



EMPLOYMENT TRIBUNALS

Claimant

Mr A Abuinsair

Heard by CVP

Before: Employment Judge Manley

Representation

For the Claimant: In person

For the Respondent: Mr A Leonhardt, counsel

Respondent

Barnhill Community High School

On: 7 September 2021

PRELIMINARY HEARING JUDGMENT

- 1 The application to amend the claim to include the following matters is **allowed**:-
 - 1) Item 2 on the Scott Schedule, now clarified as being an allegation that there was conduct amounting to harassment related to race when Mr San provided false information about KS5 assessment to Mr Jones between 18/12/19 and 12/02/19.
 - 2) A new allegation that there was conduct amounting to harassment related to race in the way in which a meeting between Mr Jones and the claimant on 12 February 2020 was conducted;
 - 3) Item 9 on the Scott Schedule, now clarified as an allegation of conduct amounting to harassment related to race and direct race discrimination when Mr Jones sent an email to the claimant on 14 July 2020 threatening an investigation into a matter which occurred on 29 June 2020.

- 2 The application to amend the claim to include the following matters is **not allowed**:-
- 1) Item 8 on the Scott Schedule, now clarified as a comparison between the claimant's treatment during sick leave which commenced in February 2020, including the number of times he was contacted, with Mr Watts and said to be a claim for victimisation and direct discrimination;
 - 2) Item 10 (b) on the Scott Schedule, now clarified as an allegation of being treated harshly at a grievance meeting on 3/9/20 by Mr Singer, and said to be a claim for victimisation and disability discrimination;
 - 3) Item 13 on the Scott Schedule, the dismissal on 30 April 2021, said to be a claim for unfair dismissal.
- 3 I declined to decide, at this stage, whether any allegations or arguments have little reasonable prospect of success and no deposit is ordered.
- 4 The claim is listed for a further and final open preliminary hearing (OPH) by CVP on Tuesday 18 January 2022 and orders are made in the case management summary which accompanies this judgment.
- 5

Employment **Judge Manley**

Dated **8th September 2021**

Sent to the parties on:

.....21.09.2021.....

.....GDJ.....

For the Secretary to the Tribunals