



# EMPLOYMENT TRIBUNALS

**Claimant**

Mr RR Hubbard

v

**Respondent**

Greig City Academy

**Heard at:** Bury St Edmunds (by CVP)

**On:** 09 November 2021

**Before:** Employment Judge Laidler

**Appearances**

**For the Claimant:** Ms T Williams (Friend).

**For the Respondent:** Ms G Boorer (Counsel).

## JUDGMENT

1. The proceedings are consolidated.
2. The proceedings against the Greig City Academy Trust are dismissed, the Tribunal not having jurisdiction to determine them.
3. The proceedings continue against the employer Greig City Academy only.
4. The response filed by the respondent on 25 March 2021 is accepted as its defence to these proceedings.
5. Case management orders were made.

## REASONS

1. The claimant commenced two sets of proceedings. The first received on 27 January 2020 (case number 3301989/2020) named Greig City Academy as the respondent and brought claims of unfair dismissal and race discrimination. It followed a period of ACAS early conciliation between 10<sup>th</sup> and 25<sup>th</sup> January 2020. The name of the prospective respondent was given as Greig City Academy Trust on the certificate.

2. The second claim form (case number 3302548/2020) was received on 18 February 2020. That claim was issued against The Greig Trust. Again, it brought complaints of unfair dismissal and race discrimination.
3. There had been difficulties with service and confusion by the respondent as to the correct claim it was defending as a result of which no response was entered. Various Employment Judges instructed correspondence to be sent to the respondent and the claimant in which clarification of the claimant's claims was sought but also the respondent was reminded that it needed to make an application for an extension of time to file its response it not having been received in time.

**Application for an extension to file the response out of time**

4. This was sent on 25 March 2021 with a fully particularised response defending the claim. It was submitted that it "contains unfounded scandalous and vexatious claims concerning named members of staff of the respondent which cannot be considered to have reasonable prospects of success" and they applied for strike out. It is the respondent's case that it followed a fair disciplinary process leading to the termination of the claimant's employment. It is the claimant's case that that was motivated by race discrimination and on the basis that he had been whistleblowing.
5. On behalf of the respondent it was submitted that the application for an extension of time should be granted. There had been genuine confusion about the claims being brought and against which respondent. The balance of prejudice would be to the respondent if it was not given the opportunity to defend these wide ranging allegations. There is it was submitted considerable merits in the defence as set out in the grounds of resistance and it would be unjust if the respondent was not entitled to defend.
6. There was little objection from the claimant to the acceptance of the response albeit out of time. The tribunal determined it was only in accordance with the Rules and the interests of justice that the response be accepted. The respondent would suffer prejudice if it were not permitted to defend the claims. The claimant had not identified any prejudice he would suffer by the respondent's application being granted.

**The correct respondent**

7. The respondent has been clear that the employer was the Greig City Academy. It is the claimant's case that the Trust should also be included. He set out in his email of 12 April 2021 how he had a recording of the Board of Governors "colluding to frame me a black teacher". It is on that basis that he believes the Trust should also be a party to these proceedings.
8. The tribunal was satisfied that under its jurisdiction the proceedings could only be brought against the employer, there was no dispute that the

employer was the Greig City Academy and the claim against the Trust is dismissed. If the claimant still believes that the recording he has, is of some relevance to the fairness or otherwise of his dismissal it is still open to him to seek to rely upon it (subject to issues as to how it was obtained and any issues the respondent might raise about reliance upon it. Those would be matters for the full merits hearing)

**Consolidation**

9. The two claims are however consolidated so that the particulars in both claims now are to be read together. Case management orders have been made (set out in a separate document) regarding further clarification of the claims.

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Employment Judge Laidler

Date: 12 November 2021

Sent to the parties on: ..18.11.2021..

.....GDJ.....  
For the Tribunal Office