



EMPLOYMENT TRIBUNALS

Claimant: Mr S Tempesta

Respondent: Holtwhites Hotel and Daycare Centre (an unincorporated partnership) (1)
Ioana Baciú (2)
David Gonzalez (3)
Paul Buxton (4)
Sawas Michael (5)
Holtwhites Ltd (6)

RECORD OF A PRELIMINARY HEARING

Heard at: Watford Employment Tribunal (in public; hybrid hearing)

On: 6 April 2021

Before: Employment Judge Quill (sitting alone)

Appearances

For the claimant: In person
For the respondent: Ms B Omotosho, Citation Ltd

JUDGMENT dated 5 July 2021 having been sent to the parties on 17 August 2021 and written reasons having been requested in accordance with Rule 62(3) of the Employment Tribunals Rules of Procedure 2013, the following reasons are provided:

REASONS

1. I have separately provided written reasons for the case management orders that were made at the hearing (and, in particular, the reasons for refusing the amendment request). I will therefore not repeat the contents of that document.
2. After I had refused the amendment, I informed the parties that it did not appear that:
 - 2.1 there was any age discrimination claim (because the only complaints of age discrimination were contained in the allegations for which permission to amend was required, and I had refused permission to amend)
 - 2.2 there was any complaint that could be brought against Ms Baciú or Mr Gonzalez (because the only remaining claims were those which could only

be brought against his employer, and the Claimant did not allege that either of them was his employer).

3. I heard submissions from Ms Omotosho that I should therefore give judgment confirming that age discrimination allegations were not part of the proceedings and dismissing Ms Baciu and Mr Gonzalez as individual respondents.
4. The Claimant did not want me to do that, and asked for time to consider his position. I gave him 14 days to make written submissions on the point. I told him that it appeared to be correct that I should issue a judgment in terms similar to those requested by the Respondents' representative but I would be willing to consider any points that he wished to make once he had had time to reflect.
5. I declined the Respondents' request that I should make any Unless Order. It was a matter for the Claimant to decide what – if any – submissions he wished to make on the matter.
6. I considered the file on 5 July, having asked for a search for any and all correspondence to be carried out. I took into account: the Claimant's emails of 19 April 2021 at 11:25 and 20 April at 12:38; Ms Omotosho's email of 20 April at 14:59; the Claimant's email of 3 May 2021 at 01:54; Ms Omotosho's email of 27 May 2021.
7. Having considered the matter as a whole, and taking account of those representations, there was no age discrimination complaint (or any other Equality Act claim) before the tribunal. There was no claim before the tribunal which could be brought against anyone other than the employer (the remaining complaints being automatic unfair dismissal and ordinary unfair dismissal). Although the Claimant refers to what EJ Lewis had been able to glean from the Information Disclosure document, that was not part of his original claim. For those reasons, I issued the judgment dated 5 July 2021.

Employment Judge Quill

Date: 29 November 2021

Sent to the parties on:

29 November 2021

For the Tribunal: