



EMPLOYMENT TRIBUNALS

Claimant: Mr Arfan Khan

Respondents: Harris Academy Merton – 1st
Harris Federation – 2nd
Mr Lee Malin – 3rd
Mr Jamie Semple – 4th

Ms Aisha Samad – 5th

Ms Katherine Mann – 6th
Mr Benjamin West – 7th

Heard at: London South ET (by Cloud Video Platform) **On:** 14 November 2023

Before: Employment Judge Bedeau

Appearances

For the claimant: In person

For the respondent: Ms A Johns, Counsel

JUDGMENT having been sent to the parties on 30 January and reasons having been requested in accordance with Rule 62(3) of the Rules of Procedure 2013, the following reasons are provided:

REASONS

1. At the public preliminary hearing held on 14 November 2023, I dismissed Harris Academy Merton, the first respondent, from these proceedings as it was not a legal entity but was the name of the place where the claimant worked. I substituted Harris Federation, the second respondent, as the correct respondent.

2. In addition, I dismissed the claims of: unfair dismissal claim; wrongful dismissal; and unauthorised deductions from wages, based on the claimant's withdrawal. I also issued Case Management Orders to ensure a full and effective final hearing, over 12 days, starting on 22 April 2025.
3. The background to the case is in my Record of Preliminary Hearing.
4. On 10 February 2024, the claimant requested written reasons.
5. I am unclear why the claimant has requested written reasons as the judgment given was, for the most part, in relation to the withdrawal of his claims. If it is in respect of the dismissal of Harris Academy Merton, I was satisfied that it is not a legal entity but the name of the place where the claimant worked. There was no documentary evidence before me to show this is a company limited, a company limited by guarantee, a partnership, or other legal entity. I accepted what Ms Johns, counsel for the respondent, told me that, if the case proceeded against Harris Academy Merton, it would be difficult for the claimant to enforce the judgment if he is successful, either in whole or in part. Counsel stated that the correct respondent and the claimant's former employer, is Harris Federation.
6. In order to protect the claimant, I dismissed Harris Academy Merton from these proceedings and substituted Harris Federation in its place.
7. The respondent was prepared to accept vicarious liability on the part of the individual respondents and asked on 5 July 2023, that they be dismissed from these proceedings. The Claimant objected and I refused the respondent's application as he was able to describe their alleged conduct towards him in support of his claims.

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Employment Judge Bedeau

25 March 2024

Date signed

