



EMPLOYMENT TRIBUNALS

Claimant: Mr M Razzaq

Respondent: The Secretary of State for Justice

Heard at: (in person; Open Preliminary Hearing)

On: 8 February 2024

Before: Employment Judge Daniels

Appearances:

For the claimant: In person

For the respondent: Mr Bayne (Counsel)

JUDGMENT

1. The claimant's application for reconsideration of the judgment as set out in the letter dated 19 November 2023 was dismissed (and/or withdrawn by the claimant).
2. The following claims are dismissed upon withdrawal by the claimant at the Preliminary Hearing (or are accepted by the claimant as already covered by other particulars/allegations and were therefore withdrawn by him):

First claim: Case no: 3305321/2020,

2.1 The allegation at 3. 1.5 of the draft List of Issues that during the meeting on 24 January 2020 the respondent incorrectly referred to the Claimant as being off for eight months, rather than seven months [paragraph 28 of the amended particulars dated 18 March 2021];

2.2 The allegation 3.1.9 at that in or around July 2020, Ms Tiexeira, Ms McColgan and Mr Lloyd blamed the Claimant for trivial things for something he did not do [paragraph 1.1, question 1 of the Further Particulars Framework];

2.3 The allegation at 3.1.11 that in or around July 2020. Ms Tiexeira, Ms McColgan and Mr Lloyd placing the Claimant on duties in education/workshops/escorting prisoners for visits [paragraph 1.1, question 1 of the Further Particulars Framework].

2.4 The direct disability discrimination claim at para 4.1.5 of the List.

2.5 The claims for direct race and direct sex discrimination (under section 13 EA) in their entirety.

Second claim: Case No: 3302419/2022

3.1 All claims for harassment related to race and/or sex in their entirety under this claim.

3.2 All claims for direct race and sex discrimination under this claim.

3.3 The reasonable adjustments claim regarding the respondent not extending the Claimant's probation (but confirming probation was over) from 14.6.4 of the draft List submitted before this PH;

3.4 The reasonable adjustments claim regarding granting sick leave excusal for the Claimant's period of absence in mid-2021 (from 14.6.7);

3.5 The reasonable adjustments claim regarding paying outstanding annual leave of around 412 hours in April/May 2022 (from 14.6.8).

Third claim: Case No: 1804471/2022

4 The disability harassment claim regarding the respondent treating the Claimant unfairly in connection with the incident in January 2021 when the Claimant was accused of passing security information to a prisoner;

5 The victimisation claims regarding:

5.1 the alleged failure to allow the Claimant time off for EMDR sessions and failing to authorise EMDR sessions in a timeline manner from June 2020;

5.2 Extending the Claimant's probation in June 2020;

- 5.3 Dismissing the Claimant on 24 January 2020;
- 5.4 Failing to honour occupational health recommendations from June 2020;
- 5.5 The failure to allow a phased return to work from June 2020;
- 6 The allegations of direct disability discrimination set out at 19.1.3 of the prior List of Issues;
- 7 All of the allegations of direct race and sex discrimination in the third claim.
- 8 The claim for indirect disability discrimination in this third claim.
- 9 Further, any other alleged detriments and claims not now listed in the Draft List of Issues enclosed are dismissed and the claims now detailed in the enclosed List of Issues are for the avoidance of doubt the entirety of the remaining claims and no other claims may proceed.

Notes:

- 10 All judgments (apart from judgments under Rule 52) and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.
- 11 There is information about Employment Tribunal procedures, including case management and preparation, compensation for injury to feelings, and pension loss, here:
<https://www.judiciary.uk/publications/employment-rules-and-legislation-practice-directions/>
- 12 The Employment Tribunals Rules of Procedure are here:
<https://www.gov.uk/government/publications/employment-tribunal-procedure-rules>
- 13 You can appeal to the Employment Appeal Tribunal if you think a legal mistake was made in an Employment Tribunal decision. There is more information here:
<https://www.gov.uk/appeal-employment-appeal-tribunal>

EJ DANIELS
Date: 15 February 2024

Sent to the parties on: 5/3/2024

For the Tribunal Office: N Gotecha