



EMPLOYMENT TRIBUNALS

Claimant: Mr D Telesford

Respondent: Frimley Health NHS Foundation Trust

Heard at: Reading **On:** 21 May 2021

Before: Employment Judge Anstis (sitting alone)

Appearances

For the claimant: In person

For the respondent: Miss J Twomey (counsel)

JUDGMENT

1. The claimant's complaint of age discrimination: "*that he had to sign in at work in a publicly-available red book, and include his date of birth with that signature*" is struck out on the basis that it has no reasonable prospect of success.
2. The claimant's other claims (as described in a case management order of today's date) proceed to a final hearing.

REASONS

1. This hearing had been listed to consider (amongst other things) "*whether the tribunal has jurisdiction to consider the claims having regard to the time limit for presentation of claims*".
2. The nature of the claimant's claims (including any amendments identified at the hearing) are set out in my case management summary of today's date.
3. Both the claimant's claims of age discrimination and of disability discrimination (as described at the hearing) encompassed matters occurring after his dismissal: arising at his appeal hearing and on what was said to be the late delivery of his appeal outcome respectively. Both these would be within matters in respect of which the claimant's claim was within the standard time limit.
4. I did not hear any evidence from the parties from which I could conclude that particular allegations of discrimination occurred or could be considered as continuing acts when taken together with other acts. From that I take it that the most I can do at this hearing is to identify any claims in respect of which I consider

(if they occurred) there is no reasonable prospect of the claimant persuading a tribunal either that they are continuing acts when taken together with matters that were brought within time or that it would be just and equitable to extend time.

5. Having heard submissions from the parties, the only claim in respect of which I consider this to be the case is in respect of age discrimination on signing in on a "red book". I understand from the claimant that this dated from the start of his employment. The only other claim of age discrimination relates to the display of his age (or date of birth) on placards at the appeal hearing. I do not consider that the claimant has any reasonable prospect of success of showing that this "signing in" requirement amounts to a continuing act when taken together with the placards. They are entirely different matters more than a year apart and which appear to be under the control of different people. I also do not see how a tribunal could consider it just and equitable to extend by over a year to hear this complaint.
6. For each of the claimant's other complaints I do not consider myself able to say that there is no (or little) reasonable prospect of success of the claimant either persuading the tribunal to extend time (on a just and equitable basis) or persuading the tribunal that there is a continuing act. They (as set out in the case management order) will proceed to a final hearing.

Employment Judge Anstis

2 June 2021

Sent to the parties on:

.....22 June 2021.....

For the Tribunal:

.....GDJ.....