



EMPLOYMENT TRIBUNALS

Claimant: Mr K Hussain

Respondent: Lloyds Bank plc

Heard at: London Central in public by CVP

On: 5 April 2024

Before: Employment Judge Goodman

Representation

Claimant: in person

Respondent: David Harford-Jeffrey, solicitor

JUDGMENT

The claims are dismissed under rule 37 because they have no reasonable prospect of success.

REASONS

1. This hearing was listed to consider an application by the respondent to strike out the claim because it had no reasonable prospect of success.
2. The claimant presented a claim to the employment tribunal on form ET1 on 18 June 2023. He had been to ACAS for early conciliation on the 9 June, and a certificate was issued on the 12 June.
3. It was difficult to understand from the claim form what the claimant's relationship was with the proposed respondent, or what the claim was for. He had ticked the boxes for unfair dismissal, discrimination because of religion and belief, and being owed other payments.
4. In the section of the form asking for the background and details of the claim, the claimant typed as follows, and I have pasted his text here in full:

LLOYDS BANK PLC

Company number given 00002065 to employee and customer

Website [https://find-and-](https://find-and-update.companyinformation.service.gov.uk/company/00002065)

update.companyinformation.service.gov.uk/company/00002065

Company number and registry number given to employee as 2065 website

<https://www.lloydsbank.com/legal/information-about-us.html>

is number in english language in gov company website and it has different name given on actual company website Employment Rights Act 1996 section 100 d or e And employment right act 1996 section 44 (1A) A worker has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by his or her employer done on the ground that— (a) in circumstances of danger which the worker reasonably believed to be serious and imminent and which he or she could not reasonably have been expected to avert, he or she left (or proposed to leave) or (while the danger persisted) refused to return to his or her place of work or any dangerous part of his or her place of work, or Employment right act section 44 (b) in circumstances of danger which the worker reasonably believed to be serious and imminent, he or she took (or proposed to take) appropriate steps to protect himself or herself or other persons from the danger by bringing the employment claim in under this section employee can leave with or without notice in one working day Whistleblowers, the Public Interest, and the Public Interest Disclosure Act 1998

This is acting is happening with all over UK with employer and customers Employment Tribunal rules 2013 section 37 (2) A claim or response may not be struck out unless requested by the party, at a hearing. under rule 12 if the circumstances outlined in rule 12(1)(d-f) apply, which all relate to whether the Claimant has complied with the now mandatory Early Conciliation process with ACAS. In case of The case of Trustees of the William Jones' School Foundation v Parry UKEAT/0088/16, by Amanda Beattie, Regional Litigation Manager, Croner

employment tribunal act 1996 act 7 section under s.7(3A), to few specified circumstances as it is an unusual interference, restricting access to justice. , the rejection of a claim which cannot sensibly responded to may not be determined without a hearing.

In the section for additional information he continued:

preliminary hearings arranged under rule 53(1)(a) Employment Tribunal rules 2013 section 37 (2) A claim or response may not be struck out unless requested by the party, at a hearing. Et rule 2013 section 8

Presenting the claim in England Rule 27 of the Employment Tribunal Rules provides for initial consideration by a judge after both the ET1 and the ET3 have been filed.

Section 2(1) of the Misrepresentation Act 1967

Theft act 1968

Employment right act section 100 d and e i have left employer and avoid the employer and business due to health and safety Employment Rights Act 1996 section 44 (1A) and (b)

Check response company registry number

My employer had without number 0 in

5. Reading this, there might be claims for detriment or dismissal for whistle blowing, or health and safety, as well as the claim for discrimination because of religion and belief. But the claimant does not

say what happened.

6. Nor does he explain his relationship with the respondent. The question on start date is not answered. Asked the finish date, he ticked the box saying his employment continued. Asked what the job was that he did, he answered "revenue recovery". There is no information in answer to the questions about earnings.
7. The respondent filed a response to the claim on 20 July 2023. They said they had never employed anyone by the claimant's name. They had had a contractor with the claimant's name, but a different date of birth.
8. There was a case management hearing on the 31 August 2023 by telephone, which the claimant did not join. Employment Judge Frederick Bowyer postponed the hearing to 2 November 2023 at Victory House, as it appeared from the claim form that the claimant could not participate in a remote hearing, and there was no telephone number on the form by which to contact him. The judge also ordered the claimant to produce documentary evidence about his employment association with the respondent. The claimant was urged to get some advice about a claim.
9. The respondent wrote to the claimant asking some questions about when he was employed and where and so on. When there was no answer they asked the tribunal to make an unless order for information and documents to be provided.
10. The claimant did not attend the hearing on the 2 November 2023: On 3rd October 2023 he emailed the employment tribunal saying that he was unable to attend by telephone or in person due to the Mental Health Act 1983, he had been kidnapped and they were giving him drugs. An Independent mental health advocate, Mark McGregor, wrote to the tribunal on 26 October 2023 explaining that the claimant would not be able to attend because he had been detained under the Mental Health Act and his telephone confiscated. He was not likely to be available until the new year.
11. Employment Judge Brown made an unless order for further information on the claimant's status with regard to the respondent. The claimant replied on 2nd February 2024 that his claim was as a "potential employer", and that he requested a public hearing.
12. A hearing notice for today was sent to the parties on 13 February. The claimant replied that he was not able to travel to London but he could manage a video hearing and he also supplied his new postal address. Employment Judge Brown moved the start time to 12:30 so that the claimant could come to London with an off-peak rail fare. The Claimant said on 21 March: "please do video call". The hearing was therefore moved to CVP (remote technology).
13. Today the claimant had difficulty joining the video hearing, despite a number of telephone calls with the clerk, and he was instead supplied with a telephone link and was able to join the hearing a few minutes after the start time.

