



EMPLOYMENT TRIBUNALS

PUBLIC PRELIMINARY HEARING

Claimant: Mr R Toth

Respondent: Hughes Driver Training Limited

Heard at: Leicester Tribunal Hearing Centre (by remote video)

On: Friday 5 September 2025

Before: Employment Judge S Shore

Representation

For the Claimant: In Person
For the Respondent: Mrs N Elenor, Solicitor

JUDGMENT

- (1) The claimant's claim of race discrimination under section 55 of the Equality Act 2010 is struck out under Rule 38 of the Employment Tribunal Procedure Rules 2024 ("the Rules") because:
 - 2.1. The claimant's claim is scandalous and vexatious under Rule 38(1)(a) of the Rules;

- 2.2. The claimant's claim has more than no reasonable prospect of success.
 - 2.3. The manner in which the proceedings have been conducted by the claimant has been scandalous, unreasonable, and vexatious under Rule 38(1)(b) of the Rules; and
 - 2.4. The Tribunal considers that it is no longer possible to have a fair hearing in respect of the claim.
- (2) The claimant's application to strike out the respondent's response is dismissed.

REASONS

Note from EJ Shore – I very much regret the delay in producing this Judgment and Reasons and offer my unreserved apology to the claimant, the respondent and the respondent's representatives. The reason for the delay has been a combination of my own health, the health of close family members, my responsibilities as a carer, and pressure of work. As can be seen, this decision is long and complex.

I accept that I told the parties to expect the Reserved Judgment and Reasons within 28 days of the hearing. It is regrettable that my circumstances did not allow me to complete the decision within that time period.

The estimate of providing the decision by the end of November was mine, which I made in good faith and with every intention of meeting. The circumstances I have outlined above were against me.

The claimant's assertion that his appellate rights have been compromised in any way is simply not true. Appeals EA-2025-001239-RN and EA-2025-001240-RN were dismissed by HHJ Shanks as having no reasonable prospect of success. The claimant was notified by letter dated 20 November 2025 sent to the claimant by email.

The claimant's rights in respect of any appeal against this decision are not compromised as time does not begin to run until the date that it is sent to the parties.

Background

1. The respondent is a company engaged in the provision of bus and lorry driver training throughout the UK. It secured a contract to provide a Heavy Goods Vehicle (HGV) Skills Bootcamp (Bootcamp) that was advertised by the National Careers Service (NCS). Candidates for the course could be self-funded, funded by the UK government, or funded by their employer.
2. In June 2024, the claimant successfully applied for a place on the Bootcamp with the respondent. His place was funded by the UK government. He passed his HGV driving theory test and received a provisional licence. He began his practical driving training in an HGV on 28 October 2024 under the supervision of one of the respondent's instructors, Phil Johnson. Mr Johnson also supervised the claimant on his second day of training on 29 October 2024. The respondent's case is that the claimant's conduct and driving gave Mr Johnson cause for concern. The claimant refutes this assertion and says that Mr Johnson was racist towards him.
3. The respondent's case is that the claimant was late in attending on the third day of the course on 30 October 2024. The respondent terminated the claimant's training after considering his driving skills, aggressive conduct and lateness. The claimant says his training was terminated for racist reasons.
4. The claimant began early conciliation with the respondent on 11 November 2024 and obtained EC certificate number R288777/24/17 on 6 December 2024 [20]. The claimant presented his claim against the respondent on 22 December 2024 [6-19].
5. In paragraph 8.1 of his ET1 [11] the claimant ticked the box indicating that his claim was of race discrimination.
6. The claimant completed the narrative box at paragraph 8.2 of his ET1 [12] as follows:

"On 28th and 29th October 2024, during my HGV training with Hughes Driver Training Ltd, I faced misconduct and discriminatory behaviour. The trainer failed to provide guidance, made discouraging remarks, and falsely accused me of being a "dangerous driver." My signature was misused on forms for

days I didn't train, and the in-cab camera was tampered with to avoid accountability.

I raised these issues on 29th October 2024, but the school dismissed my concerns, supporting the trainer's unfounded claims without a fair investigation. I believe this was influenced by bias against me as a foreign national with darker skin. This caused emotional distress, financial losses, and harm to my career.

I seek £500,000 compensation for emotional trauma, lost income, harm to reputation, wasted effort, and exemplary damages. This will hold Hughes Driver Training accountable and deter future misconduct to protect others from similar treatment."

7. On 18 January 2025, the Employment Tribunal sent out an Acceptance of Claim to the claimant [no copy in bundle], a Notice of Hearing to both parties, listing a preliminary hearing by telephone on 14 May 2025 [no copy in the bundle], and a Notice of Claim, including a Notice of Hearing (the final hearing) to both parties [1-4], with a "Response to an Employment Tribunal claim" form and copy of the claimant's ET1 to the respondent only [5], as is the standard practice.
8. The Notice of Claim letter:
 - 8.1 Notified the respondent of the claimant's claim and indicated that it must respond to the claim by 17 February 2025;
 - 8.2 Set the final hearing date for a hearing in person at Leicester Hearing Centre on 23, 24, and 25 November 2026;
 - 8.3 Required the claimant to send the respondent a document setting out how much compensation for lost earnings or other losses he was claiming and how the amount was calculated by 24 March 2025;
 - 8.4 Required both parties to send each other copies of all the documents they have relevant to the claim by 9 June 2025;
 - 8.5 Required both parties to agree which documents are going to be used at the hearing and for the respondent to prepare a file of those documents that must be sent to the claimant by 21 July 2025;
 - 8.6 Required the parties to exchange witness statements by 29 September 2025; and
 - 8.7 Required the parties to bring copies of the file and witness statements to the hearing on 23 November 2025 (my emphasis).

9. The last order (§ 8.7 above) was clearly a typographical error and is revoked.
10. On 14 February 2025, the respondent presented its ET3 [21-29] and “Respondent’s Statement of Case and Application for Case Management” (SoC) [30-31], receipt of which was acknowledged by the Tribunal on the same day. The covering correspondence submitted with the ET3, and SoC via the Tribunal portal contained an application that the Tribunal should reject the claimant’s claim on the basis that he was “...*neither an employee, worker or employee shareholder...*” of the respondent. I will refer to this application as Application 1 for ease of identification as there were many applications on this file.
11. In the alternative, the respondent applied for a strike out of the claimant’s claim on the basis that it was “...*scandalous and vexatious and that it has no reasonable prospects of success under Rule 38(1)(a) and (b).*” A copy of the application was served on the claimant.
12. The claimant responded to the respondent’s application on 16 February 2025 via the Tribunal portal [no copy in the bundle] together with a document titled “Strike out all or part of a claim – Attachment” with documents [no copy in the bundle]. He set out facts that he said contradicted the respondent’s case.
13. Regarding the respondent’s assertion that the Tribunal had no jurisdiction to hear the claim, the claimant accepted that he was not an employee but submitted that as “...*my training was government-funded, therefore they [the respondent] must comply with UK anti-discrimination and consumer protection law.*”
14. The claimant cited:
 - 14.1 “*Equality Act 2010 (sections 13 and 29). Prohibits discrimination in service provisions, which includes government-funded training.*”
 - 14.2 “*Consumer Rights Act 2015 (Sections 49 and 50). Mandates that services be rendered with reasonable care and disallows misleading statements.*”
 - 14.3 “*Public Sector Equality Duty (Equality Act 2010, Section 149). Imposed a duty on government-funded training providers to operate without discriminating.*”
 - 14.4 “*Relevant Case Law (Blackwood v Birmingham NHS Trust, Cunningham v Secretary of State for Scotland). Shows that trainees on publicly funded courses receive protection under UK discrimination law.*”
15. The first case referred to by the claimant is **Blackwood v Birmingham & Solihull Mental Health NHS Foundation Trust** [2016] EWCA Civ 607. The second case

had no citation and the only case I could find with the name quoted by the claimant was not concerned with section 55 case. The point is moot anyway, as it is not disputed that the respondent was an employment service provider for the purpose of those sections under section 56.

16. On 15 March 2025, the claimant applied for an expedited final hearing via the Tribunal portal [no copy in bundle]. This is Application 2.
17. On 21 March 2025, the claimant submitted via the Tribunal portal [no copy in bundle] what he described as "*my formal response to the strike out my claim.*" This included an application requesting the respondent's strike out application should be struck out [no copy in the bundle]. The claimant attached to the application a four-page document that contained more information about his claim. The main point raised was that the claimant asserted that the Tribunal had jurisdiction to hear his claim under section 55 of the Equality Act 2010. The claimant repeated his application for a hearing. This is Application 3.
18. On 23 March 2025, the claimant submitted a further message via the Tribunal portal again requesting an expedited hearing. This is Application 4.
19. The claimant's applications were referred to a Legal Officer, who advised that the matter would be dealt with at the preliminary hearing listed for 14 May 2025 in a letter dated 9 April 2025 [no copy in bundle].
20. On 8 May 2025, the claimant contacted the Tribunal by the portal to advise of a change of telephone number and that he would be attending the preliminary hearing on 14 May 2025 by telephone.
21. On 9 May 2025, the Tribunal emailed the parties and asked for confirmation that:
 - 21.1 All case management orders had been complied with;
 - 21.1. They were ready for the forthcoming hearing;
 - 21.2. Whether a bundle would be prepared for the hearing; and
 - 21.3. Were there any outstanding procedural or administrative issues which may prevent the hearing effectively proceeding on 14 May.
22. The claimant replied on 11 May and confirmed he had complied with the case management orders and was ready to proceed. He confirmed his attendance. The respondent replied on 12 May and pointed out that the claimant had not complied with the order to produce a Schedule of Loss [no copy of either in the bundle].
23. The respondent submitted a case management agenda by email at 11:01am on 14 May 2025. The preliminary hearing was scheduled to begin at 11:30am. The

claimant did not attend the hearing. The Tribunal Clerk spoke to the claimant on the telephone, but he claimed he was unable to join the hearing. As Employment Judge Broughton pointed out in her case management order [32-44], it is incumbent on the claimant to ensure he was able to dial into the hearing. EJ Broughton and the respondent's representative waited for over half an hour for the claimant to join before deciding to proceed in his absence.

24. EJ Broughton discussed the respondent's expressed position in its ET3 that the Tribunal had no jurisdiction to hear any claim from the claimant [34] in which it was noted that Ms Elenor, who represented the respondent at that hearing, conceded that the claimant's claim fell within section 55 of the Equality Act 2010 and that the respondent fell within the definition of an employment service provider for the purpose of that section under section 56, the relevant definitions section. The respondent accepted that the Tribunal had jurisdiction to hear the claimant's claim.
25. EJ Broughton's case management order:
 - 25.1. Set up today's public preliminary hearing (to be attended in person) to determine:
 - 25.1.1. Whether any of the complaints should be struck out under Rule 38 on the grounds that they have no reasonable prospect of success;
 - 25.1.2. Whether the claimant should be required to pay a financial deposit to allow him to proceed with any of the allegations under Rule 40; and
 - 25.1.3. Any other case management orders as appropriate.
 - 25.2. Required the claimant to provide further information about his claims by 29 May 2025 (the order stated that the information was to be provided within 14 days of the date the case management order was sent to the parties. It was sent to the parties on 15 May 2025);
 - 25.3. Gave the respondent leave to file an amended response within 14 days of receiving the claimant's further information about his claim;
 - 25.4. Kept the hearing dates already advised;
 - 25.5. Required the claimant to supply a Schedule of Loss by 29 May 2025;
 - 25.6. Extended the date for exchange of documents to 27 June 2025;
 - 25.7. Required the parties to exchange documents relevant to the issues to be determined at the public preliminary hearing by 27 June 2025;
 - 25.8. Required the respondent to produce a draft index for a joint bundle of documents for the public preliminary hearing by 4 July 2025;

- 25.9. Required the claimant to provide his comments on the draft index by 11 July 2025;
 - 25.10. Required the respondent to send the claimant a hard copy and electronic copy of the public preliminary hearing bundle by 18 July 2025;
 - 25.11. Required the claimant to send the respondent a witness statement or evidence he wished to rely upon about his financial means by 1 August 2025;
 - 25.12. Advised the claimant about giving evidence from outside the United Kingdom by including a link to the Presidential Guidance – “Taking Oral Evidence by Video or Telephone from Persons Located Abroad”; and
 - 25.13. Required the respondent to provide 2 paper and one electronic copy of the PPH bundle to the Tribunal no later than 3 working days before the PPH.
26. EJ Broughton’s Case Summary noted that the respondent accepts that it was an employment service provider as defined by section 55 of the Equality Act 2010 and that the claimant complained of being subjected to race discrimination while receiving training from the respondent.
 27. At 1:05pm on 14 May 2025, the claimant applied for the preliminary hearing scheduled for that day to be rescheduled and conducted “..via web chat or in person.” [no copy in bundle] This is Application 5. The application was refused by Employment Judge McTigue in a letter to the parties dated 22 May 2025 [no copy in bundle]. EJ McTigue noted that a public preliminary hearing had been listed for 5 September 2025 and advised the claimant to carefully read EJ Broughton’s order and ensure that he complied with what he was expected to do.
 28. On 20 May 2025, the claimant produced a document titled “*Response to Employment Tribunal Request of Further Information*” [45-48]. In the document, the claimant stated:
 - 28.1. He believed that the discriminatory treatment he faced was “...influenced by my mixed white and Roma heritage and Slovakian background.”
 - 28.2. “Additionally, external motives, possibly involving the South Yorkshire Police and a local gang in Doncaster, may have influenced the respondent to treat me unfairly.”
 - 28.3. His complaints were summarised in a list [46] as follows:
 - 28.3.1. “The trainer did not give me appropriate guidance.”
 - 28.3.2. “The trainer made discouraging remarks.”
 - 28.3.3. “I was falsely labelled a “dangerous driver,”

- 28.3.4. “My signature was misused on forms for days I didn’t train and was also used without my permission for Monday [28 October] and Tuesday [29 October].”
- 28.3.5. “An in-cab camera was tampered with.”
- 28.3.6. “I raised concerns on 29 October, but they were ignored.”
- 28.3.7. “Rossie Richardson and the school gave false information about my DVSA practical test booking.”
- 28.3.8. “Adam Blower called me a “deemed dangerous driver” without proper investigation.”
- 28.3.9. “I was called “Ratislav” instead of “Rastislav” in a derogatory way, and this appeared in a fraudulent document.”
29. The claimant then set out more details of the nine complaints [46-47] and added a paragraph titled “Additional Context” in which he returned to the subject of “...*my past difficulties with a local gang in Doncaster, along with potential involvement of elements within the South Yorkshire Police connected to this gang [which] motivated a form of revenge against me.*”
30. The claimant closed with a paragraph in conclusion and a Schedule of Loss claiming:
- 30.1. Cost of training: approximately £3,000.
- 30.2. Potential earnings loss from delayed C+E licence qualification: approximately £3,000 monthly.
- 30.3. Injury to feelings: £300,000.
- 30.4. Exemplary and Vindictory Damages: £180,000.
31. On 26 June 2025, the claimant submitted an email to which was attached “...*the Claimant’s Hearing Bundle...submitted in accordance with the Case Management Order dated 15 May 2025.*” The bundle was the claimant’s bundle for the final hearing.
32. On 22 July 2025, the claimant applied to strike out the respondent’s response “...*due to serious procedural misconduct and breaches of Tribunal orders by the respondent and their solicitors.*” This was Application 6. The respondent rebutted the application on 25 July 2025.
33. On 27 July 2025, the claimant wrote to the Tribunal to complain that the respondent had made a “...*false claim about the timely delivery of the hard-copy bundle and*”

their procedural misconduct." This was Application 7. The respondent rebutted the allegations on 30 July 2025.

34. On 1 August 2025, the claimant applied to strike out the respondent's response and cancel the public preliminary hearing listed for today because the respondent had made "...*false statements regarding timely delivery of their hearing bundle.*" This was Application 8.
35. On 6 August 2025, the claimant wrote to the Tribunal with an application titled "Request for Tribunal's Intervention Regarding Potential Fraud and Forgery". This was Application 9. He submitted a PDF that stated:

"I respectfully draw the Tribunal's attention to my previous correspondence and evidence submissions, specifically dated 26 and 27 June 2025. On 26 June 2025, I submitted a bundle of documents which included emails from DVSA investigators, confirming no practical driving test was booked under my name, despite multiple assertions to the contrary by the Respondent. These DVSA reports had also previously been provided to the Tribunal on earlier occasions, highlighting consistent and repeated notification of this serious issue.

In my subsequent correspondence dated 27 June 2025, I explicitly provided detailed allegations and evidence regarding forgery related exclusively to my training feedback documents, clearly explaining the reasons why these documents are fraudulent.

