, by waiting until 11 November 2016, the claimant did not present the claim within such further period as was reasonable.
3. The complaint of detriment at paragraph 30(a) of the Grounds of Claim (the 135 questions) was presented within the statutory time limit.
4. The following questions will be determined the final hearing:
 - 4.1. whether the complaint set out at paragraph 30(b), including the 27 April 2017 meeting, was part of a series of similar acts including the paragraph 30(a) act;

- 4.2. if not, whether it was reasonably practicable to present the claim within the time limit; and
- 4.3. if not, whether the claim was presented within such further period as was reasonable.

CASE MANAGEMENT ORDER

1. It is recorded that the respondent concedes that the claimant made a protected disclosure in his grievance of 16 March 2016 and in his written statement of 1 June 2016.
2. The claimant is required to amend his claim if he wishes to pursue any of the following allegations as complaints of harassment related to race:
 - 2.1. the allegations of Mr Allen's conduct set out at paragraph 13(a) to (j) of the Grounds of Claim; and
 - 2.2. the allegation that he was put under pressure to attend meetings whilst he was on sick leave from March to September 2016.
3. The claimant is not required to amend his claim form in order to allege:
 - 3.1. that the conduct alleged at paragraphs 16(a) to (e) of the Grounds of Claim was harassment related to race; and
 - 3.2. that the sending of the list of 135 questions on 3 August 2016 was harassment related to race.
4. The claimant is not required to submit any further document setting out the proposed amendment to his claim.
5. There will be a further preliminary hearing in public on **16 June 2017** with a time allocation of **3 hours**.
6. The purpose of the preliminary hearing will be:
 - 6.1. to determine the claimant's application to amend the claim to include the allegations of harassment related to race shown above;
 - 6.2. to determine whether it is reasonably arguable that the alleged acts were part of an act extending over a period; and
 - 6.3. for any allegation that does not pass that threshold, to determine whether it would be just and equitable for the time limit to be extended.
7. By 4pm on 10 April 2017, the respondent must deliver to the tribunal and the claimant its written representations on the matters to be determined at the preliminary hearing. The written representations must indicate whether or not the respondent considers that a hearing is still necessary for the determination of those issues.

8. If an employment judge considers, in the light of the respondent's representations, that a hearing is not required, the preliminary hearing listed for 16 June 2017 will be vacated.
9. The final hearing remains listed to begin on 30 October 2017.

Employment Judge Horne

Date: 27 March 2017

SENT TO THE PARTIES ON

29 March 2017

FOR THE TRIBUNAL OFFICE

Note – reasons for the judgment and order were given orally at the hearing. Written reasons will not be provided unless a party makes a request in writing within 14 days of the date on which this judgment was sent to the parties.