14. The claimant confirmed that he claimed as “a potential employee. He had applied for a job but he could not remember the date. It was for customer service, in Birmingham. He made an online application. He had no copy of his application form and said that he had not received any automated acknowledgement. He had no other proof off an application.
15. I asked what the whistle blowing claim was about. He said it was because he “blew the whistle on the application form” about the company being registered with a number which was not on the government website (I understand this to be the Companies House register). I asked him about the claim for discrimination because of religion and belief. He said it was not a religious belief, it was his belief that Lloyds Bank were fraudulently trading with the wrong company number. His claim for health and safety was also about trading with the wrong number. This is why he referred to fraud and misrepresentation in his claim form. This confirms the impression given by reading his various communications with the employment tribunal, which all refer to the respondents Companies House registration and company number.
16. The claimant said that he had not worked since making the application, indeed he had not worked for “a long time”.
17. The Respondent said that since being informed that the claim was for an application for employment, they had checked with their recruitment and vetting teams and they had no record of any job application in the claimant's name. In addition, an application made on the website would receive an automated e-mail confirmation. The claimant having no automated acknowledgement suggested that his application had not reached the respondent.
18. On the claim form, the claimant ticked the box that he was to be addressed as “Mrs”. In the course of this hearing I asked if this was correct, and he told me that the correct form of address was “Mr”.

Relevant Law

19. Order 37(1) of the Employment Tribunal Rules of Procedure 2013 provides:

At any stage of the proceedings, either on its own initiative or on the application of a party, a Tribunal may strike out all or part of a claim or response on any of the following grounds—

- (a) that it is scandalous or vexatious or has no reasonable prospect of success;

Striking out claims at a preliminary stage, before evidence has been heard, is a draconian measure, only to be taken in an obvious case. In any case where there is a “crucial core of disputed facts”, those should be decided after hearing the evidence, and not at some kind of “impromptu trial” based on pleadings and written statements, save where there is, for example, incontrovertible contradictory evidence in a document. In whistleblowing (public interest disclosure) and Equality Act cases, which are important in a democratic society, over and above the interest of the individual claimant, and particularly fact sensitive, tribunals should be especially careful – **Anyanwu v South Bank University and another**

20. The tribunal must first decide whether there is no reasonable prospect of success and then whether to exercise discretion to strike out – **Balls v Downham Market High School and College (2011) IRLR 217.**

Discussion and Conclusion

21. There is no evidence that the claimant made an application for employment which reached the respondent, save his assertion that he did. He may have made some application but it did not reach the respondent. That means that any case that he was not considered for a job because of his belief that Lloyds Bank was trading unlawfully, or because he disclosed to Lloyds Bank but they were trading unlawfully, is bound to fail, because the obvious reason why he was not considered for employment is that his application never reached the Respondent.
22. Without knowing exactly what he stated on his application about the Bank's trading status, I note from the Companies House online register that their company number is 00002065 (as the claimant complains), and that can be checked by any member of the public. It is not clear why the claimant believes the bank is trading without a public registration or otherwise unlawfully. There may be some confusion or misunderstanding which the claimant has not been able to explain. On the information provided by the claimant in his claim form and elsewhere I consider he has no reasonable prospect of establishing that he made a disclosure of breach of legal obligation in the reasonable belief in the public interest, as required by section 43B of the Employment Rights Act 1996. The belief, as expressed by him, is not reasonable.
23. I also conclude that he has no reasonable prospect of establishing that a belief that Lloyds Bank was trading fraudulently because of its registration is protected for the purpose of the Equality Act. It would not meet the five criteria set out in **Grainger plc v Nicholson [2010] IRLR 4.**
24. I have considered whether the claim should not be struck out but should be instead be stayed in hope that the claimant makes enough of a recovery to state his case more clearly. All his written communication has shown confused and disordered thinking and most of the coherent passages are pasted from the government website on going to an employment tribunal. I have no confidence that any potential recovery will improve his prospects of success in the claim, given the core difficulty that neither he nor the respondent has any evidence that he did make an application. Prolonging the claim will cause the respondent additional cost and take up tribunal resource. Delay, when the prognosis is so uncertain, will compromise a fair hearing. Neither is in the interests of justice, which requires finality in claims. I have therefore concluded that it is in the best interests of justice that the claims are struck out under rule 37 as disclosing no reasonable prospect of success.

Employment Judge Goodman

Date 11 April 2024

JUDGMENT SENT TO THE PARTIES ON

24 May 2024

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FOR THE TRIBUNAL OFFICE

Notes

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>