I fulfilled my responsibility by reporting the suspected criminal misconduct to Action Fraud, providing clear and detailed evidence (Reference: NFRC250107143805). Unfortunately, after review, Action Fraud informed me that, at present, they are unable to pursue a formal investigation due to internal resource limitations and the current evidentiary threshold. It is important to highlight to the Tribunal that Action Fraud did not request to see the specific fraudulent feedback documents or emails from DVSA investigators explicitly confirming that no DVSA test was booked. This indicates that their decision was made without fully reviewing all available critical evidence, further underscoring the necessity for intervention by another responsible authority.

I fully acknowledge that Employment Tribunals do not possess investigative or prosecutorial powers concerning criminal matters.

However, as a judicial body and a responsible public authority, I believe the Tribunal has a moral and ethical duty, as would any good citizen or responsible entity within society, to formally report clear evidence of potential criminal wrongdoing to the appropriate authorities.

In support of this ethical duty, I respectfully refer to the Scottish Tribunal Forgery Case (2018), where Tribunal judges proactively referred evidence of forgery directly to the police, resulting in a criminal investigation and prosecution. This precedent demonstrates that Tribunals have previously acted responsibly and ethically by referring matters to appropriate criminal authorities upon becoming aware of potential criminal offences during proceedings.

Therefore, I kindly request the Tribunal:

Acknowledge my responsible reporting to Action Fraud and the continued seriousness of the potential criminal conduct outlined in my submissions.

Evaluate whether the circumstances in my case warrant the formal referral of this matter to appropriate criminal authorities, as demonstrated by the Scottish Tribunal Forgery Case (2018).

I remain available to provide any further clarification or additional documentation as required by the Tribunal to assist in addressing these serious concerns.”

36. The respondent replied on 7 August and submitted that the claimant’s conduct was vexatious and designed to divert attention away from the claimant’s own conduct on the two days he attended training with the respondent.
37. Employment Judge Adkinson reviewed the various correspondence and sent a letter to the respondent dated 13 August 2025 indicating that he was considering striking out the response because it had not complied with the Tribunal order of 15 May 2025 and the response had not been actively pursued. The respondent replied to EJ Adkinson’s letter on 18 August 2025 setting out his response the strike out warning over 5 pages and 45 paragraphs.
38. The respondent’s reply to EJ Adkinson’s letter was considered by Acting Regional Employment Judge Heap, who decided not to strike the response out. The decision was sent to the parties on 26 August 2025. AREJ Heap recorded that “*The Respondent has provided a reasonable explanation for non-compliance with Orders made. The default was minor, has been explained and striking out the Response is*

not proportionate. That is particularly the case where there can be no suggestion that a fair trial does not remain possible.”

39. On 26 August 2025, the claimant applied for a reconsideration of AREJ Heap’s decision. This was Application 10.
40. Also on 26 August 2025, the claimant applied to postpone the PPH listed for 5 September 2025 because he had applied for a reconsideration of the refusal to strike out the response, and “...*it would be unfair and unnecessary to proceed with the hearing before that application is determined.*” That was Application 11.
41. The reconsideration application was referred to AREJ Heap on 27 August 2025.
42. On 28 August 2025 at 00:11am, the claimant sent three further documents to be considered with the application for reconsideration:
 - 42.1. Further submissions about the respondent acting in a misleading way;
 - 42.2. A further copy of the respondent’s response to the strike out warning; and
 - 42.3. A further copy of the respondent’s response to the claimant’s application for strike out.
43. On 28 August 2025 at 01:21am. The claimant emailed the Tribunal again to “...*add a further piece of evidence.*” This was an allegation that the respondent could not have mailed a hard copy of the bundle to his home address on 8 July 2025 because he had not told them of his new address until 9:50pm that evening.
44. AREJ Heap refused the application for reconsideration because the decision was not a judgment and, therefore, could not be reconsidered. Additionally, there was “...*no realistic prospect of the decision being varied or revoked.*” It could not be said that a fair hearing was no longer possible.
45. Later, on 28 August, the claimant applied to vary the hearing arrangements for the PPH on 5 September 2025. He asked for the hearing to be converted to video because he and his family had relocated outside the UK. This was Application 12.
46. The application was referred to EJ Broughton who asked the administration to reply to the claimant. The reply was sent on 29 August 2025, and included the following comments:

“The claimant has written to request, only 5 working days before the hearing on 5 September, that he joins remotely by video rather than attend in person. He was made aware of the date of this hearing on 15 May 2025, over 3 months prior following a hearing on 14 May 2025 which he failed to dial into.”

He was made aware in the orders made on 14 May 2025 that he may give evidence about his financial means and it was explained why he may wish to do so, should a deposit order be made.

He was also informed about the need to provide a witness statement and directed to the presidential guidance on giving evidence outside of the UK. The claimant says he cannot join in person because of unspecified safety reasons and does not elaborate on when he left the UK, which country he intends to join from and neither has he confirmed that there is no legal barrier for him in doing so.

The claimant is to clarify what 'safety reasons' mean that he is not able to attend the hearing in person and provide any relevant evidence to support that position including whether he has filed any complaint with the police."

47. EJ Broughton reminded the claimant of the requirements to have approval to give evidence via video from outside the UK from the government of the country from which the evidence was given. She included a link to the Presidential Guidance on giving evidence by video from abroad. EJ Broughton also asked the claimant to explain where he would be giving evidence from and why he had left it so late to apply to convert the hearing to a video hearing.
48. On 29 August 2025, the claimant emailed the Tribunal, attaching a Notice of Appeal to the EAT concerning the refusal of his application for strike out of the response. On the same date, the claimant applied to postpone the PPH listed for 5 September because he had appealed the refusal of his strike out. This was Application 13.
49. While writing up the decision in this PPH, I looked at the Tribunal's digital file and noted that the claimant's appeal was dismissed by His Honour Judge Shanks on 20 November 2025 as the Notice of Appeal disclosed having no reasonable grounds for bringing the appeals. HHJ Shanks set out his reasons, which were:
 - 49.1. AREJ Heap correctly applied the law, which is that there must be a significant risk that a fair trial will not be possible before the Tribunal will strike out a claim.
 - 49.2. There was no basis for the complaint that AREJ Heap did not engage with the evidence that the decision was perverse.
 - 49.3. The reasons given by AREJ Heap were brief but adequate.

- 49.4. There is no realistic basis for a finding of procedural unfairness or balance. An order striking out a claim or response because of late compliance with a direction that does not involve a risk of an unfair trial will be unusual.
- 49.5. AREJ Heap was right to refuse the application to reconsider because there was no reasonable prospect of the decision being varied.
50. The respondent submitted a six-page response to the claimant's application on 2 September 2025. The claimant responded on the same day requesting that:
- 50.1. He be recorded as having attended the PH on 14 May 2025.
 - 50.2. His confirmation that he was going to attend the PPH on 5 September 2025 be recorded.
 - 50.3. The respondent's "...*misleading assertions*" be ignored.
 - 50.4. The response be struck out under Rule 37(b), (c), and (e), or, alternatively, an Unless Order be made.
 - 50.5. All future hearings be ordered to proceed by CVP.
 - 50.6. A costs order (presumably against the respondent) should be considered.
51. This was Application 14. The correspondence was referred to Acting Regional Employment Judge Clark, who asked the administration to write to the parties on 4 September. He refused the application for postponement/stay of proceedings pending the claimant's appeal. The hearing would proceed by CVP because the Tribunal had more cases than hearing rooms.
52. On 4 September 2025, the claimant sent one email confirming he would be attending the PPH on 5 September, and would log in 30 minutes before the scheduled start time of 10:00am, and a further email with an attachment titled "*Objection to Late Bundle/Index and Skeleton; Application to Strike Out (Rule 37) – Case 6022902/3024*".
53. The respondent submitted a skeleton argument and chronology on the morning of 5 September 2025.
54. The claimant provided no information about his finances [109].
55. The respondent produced a bundle consisting of 176 pages, including a three-page index which meant that the numbers of the pages did not match up with the page number of the PDF. The claimant produced a bundle consisting on 117 pages with no index. If I refer to a document from the respondent's bundle, I will give the page number(s) of the document referred to in square brackets. If I refer to a document

from the claimant's bundle, I will do the same but will prefix the page numbers with the letter "C" for claimant. Most, if not all, of the documents in the claimant's bundle were in the respondent's bundle.

