



EMPLOYMENT TRIBUNALS

Claimant: Mr A Shonpal

Respondent: The Charles Kalms, Henry Ronson Immanuel College

JUDGMENT

The Claimant's claims of discrimination, victimisation, protected disclosure detriment and dismissal are all struck out under rule 37(1)(b) for non-compliance with Tribunal orders.

REASONS

1. The Claimant presented two claim forms, which were assigned the case numbers set out above. At a telephone case management hearing on 9 September 2021, there was a discussion with the Claimant about the claims he wished to bring, which appeared to be for religious discrimination, victimisation, protected disclosure detriment and dismissal. His claims did not, however, emerge clearly from the information he provided on the claim forms. Nor was he able, at the case management hearing, to clarify these matters in a proper way. In order to give the Claimant a fair opportunity to better explain his complaints, I made an order for him to provide the various necessary particulars in writing. The order was sent to the parties on 9 November 2021. The date for compliance by the Claimant in this regard was 3 December 2021.
2. The Claimant did not comply with the order for further information.
3. On 17 February 2022, the Respondent applied for a strike out because of the Claimant's non-compliance.
4. On 14 March 2022, the Claimant still not having supplied the required information, I caused a letter to be sent to the Claimant warning him that I was considering striking out his claims for discrimination, victimisation and protected disclosure detriment because he had not complied with the order to provide information by 3 December 2021.
5. On 22 March 2022, the Claimant wrote to the Tribunal explaining that: he was unwell, both physically and mentally; he had been in contact with his GP and a

surgeon; he had supporting medical documentation; he would be attending his GP and was arranging with the GP a detailed summary, which would be sent through the following day. This medical documentation and GP summary was not received.

6. On 6 May 2022, I caused a further letter to be sent to the Claimant warning him that I was still considering striking out his claims for the reasons given previously. I directed that if his position was he could not provide the information he had been ordered to because of his health, he had to provide certain specified information from his GP to confirm this was so and advise when it was likely the Claimant would be well enough to comply.
7. On 10 May 2022, the Claimant emailed the Tribunal say “I have received the emails and will reply in due course”. The Claimant sent another email on 27 May 2022 saying that he had received all the medical data except for UCLH, he had a GP consultation on 24 May, he was aware of what was required; he had a follow-up with UCLH on 31 May; and “aim[ed] to submit a concise, specific, fact checked medical summary document by the end of next week.”
8. On 13 May 2022, the Respondent wrote to the Tribunal again seeking strikeout.
9. Today, 23 June 2022, the Claimant still has not provided either the specific information from his GP, as directed by the Tribunal’s letter of 6 May 2022, or the information about his claims ordered at the case management hearing on 9 September 2021.
10. As matters stand, there cannot be a fair trial of the Claimant’s claims of discrimination, victimisation, protected disclosure detriment and dismissal. The Claimant has not provided the information required about the alleged acts of discrimination, victimisation or detriment, nor the matters said to be protected disclosures. These claims cannot be understood or sensibly responded to. Repeated attempts have been made to clarify the Claimant’s claims, both at a hearing and subsequently in correspondence, without any success. Whilst the Claimant has suggested it is his health which has prevented him from doing this, he has failed to properly evidence this, despite having been given a very considerable opportunity to do so. There is no reason to suppose that a further delay will bring about either clarification of the Claimant’s claims or appropriate evidence to show there is a medical reason which prevents him from complying at present but holds out the prospect he is likely to be able to do so within a reasonable period of time in the future. In these circumstances, a fair trial is not possible and it is in the interest of justice to strike out the identified claims for non-compliance by the Claimant with Tribunal orders.
11. The Claimant’s claims of ordinary unfair dismissal, wrongful dismissal and holiday pay will, however, still proceed to a final hearing. The parties are invited to agree a time estimate for the final hearing and timetable for:
 - 11.1 the Claimant to provide a schedule of loss;
 - 11.2 disclosure of relevant documents;

- 11.3 the agreement of a file of documents for use at the final hearing (which the Respondent will prepare);
 - 11.4 exchange of witness statements.
12. In default of agreement on these matters, the parties may submit their own suggestions.

Employment Judge Maxwell

Date 23 June 2022

Sent to the parties on:

9/7/2022

For the Tribunal Office:

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