56. I must comment that there were a significant number of documents missing from both bundles that I would have expected to have been produced. I had to use the Tribunal's digital file to see documents that the parties should have provided.

The Hearing

57. The hearing did not start until 10:30am due to the number of documents that were submitted at the last minute that I had to read.
58. The claimant was unrepresented. I do not underestimate the difficulty of being a litigant in person, particularly when the language used by the court is not your first language. I reminded myself of the Equal Treatment Bench Book guidance on litigants in person. The claimant did not ask for an interpreter and at no time during the hearing did he give me the impression that he did not understand what was being said by the participants. He spoke excellent English.
59. I asked the claimant where he was logging in from. He said he was in Poland. I asked him if he had authorisation to give evidence from that country. The claimant responded that he had sent a letter to the respondent on 28 August 2025 at 6:11pm to indicate that he was not going to give any evidence about his finances. The letter was not on the Tribunal file. Ms Elenor sent me a copy of a letter from the claimant at 10:54am on 5 September. In the letter, which was dated 25 July 2025, the claimant wrote:

"I refer to paragraph 26 of the Case Management Order dated 14 May 2025, regarding the submission of financial evidence by 1 August 2025, for consideration in respect of any deposit orders under Rule 40.

Having carefully considered the Tribunal's guidance, I confirm that I have chosen not to submit any evidence regarding my financial means. I fully understand and acknowledge that, as a consequence, the Tribunal will not have financial information available when considering whether to make a deposit order.

I confirm this decision is made knowingly and voluntarily, and I accept any implications arising from it."

60. I took the claimant's letter and words as confirmation that he did not intend to give evidence.
61. We then discussed the matter of the bundles. Ms Elenor said that the bundle of 176 pages was produced on 8 July 2025 and sent to the claimant. The claimant said this was untrue. The claimant said he had complied with the case management order of the Tribunal dated 15 May 2025 (EJ Broughton's CMO). The respondent had not.

Respondent's Application for Strike Out or Deposit of the Claimant's Claim

62. Ms Elenor set out the application for strike out or deposit from 11:05am to 11:11am. She relied on the skeleton argument that she had filed earlier in the day and spoke to and around that document, which had been sent to the claimant.
63. Ms Elenor reminded me that strike outs are dealt with in Rule 38 of the Employment Tribunal Procedure Rules 2024 ("the Rules"), whilst deposit orders are dealt with in Rule 40.
64. The respondent asserted that the claimant's claim should be struck out in its entirety because:
- 64.1. It is scandalous and/or vexatious;
 - 64.2. The claim has no reasonable prospect of success; and
 - 64.3. The manner in which the proceedings have been conducted by the claimant has been scandalous, unreasonable, and/or vexatious.
65. In the alternative, the respondent sought a deposit order.
66. Ms Elenor then set out the basic facts of the case from the respondent's point of view, which I appreciate is strongly contested by the claimant:
- 66.1. She relied on the skeleton argument that had been filed with the Tribunal and the claimant.
 - 66.2. The respondent is a company providing training for bus and lorry drivers across the UK. It contracted with the National Careers Service to provide an HGV Skills Bootcamp, attendees at which are funded themselves, by the UK government, or by their employer.
 - 66.3. The claimant applied for training under the Bootcamp scheme in June 2024. He attended for training on 28 October 2024 undertook two days of training with one of the respondent's instructors, Phil Johnson. The respondent's case is that Mr Johnson raised concerns about the claimant's competence and safety with the claimant on both days of training.

66.4. The claimant was late attending for the third day of training on 30 October 2024, and his training was terminated by the respondent. The claimant was not a worker or employee of the respondent.

66.5. It was submitted that the claimant had undertaken a systematic abuse of the Tribunal procedure.

Scandalous and/or Vexatious Claim

67. It was submitted that the claimant's conduct of the proceedings had been scandalous and vexatious. The respondent relied on the case of **Attorney General v Barker** [2001] EWCH 453 in which the Court of Appeal considered a case where the Attorney General had sought a civil proceedings order under section 42 of the Supreme Court Act 1981.
68. Ms Elenor submitted that this case established that a claim is "vexatious" if it is brought not with the intention of obtaining relief but for some other ulterior or improper motive. The respondent's case is that **Attorney General v Barker** (as applied in an employment context) defined vexatious litigation as having "*little or no basis in law*" and subjecting defendants "*to inconvenience, harassment and expense out of all proportion to any gain likely to accrue to the claimant.*"
69. I was referred to the chronology attached to the respondent's skeleton argument, which, it was submitted, displayed an escalating series of unsubstantiated allegations. I have set out the Chronology in the Appendix to this Judgment and Reasons.
70. The respondent also relied on **Ashmore v British Coal Corporation** [1990] ICR 485, in which the Court of Appeal held that proceedings are vexatious if they are instituted with the intention of "*...annoying or embarrassing the person against whom they are brought, or if they constitute an abuse of process.*"
71. It was submitted that the test of whether a claim is scandalous was established in **Bennett v Southwark London Borough Council** [2002] ICR 881 (CA). A claim will be scandalous if it includes allegations which are an *abuse of the process of the tribunal* or which are likely to cause needless distress to the parties.
72. Ms Elenor submitted that the Claimant's claim is scandalous for the following factual reasons:

- 72.1. The Claimant has repeatedly made unfounded allegations of discrimination, fraud and dishonesty against the Respondent and its representative to distract the Tribunal from the real issues in this case.
 - 72.2. The allegations include baseless speculation about alleged connections to a "Doncaster gang" and "South Yorkshire Police" (p45-48 of the Bundle) without providing any supporting evidence or explaining relevance to the Respondent or his discrimination claim;
 - 72.3. The Claimant has made repeated unsubstantiated allegations designed to cause maximum distress to the Respondent;
 - 72.4. The language and nature of allegations are inflammatory and inappropriate.
73. It was submitted that the claim is vexatious because:
- 73.1. It appeared to have been brought not with the genuine intention of obtaining employment law remedies but rather to harass the Respondent;
 - 73.2. The Claimant has pursued an escalating series of unmeritorious applications including: strike out of the Response, debarring the Respondent from participating, stay or vacation of the preliminary hearing, CVP hearing direction, and EAT appeal seeking stay of proceedings;
 - 73.3. The timing and nature of the Claimant's applications reveal a coordinated strategy to avoid scrutiny, representing a clear abuse of multiple tribunal processes designed to frustrate the legitimate administration of justice;
 - 73.4. The Claimant has demonstrated systematic abuse of tribunal processes across multiple jurisdictions, consuming valuable tribunal time and resources that should be devoted to meritorious claims.

No Reasonable Prospect of Success

74. It was submitted that the claim has no reasonable prospect of success because:
- 74.1. The claimant had failed to establish a prima facie case of race discrimination. The claimant had not gone beyond mere assertions and shown material facts. The

case of **Anyanwu v South Bank Student Union** [2001] UKHL 14 decided that “...it is not enough to allege that there has been less favourable treatment...” without proper factual foundation.

74.2. The case of **Madarassy v Nomura International plc** [2007] EWCA Civ 33 requires facts going “...beyond those which reveal a difference in status and a difference in treatment...” to establish discrimination. **Efobi v Royal Mail Group** [2021] UKSC 33 reaffirmed that “...something more...” is required beyond mere difference in race and treatment.

74.3. Ms Elenor submitted that the test for "no reasonable prospect of success" was established in **Tayside Public Transport Co Ltd v Reilly** [2012] ICR 1119 (CS). The Tribunal must consider whether, taking the claimant's case at its highest, there is a realistic prospect of success. This is not the same as asking whether the claim is likely to succeed, but rather *whether it has a realistic as opposed to a fanciful prospect of success*.

74.4. In **Mechkarov v Citibank NA** [2016] ICR 1121 (EAT), Langstaff P emphasised that strike out applications should be approached with caution, particularly in discrimination cases, but that where the central facts are not in dispute, a tribunal can properly conclude that a claim has no reasonable prospect of success.

74.5. It was submitted that, taking the claimant's claim at its highest, it had no reasonable prospect of success because of the following factual matters:

74.5.1. **Fundamental Legal Defects:** Despite being afforded an opportunity to provide further and better particulars of his Claim, the Claimant has comprehensively failed to plead material facts capable of establishing less favourable treatment on grounds of his race (mixed white/Roma heritage), an appropriate comparator (actual or hypothetical), or facts from which discrimination could be inferred under s.136 Equality Act 2010 [12 and 45-48]. The Respondent has repeatedly highlighted the weaknesses in the Claimant's case [30-31 and [49-56]. The Respondent drew the Tribunal's attention to the fact that the claimant

has corresponded extensively with the parties but has not once sought to substantiate his complaint of race discrimination.

74.5.2. **Absence of Material Facts: Anyanwu v South Bank Student Union** [2001] UKHL 14 established that discrimination claims must be supported by material facts, not mere assertions. The House of Lords confirmed that "it is not enough to allege that there has been less favourable treatment" without proper factual foundation.

74.5.3. Failure to Meet Burden of Proof Requirements: **Madarassy v Nomura International plc** [2007] EWCA Civ 33 requires facts going "beyond those which reveal a difference in status and a difference in treatment" to establish discrimination. **Efobi v Royal Mail Group** [2021] UKSC 33 reaffirmed that "something more" is required beyond mere difference in race and treatment.

74.5.4. The Respondent terminated the Claimant's practical training in October 2024 due to legitimate concerns about his conduct (dangerous driving) and attitude to learning (page 81 of the Bundle), not for any discriminatory reason;

74.5.5. The Claimant has failed to establish any less favourable treatment because of his race or provide credible comparator evidence [45-48];

74.5.6. All cited comparators were speculative - the Claimant had no way of knowing what guidance, instruction, or treatment other trainees received as training was conducted on a 1-1 basis.

Unreasonable Conduct of Proceedings

75. Ms Elenor then moved to the claimant's alleged unreasonable conduct of the proceedings. She repeated the assertion that the claimant had systematically abused the procedures of the Tribunal by failing to comply with Tribunal orders, giving the following examples:

75.1. The claimant had not filed a Schedule of Loss, despite being ordered to do so by 24 March 2025 in the Tribunal's order of 20 January 2025.

- 75.2. He had also failed to comply with the extension to the time to produce a Schedule of Loss to 29 May 2025 given by EJ Broughton on 14 May 2025
- 75.3. The claimant's only mention of compensation was his claim that compensation should be set at £500,000.
- 75.4. He had ignored the guidance available on compensation given by EJ Broughton at paragraph 17.1. of her CMO dated 14 May 2025.
- 75.5. The claimant had categorically refused voluntary disclosure regarding his losses, employment status, income and efforts to mitigate his losses in support of his Schedule of Loss stating, "*I will not respond to [your] query unless it is ordered by the Employment Tribunal*" (email to the Employment Tribunal and the Respondent dated 27th May 2025).
- 75.6. The claimant had engaged in co-ordinated tactical delays. He had confirmed attendance at this hearing in person by email as late as 7 August 2025, then claimed inability to attend on 28th August 2025 (one week before the preliminary hearing), followed by simultaneous EAT appeal and CVP application as delaying tactics.
- 75.7. The claimant had engaged in a pattern of unmeritorious and duplicate applications, repeating points (often unrelated directly to his claim for discrimination but to procedural issues and unfounded allegations of fraud and dishonesty), with multiple emails and attachments, designed to delay proceedings and avoid substantive scrutiny, demonstrating an escalating pattern of obstructive conduct.
- 75.8. Ms Elenor referred to the following specific examples of unreasonable conduct:
- 75.8.1. Making repeated unsubstantiated allegations of fraud, dishonesty and criminal conduct;
- 75.8.2. Refusing to accept personal responsibility for dangerous driving behaviour during training;
- 75.8.3. Refusing to accept the Respondent's explanations and persistently challenging the Employment Tribunal's authority;
- 75.8.4. Pursuing coordinated applications across multiple jurisdictions (Employment Tribunal, EAT, claimed High Court judicial review proceedings);

75.8.5. Providing an overinflated and unsubstantiated Schedule of Loss claiming £500,000 compensation (pages 12 and 48 of the Bundle) without proper justification, calculation or supporting documentation.

75.8.6. It was submitted that his conduct went well beyond the normal range of what might be expected and represents **Ramos v Lady Coco Limited** [2023] EAT 99 type persistent unmeritorious applications constituting vexatious conduct requiring firm case management intervention.

Claimant's Status as a Litigant in Person

76. I was asked to attach limited weight to the claimant's status as a litigant in person and was referred to the following cases.

76.1. **Barton v Investec Henderson Crosthwaite Securities Ltd** [2003] ICR 1205 (EAT), in which the Employment Appeal Tribunal emphasised that while allowances should be made for litigants in person, this "does not mean that the ordinary rules and procedures can be ignored or set aside"

76.2. **Patel v RCMS Ltd** [1999] IRLR 161 (EAT) confirmed that tribunals should not "bend over backwards" to accommodate unrepresented parties where this would prejudice the other side or undermine proper case management

76.3. **Hammersmith and Fulham LBC v Jesuthasan** [1998] ICR 640 (CA) established that the tribunal's duty to ensure a fair hearing for litigants in person must be balanced against ensuring proceedings are conducted efficiently and other parties are not unfairly prejudiced

77. Ms Elenor submitted that the Claimant has demonstrated considerable legal sophistication and understanding of tribunal procedures, including:

77.1. **Strategic Use of Procedures:** Making coordinated applications across multiple jurisdictions (Employment Tribunal, Employment Appeal Tribunal, and High Court judicial review proceedings).

77.2. **Technical Knowledge:** Understanding of specific rules including Presidential Guidance on overseas evidence, burden of proof provisions, and case management powers.

77.3. **Articulate Advocacy:** Ability to draft detailed applications and responses demonstrating clear understanding of legal concepts and procedural requirements.

77.4. **Tactical Awareness:** Sophisticated timing of applications to maximum strategic effect, including last-minute coordination of multiple proceedings.

78. It was submitted that the claimant's conduct demonstrated that he is an intelligent, articulate individual who does not require an interpreter and has shown significant skill in navigating complex legal procedures. His litigant in person status should not shield him from the ordinary consequences of unreasonable or vexatious conduct, particularly where this prejudices the opposing party and wastes judicial resources.

Claimant's Response to Respondent's Applications

79. The claimant spoke immediately after Ms Elenor finished at 11:11am. He had not prepared a specific document for the hearing, but I considered the various documents he had sent the Tribunal rebutting the respondent's applications for strike out or deposit and in support of his own application to strike out the respondent's response.

80. The claimant disagreed with everything that Ms Elenor had said. The case was based on law for the respondent, but he had an argument based on facts.

81. The respondent had fraudulently used his signature by copying and pasting it five times. They copied his signature before his training had started and filled out forms stating he had completed training that he never received after 29 October 2024.

82. Mr Johnson had called him, "Ratislav", not "Rastislav".

83. The respondent had not complied with the Tribunal's order dated 15 May 2025 [32-44].

84. The claimant finished at 11:12am. He then moved on to his own application.

Claimant's Application for Strike out of the Respondent's Response

85. I took the claimant's emails and attachments to the Tribunal that I have summarised above to the Tribunal as his arguments for strike out. I considered the claimant's original application for strike out dated 22 July 2025 (Application 6 [no copy in either

bundle but I was able to access the application and response from the respondent on the digital file]). His covering email stated:

“Due to the Respondent’s serious procedural misconduct and repeated breaches of Tribunal orders—as detailed in the attached document—I respectfully request the Tribunal to consider striking out the Respondent’s defence and entering judgment in my favour.”

86. Attached to the mail was a document titled "Case No. 6022902/2024 – Request to Strike Out Respondent’s Case Due to Misconduct", which was seven pages long. It is not proportionate to reproduce the document here, but the application consisted of four elements:
- 86.1. The claimant’s first complaint was that the respondent “...*abused the process through deceit.*” He alleged that the respondent had produced false evidence and acted dishonestly and had conducted the proceedings in a scandalous, unreasonable or vexatious manner or failed to comply with orders.
- 86.2. The claimant’s second complaint was that the respondent had not sent him an index for the proposed bundle of documents, which was due on 4 July 2025 per the order of EJ Broughton.
- 86.3. The claimant’s third complaint was that the respondent had used scandalous and unfair tactics. His examples included the respondent “waiting until minutes before a hearing to file a ‘last-minute’ agenda, emailing critical filings after hours on deadline days and other matters, including using a disappearing link for evidence.
- 86.4. The claimant’s fourth complaint was that the respondent had no real defence of the merits.
87. The claimant ended by stating that the respondent’s procedural misconduct “...*had made it impossible to have confidence that a fair hearing can take place.*”
88. I have set the above out, because it is the consistent thread of the claimant’s complaints about the respondent. I have also set it out because it is the application that was refused by AREJ Heap. The EAT dismissed the claimant’s appeal against the dismissal of his application out of hand; HHJ Shanks commenting that AREJ Heap was right to refuse the application to reconsider because there was no reasonable prospect of the decision being varied.
89. The respondent’s response to the claimant’s application was that Ms Elenor, who had conduct of the file came back to work after a period of ill health on 8 July 2025

to see the claimant's first complaint about the failure to provide an index. And sent a copy of the joint bundle she had prepared before her ill health, which included the claimant's documents that he had sent the respondent, to the claimant on "...*the following working day.*" As I have set out above, this response was found by AREJ Heap to be a reasonable explanation for non-compliance with orders made. That the default was minor, had been explained and striking out the response was not proportionate.

90. The claimant did not comment on the bundle he was sent and Ms Elenor sent a final version on 21 July 2025. The respondent accepts that this was three days after the deadline set by EJ Broughton's order.
91. The respondent pointed out that the claimant had not produced his Schedule of Loss by 24 March 2025, as per the Tribunal's first order, or by 29 May 2025, per EJ Broughton's order.
92. The claimant said he was prepared for the final hearing listed in 2026. When he saw the original date on 5 September 2025, he decided to do a strike out because the respondent was lying. His application was based on facts.
93. On 8 July 2025, the respondent said it had sent him the bundle by post. The claimant asserts that this was incorrect.
94. The claimant finished his submissions at 11:23am. Ms Elenor spoke briefly to rebut the claimant's submissions. The hearing ended at 11:38am. I reserved the decision as, I could see no possibility of assimilating all the information in the case and producing an oral Judgment and Reasons on the day. I advised the parties that the Reserved Judgment and Reasons should be produced in 28 days from the date of the hearing.

The law

95. The claimant brings a claim under section 55 of the Equality Act 2010, which states:

55. Employment service-providers

(1) A person (an "employment service-provider") concerned with the provision of an employment service must not discriminate against a person—

(a) in the arrangements the service-provider makes for selecting persons to whom to provide, or to whom to offer to provide, the service;

(b) as to the terms on which the service-provider offers to provide the service to the person;

(c) by not offering to provide the service to the person.

(2) An employment service-provider (A) must not, in relation to the provision of an employment service, discriminate against a person (B)—

(a) as to the terms on which A provides the service to B;

(b) by not providing the service to B;

(c) by terminating the provision of the service to B;

(d) by subjecting B to any other detriment.

96. The respondent accepts that it is an employment service provider.

97. The Employment Tribunal Procedure Rules 2024 contain provisions relating to the striking out of claims and responses (Rule 38) and making a deposit order (Rule 40). They are reproduced here.

Striking out

38.—(1) The Tribunal may, on its own initiative or on the application of a party, strike out all or part of a claim, response or reply on any of the following grounds—

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

(b) that the manner in which the proceedings have been conducted by or on behalf of the claimant or the respondent (as the case may be) has been scandalous, unreasonable or vexatious;

(c) for non-compliance with any of these Rules or with an order of the Tribunal;

(d) that it has not been actively pursued;

(e) that the Tribunal considers that it is no longer possible to have a fair hearing in respect of the claim, response or reply (or the part to be struck out).

(2) A claim, response or reply may not be struck out unless the party advancing it has been given a reasonable opportunity to make representations, either in writing or, if requested by the party, at a hearing.

(3) Where a response is struck out, the effect is as if no response had been presented, as set out in rule 22 (effect of non-presentation or rejection of response, or case not contested).

(4) Where a reply is struck out, the effect is as if no reply had been presented, as set out in rule 22, as modified by rule 26(2) (replying to an employer's contract claim).

Deposit orders

40.—(1) Where at a preliminary hearing the Tribunal considers that any specific allegation or argument in a claim, response or reply has little reasonable prospect of success, it may make an order requiring a party (“the depositor”) to pay a deposit not exceeding £1,000 as a condition of continuing to advance that allegation or argument (“a deposit order”).

(2) The Tribunal must make reasonable enquiries into the depositor's ability to pay the deposit and have regard to any such information when deciding the amount of the deposit.

(3) The Tribunal's reasons for making the deposit order must be provided with the order and the depositor must be notified about the potential consequences of the order.

(4) If the depositor fails to pay the deposit by the date specified by the deposit order, the Tribunal must strike out the specific allegation or argument to which the deposit order relates.

(5) Where a response is struck out under paragraph (4), the effect is as if no response had been presented, as set out in rule 22 (effect of non-presentation or rejection of response, or case not contested).

(6) Where a reply is struck out under paragraph (4), the effect is as if no reply had been presented, as set out in rule 22, as modified by rule 26(2) (replying to an employer's contract claim).

(7) If the Tribunal following the making of a deposit order decides the specific allegation or argument against the depositor for substantially the reasons given in the deposit order—

(a) the depositor must be treated as having acted unreasonably in pursuing that specific allegation or argument for the purpose of rule 74 (when a costs order or a preparation time order may or must be made), unless the contrary is shown, and

(b) the deposit must be paid to the other party (or, if there is more than one, to such other party or parties as the Tribunal orders), otherwise the deposit must be refunded.

(8) If a deposit has been paid to a party under paragraph (7)(b) and a costs order or preparation time order has been made against the depositor in favour of the party who received the deposit, the amount of the deposit must count towards the settlement of that order.

98. The respondent's application for strike out was on the grounds set out in Rule 38(1)(a) and (b). The claimant's application for strike out was based on the grounds set out in Rule 38(1)(b), (c), and (e) "*...for unreasonable conduct, repeated failures to comply with the 15 May 2025 Case Management Order, and conduct that has made a fair hearing impossible.*"

99. In making my decisions today, I considered Rules 38 and 40 and the overriding objective of the Tribunal Rules, contained in Rule 3, which is to deal with cases fairly and justly.

100. I also considered section 136 of the Equality Act 2010, which sets out how a Tribunal should assess the evidence in discriminations cases:

136. Burden of proof

(1) This section applies to any proceedings relating to a contravention of this Act.

(2) If there are facts from which the court could decide, in the absence of any other explanation, that a person (A) contravened the provision concerned, the court must hold that the contravention occurred.

(3) But subsection (2) does not apply if A shows that A did not contravene the provision.

(4) The reference to a contravention of this Act includes a reference to a breach of an equality clause or rule.

(5) This section does not apply to proceedings for an offence under this Act.

(6) A reference to the court includes a reference to—

(a) an employment tribunal...

101. Mrs Elenor referred me to the following precedent cases in her Skeleton Argument:

101.1. **Anyanwu v South Bank Student Union** [2001] UKHL 14

101.2. **Ashmore v British Coal Corporation** [1990] ICR 485 (CA)

101.3. **Attorney General v Barker** [2001]

101.4. **Barton v Investec Henderson Crosthwaite Securities Ltd** [2003] ICR 1205 (EAT)

101.5. **Bennett v Southwark London Borough Council** [2002] ICR 881 (CA)

101.6. **Blockbuster Entertainment Ltd v James** [2006] ICR 897 (CA)

101.7. **Cox v Adecco** [2023] EAT

101.8. **Efobi v Royal Mail Group** [2021] UKSC 33

101.9. **Emuemukoro v Croma Vigilant (Scotland) Ltd** [2022] ICR 335

101.10. **Hammersmith and Fulham LBC v Jesuthasan** [1998] ICR 640 (CA)

101.11. **Hemdan v Ishmail** [2017] ICR 486 (EAT)

101.12. **HM Attorney General v Taheri** [2023] EAT

101.13. **Madarassy v Nomura International plc** [2007] EWCA Civ 33

101.14. **Mechkarov v Citibank NA** [2016] ICR 1121 (EAT)

101.15. **Patel v RCMS Ltd** [1999] IRLR 161 (EAT)

101.16. **Ramos v Lady Coco Limited** [2023] EAT 99

101.17. **Tayside Public Transport Co Ltd v Reilly** [2012] ICR 1119 (CS); and

101.18. **Yerrakalva v Barnsley Metropolitan Borough Council** [2012] ICR 420 (CA).

102. I considered all the above cases when making my decision.

103. The test of whether a fair trial cannot take place is applicable to cases brought within Rule 38(1)(b), (c), and (d) (per HHJ Tayler in **Leeks v University College London Hospitals NHS Foundation Trust** [2024] EAT 134 (§§ 22-23)).

The Issues

104. The issues in the case (the questions that a final hearing would have to answer) are based on the facts alleged by the claimant and by the provisions of section 55 of the Equality Act 2010. The claimant made six allegations that were listed by EJ Broughton at the preliminary hearing on 14 May 2025 in paragraph 9 of her case management order:

104.1. That the trainer failed to provide appropriate guidance.

104.2. That the trainer made discouraging remarks.

104.3. That the claimant was falsely accused of being a 'dangerous driver'.

104.4. That the claimant's signature was misused on forms for days he had not trained.

104.5. That an in-cab camera was tampered with.

104.6. That the claimant raised concerns on 29 October 2024 but those were dismissed.

105. In his Response to Employment Tribunal Request for Further Information [45-48], the claimant listed 9 claims and attributed a type of discrimination from the Equality Act to each of them:

105.1. The trainer did not give me appropriate guidance (direct discrimination).

105.2. The trainer made discouraging remarks (harassment).

105.3. I was falsely labelled a "dangerous driver." (direct discrimination).

105.4. My signature was misused on forms for days I didn't train and was also used without my permission for Monday and Tuesday. (Direct discrimination)

105.5. An in-cab camera was tampered with. (direct discrimination).

105.6. I raised concerns on 29 October 2024, but they were ignored. (direct discrimination).

105.7. Rossie Richardson and the school gave false information about my DVSA practical test booking. (direct discrimination).

105.8. Adam Blower called me a "deemed dangerous driver" without proper investigation. (direct discrimination).

105.9. I was called "ratislav" instead of "Rastislav" in a derogatory way, and this appeared in a fraudulent document. (harassment).

106. The Issues in this case are, therefore, relatively straightforward. I have taken the claimant's claim at its highest, which is by including all nine claims that he included in his further information The Issues in the case are:

1. *Did the respondent, an employment service-provider in relation to the provision of an employment service, discriminate against the claimant:*

- 1.1. *as to the terms on which it provides the service to the claimant; or*
- 1.2. *by not providing the service to the claimant; or*
- 1.3. *by terminating the provision of the service to the claimant; or*
- 1.4. *by subjecting the claimant to any other detriment.*

2. *Did the respondent subject the claimant to the following detriments:*

- 2.1. *The trainer, Paul Johnson, did not give the claimant appropriate guidance on 28 and 29 October 2024.*
- 2.2. *Mr Johnson made discouraging remarks to the claimant on 28 and 29 October 2024.*
- 2.3. *Falsely labelling the claimant a "dangerous driver."*
- 2.4. *Misusing the claimant's signature on forms for days he didn't train on 30, and 31 October and 1 November 2024 and using his signature without his permission without my permission on 28 and 29 October 2024.*
- 2.5. *Mr Johnson tampered with an in-cab camera on 28 and 29 October 2024.*
- 2.6. *Ignoring the concerns raised by the claimant on 29 October 2024.*
- 2.7. *Rossie Richardson and the respondent gave false information about the claimant's DVSA practical test booking.*
- 2.8. *Adam Blower of the respondent called the claimant a "deemed*

dangerous driver" without proper investigation.

2.9. *Calling the claimant "ratislav" instead of "Rastislav" in a derogatory way by Mr Johnson, and the misspelling of the claimant's name appeared in a fraudulent document.*

3. *If the respondent discriminated against the claimant because of his race (Slovakian, White and Roma heritage), what compensation is fair and equitable?*

Findings

Preliminary Comments

107. I took into account that the claimant was a litigant in person but found him to be intelligent, capable of legal research, and able to draft complex documents putting forward legal arguments.
108. He has been able to participate in the employment Tribunal process, has appealed a decision of the Tribunal to the EAT, and has made numerous complaints alleging varied alleged breaches of law to numerous statutory and other bodies.
109. Having said all that, I find that the claimant often reacted to his failures to comply with the orders of the Tribunal with assertiveness that bordered on aggression and a tendency to fall back on the cover of his litigant in person status. I find that the claimant occasionally demonstrated convenient incompetence, i.e., he made out that any errors in what he did in the proceedings or his failure to do what he should have done were because of a lack of legal expertise as a LiP.
110. This was a difficult case to determine, mainly because of the volume of emails and documents produced by the claimant which were repetitive and seemed to ignore the fact that applications he had made to the Tribunal were refused. Put simply, the claimant cannot take no for an answer. He is, of course, entitled to appeal decision made by the Tribunal, but the outcome of his applications to the EAT were entirely without foundation. The decision that he appealed was, in essence, based on the same facts that he presented to this hearing.

111. The claimant's response to the respondent's application was not a defence of what he had conducted this litigation, but an attack on how he alleged the respondent had conducted the case.

Respondent's Application for Strike Out

The Claim is Scandalous or Vexatious

112. This ground is the first part of Rule 38(1)(a). The second part is that the claim has no reasonable prospect of success. I will deal with that matter separately.

113. The claimant made no representations that challenged the summary of the law on this part of the application produced by Ms Elenotr, which I have set out above. I find her expression of the law to be correct.

Scandalous

114. A claim is scandalous if it includes allegations which are an abuse of the process of the tribunal or which are likely to cause needless distress to the parties (**Bennett v Southwark London Borough Council**).

115. The allegations contained in the claimant's ET1 were of acts that he said were racially discriminatory. His ET1 contained brief descriptions of what he said happened on 28 and 29 October 2024 when he attended training with the respondent and its actions thereafter.

116. I am not making findings of fact in this hearing, but I cannot find that the allegations in the ET1 were an abuse of the process or likely to cause needless distress to the respondent and its employees who were named in the claim.

117. As the claim progressed, I find that the claimant made a series of ill-judged and intemperate allegations that came close to being an abuse of process and which caused needless distress to the parties. These were:

117.1. The allegations of fraud against the respondent in the way it conducted the litigation. I find that there is no reason to make any findings that contradict the findings of AREJ Heap and HHJ Shanks that exonerated the respondent from

any allegations made by the claimant in Application 6. For the claimant to be repeating those allegations at this hearing was an abuse of process and likely to cause needless distress to the respondent and its employees.

117.2. I find the claimant's repeated applications to be repetitive and not in furtherance of the overriding objective. I have set out examples above of his writing repeatedly to make the same complaint. He continued to make the same point, even after his applications were refused.

117.3. The allegation that the respondent was involved in some form of conspiracy including the South Yorkshire Police and a "Doncaster gang". The claimant was ordered by EJ Broughton to produce more details of these allegations at the hearing on 14 May 2025 but never did. I can reach no other conclusion that this allegation was an abuse of process.

117.4. I find that the claimant's language in his written communications with the respondent and the Tribunal were overly assertive and inappropriate. I appreciate that English is not the claimant's first language, but that is no excuse for the florid expressions of anger he exhibited in his correspondence, which was often backed with threats to report individuals to the police or other authorities. It is telling that the claimant himself stated:

"I fulfilled my responsibility by reporting the suspected criminal misconduct to Action Fraud, providing clear and detailed evidence (Reference: NFRC250107143805). Unfortunately, after review, Action Fraud informed me that, at present, they are unable to pursue a formal investigation due to internal resource limitations and the current evidentiary threshold."

117.5. The alleged act of fraud perpetrated by the respondent was to cut and paste an electronic signature of the claimant and use it to populate records of his training. It is not surprising that the complaint went nowhere.

117.6. The claimant's appeal against AREJ Heap's refusal to reconsider her decision not to strike out the respondent in response to Application 6 alleged procedural unfairness and bias, with no factual or other evidence to support such a serious allegation.

Vexatious

118. A claim is "vexatious" if it is brought not with the intention of obtaining relief but for some other ulterior or improper motive. **Attorney General v Barker** [2001] (as applied in an employment context) defined vexatious litigation as having "*little or no basis in law*" and subjecting defendants "*to inconvenience, harassment and expense out of all proportion to any gain likely to accrue to the claimant.*"
119. From the outset, the claimant has increasingly used tactics and strategies that I find vexatious, in that they have little basis in law, and which have subjected the respondent to inconvenience, harassment and expense out of all proportion to any gain likely to accrue to the claimant. An example of this is the claimant's allegations about the involvement of a drug gang and South Yorkshire police. Another example is the claimant's assertion that the driving instructor acted out of jealousy.
120. The claimant has vastly overestimated the value of his claim from the start of this litigation. He placed the value of the claim at £500,000 in his ET1, which is wholly unrealistic and, frankly, unreasonable. I find that the estimate of damages is indicative of the motive of the claimant in bringing these proceedings: to extract as much money as possible from the respondent.
121. When pressed to produce a Schedule of Loss, the claimant put his injury to feelings at £300,000, with "exemplary and vindictory damages placed at £180,000. This claim was after he had been pointed to the tribunal guidance on Vento bands and calculating loss. His estimate of injury to feelings is well over £200,000 more than the highest Vento band.
122. The claimant has taken every opportunity to threaten anyone who crosses him in these proceedings with being reported to numerous authorities. He has invariably carried out his threats. I find the motivation of the claimant to be to harass those who oppose him.
123. The application for strike out because the claim is scandalous and vexatious is allowed.

The Claim has no Reasonable Prospect of Success

124. This application is brought under the second part of Rule 38(1)(a). I had to decide whether, taking the claimant's case at its highest, there is a realistic prospect of success. This is not the same as asking whether the claim is likely to succeed, but rather whether it has a realistic as opposed to a fanciful prospect of success.
125. Following **Mechkarov v Citibank NA**, I approached this head of the respondent's application with caution, particularly as it is a discrimination case. This is not a case where the central facts are not in dispute.
126. I find that there is a crucial core of disputed facts relating to what happened when the claimant was being taught how to drive on 28 and 29 October 2024. I must follow the guidance in **Wangtian Xie v E'Quipe Japan Ltd** [2024] EAT 176 (14 November 2024, unreported) at paragraph 18, that taking a case at its highest requires an assumption that primary facts will be established as well as the inference of discrimination which it is asserted by the claimant should be drawn from those facts. Where the case on the discriminatory reason for the treatment is based on an inference which the claimant will invite the tribunal to draw from background facts, it is wrong for the tribunal to proceed on the basis that those facts will be proven but that the tribunal will not draw the necessary inference.
127. The application for strike out on the prospects of success is refused.

The Manner in which the Claim has been Conducted is Unreasonable

128. In deciding this element of the respondent's application, I must consider whether the claimant's conduct of the proceedings has gone beyond the normal range of what might be expected of a party in litigation, focussing on the nature, gravity and effect of the unreasonable conduct.
129. The test of whether a fair trial cannot take place is applicable to applications brought within Rule 38(1)(b).
130. I have little hesitation in finding that the claimant's conduct of this litigation has been unreasonable in that it has gone beyond the normal range of what might be a party in litigation.
131. In making this decision, I did not consider the EAT decision in **HM Attorney**

General v Taheri, because that case was about multiple applications to the Tribunal that resulted in an application under section 33 of the Employment Tribunals Act 1996, which I do not consider pertinent to the facts in this case.

132. I find that the claimant's conduct of this litigation was unreasonable. I find that the claimant's conduct is sufficient to find that a fair trial cannot take place on the dates that it has been listed for in November 2026. I make those findings for the following reasons:

132.1. The claimant has frequently and deliberately flouted the tribunal's orders without just cause or excuse in an unreasonable way that I find gives me no confidence that he will be ready for the final hearing of this matter listed for 23, 24, and 25 November 2026. Examples of his unreasonable conduct include:

132.1.1. A failure to provide a Schedule of Loss by 24 March 2025, as ordered by the Tribunal on 20 January 2025.

132.1.2. A further failure to provide the Schedule of Loss by deadline on 29 May 2025, as extended by EJ Broughton at the PH on 14 May 2025.

132.1.3. A failure to comply with the Presidential Guidance on what a Schedule of Loss should include, despite being given a link to the site by EJ Broughton in her order.

132.1.4. Setting his claim's value at over £500,000 with no credible reasoning to support the assertion.

132.1.5. Refusing to provide evidence of his means to the respondent or the Tribunal.

132.1.6. His failure to attend the PH on 14 May 2025.

132.1.7. His late applications to adjourn hearings, which is one of a number of tactics that I find the claimant has used to stall, derail or delay the proceedings.

- 132.1.8. His multiple applications for strike out of the respondent's response, which continued despite being effused by AREJ Heap, whose decision was upheld unequivocally by the EAT. I find the claimant's repeated applications to have no merit. His conduct is further unreasonable because he keeps making the same allegations, despite them being rejected by the Tribunal.
- 132.1.9. The manner of his correspondence, which I find to be beyond that is beyond normal range of what might be expected of a party in litigation. I find that the claimant's ability to research and raise complex concept of employment law reduces the weight I can give his litigant in person status as mitigation for his actions.
- 132.1.10. The fact that the claimant challenges every decision made by a Judge and every act of the respondent.
- 132.1.11. The claimant's inability to agree anything with the respondent, which includes a simple bundle for this hearing.
- 132.1.12. The claimant's frankly spurious claim that the respondent should be struck out for allegedly lying about when a bundle was posted to him.
- 132.1.13. The claimant's histrionic allegations about the respondent cutting and pasting his signature onto training record documents and the related complaints to the police alleging fraud and dishonesty.
- 132.1.14. The claimant's allegations about a conspiracy between the respondent, a drug gang and South Yorkshire police, about which he has provided no detail of times, dates, names or their connection to his claim, despite being ordered to do so by the Tribunal.
- 132.1.15. I find that having had the opportunity to review all the claimant's

correspondence at length, he has frequently made allegations and statements that are demonstrably not true. For example, he has morphed the respondent's failure to provide an index to a bundle of documents by 8 July 2025 into a failure to provide the bundle by that date, when it was not due until 18 July 2025. He also wrote to the Tribunal on 24 January 2026 to complain about the delay in producing this Judgment and Reasons, stating that the delay was impacting adversely on his EAT appeal, when that appeal had been dismissed in November 2025.

132.2. When I focus on the nature, gravity and effect of the unreasonable conduct, I make the following findings:

- 132.2.1. The claimant has displayed no insight into his own behaviours, despite numerous Judges attempting to provide guidance to him.
- 132.2.2. I find that his misconduct has been serious and unrelenting.
- 132.2.3. I find that the claimant has unreasonably delayed these proceedings at a time when tens of thousands of cases are waiting to be heard. His unreasonable behaviour has lengthened the time that those in the queue for justice will have to wait.
- 132.2.4. I find that the claimant has demonstrated no behaviours that give me confidence he will be ready for or even attend the final hearing in this matter. That would be an enormous waste of public money and would cost the respondent a great deal of money in time and legal costs.
- 132.2.5. I note that the bundle of documents for the final hearing is not yet agreed, despite the order of EJ Broughton ordering the claimant to provide comments on the draft bundle by 11 July 2025 and the respondent to produce the final bundle by 18 July

2025. The date for exchange of witness statements had passed. They were due on 1 August 2025.

132.2.6. The claimant's conduct in these proceedings must have increased the respondent's legal costs.

132.2.7. The claimant has used unreasonable tactics and strategies that have not furthered the overriding objective of saving time and costs.

133. The claimant's claim is struck out in its entirety.

Claimant's Application for Strike Out

134. The claimant's application for strike out of the response is dismissed because the elements that are the basis of his application for strike out were rejected by AREJ Heap, whose decision was upheld by the EAT. Nothing has changed since that decision was made.

135. I find the claimant's application has no merit and was made purely as a reaction to the respondent's application for strike out in its ET3. It had no reasonable prospect of success from the day it was made.

Respondent's Application for Deposit

136. Nothing was said about this application in the hearing. It is otiose from the point of view that I have struck the claimant's claim out, but I would comment that had I not struck the claimant's claim out, I would have made a deposit order in respect of his claim in the sum of £1,000.00.

137. My reasons for that decision would have been that the claimant's claim has little prospect of success on a broad summary of the merits of the case.

15.1 I find that even if the claimant established all the facts upon which he relies (which I have considerable doubt he can) he has shown no link between the conduct he complains about and his race. He would therefore struggle to meet the tests in **Anyanwu v South Bank Student Union** ("it is not enough to allege that there has been less favourable treatment" without proper factual

foundation, **Madarassy v Nomura International plc** (the Tribunal requires facts going "beyond those which reveal a difference in status and a difference in treatment" to establish discrimination), and **Efobi v Royal Mail Group** (that "something more" is required beyond mere difference in race and treatment).

Approved by:

Employment Judge S Shore

Dated: 02 February 2026

Sent to the parties on

...02 February 2026.....

For the Employment Tribunal

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