



EMPLOYMENT TRIBUNALS

Claimant: K Raoof

Respondent: Endeavour Federation Southern Cross School (1)
Ambition Academy Trust (2)

HELD AT: Liverpool

ON: 21 April 2026

BEFORE: Employment Judge Johnson

JUDGMENT

The claimant having not attended the preliminary hearing today and without providing any reason for their non-attendance, and the respondents' representative having been in attendance, the judgment of the Tribunal is that:

- (1) The claimant has failed to attend or be represented at the preliminary hearing today.
- (2) The claimant was aware that this hearing was taking place and has failed to provide any information that explain their non-attendance.
- (3) Consequently, the claim is dismissed in accordance with Rule 47 of the Employment Tribunal Procedure Rules 2024.

REASONS

1. These proceedings arose from the claimant's employment as a Teaching Assistant Level 3 SEN Support at the Southern Cross School in Manchester. The claimant worked in this role from 3 May 2018 until his dismissal on 6 December 2024.
2. The claimant presented a claim form to the Tribunal on 10 April 2025 and indicated that complaints of unfair dismissal, disability discrimination and race discrimination were being brought. However, no particulars were provided in support of the discrimination complaints.
3. The claimant had brought a claim against the first respondent, and the second respondent had been identified as Kate Burke the Head Teacher.
4. The respondent presented a response and grounds of resistance disputing the claim and arguing that the claimant was fairly dismissed for the reason of conduct and any discriminatory acts were disputed. It was asserted that the correct respondent was Ambition Academy Trust following a 'defederation' which took place on 1 January 2025 with employees being transferred on this date from the first respondent Federation to the Trust.
5. Judge Anderson considered the case at a preliminary hearing case management on 17 December 2025 and discussed the case with the parties. It was agreed that Ms Burke be removed as second respondent and in her place, Ambition Academy Trust would be added. The claimant remained of the opinion that the first respondent was the correct respondent.
6. The claimant withdrew the race discrimination complaint. He did however, say he wished to proceed with the complaint of disability discrimination. Judge Anderson was not persuaded having interrogated the claimant and having considered the claim form, that such a claim had been presented, (other than ticking box 8.1 of the claim form). The race discrimination complaint was dismissed upon withdrawal, and the claimant was ordered to make an application to amend the claim to include disability discrimination, including details of the impairments constituting a disability and allegations of discrimination.
7. The case was listed by Judge Anderson for today's hearing to consider who the correct respondent was and whether the amendment application once made by the claimant should be granted. If granted, this would add a disability discrimination to the remaining unfair dismissal complaint.
8. The claimant was clearly informed by Judge Anderson of what he needed to do in relation to the case management orders but failed to make the application to amend. On 17 April 2026, Judge Shotter noted that the claimant had failed to make the application and the sole complaint was now unfair dismissal. She confirmed that if the claimant confirmed the identity of the respondent with the respondent's representatives, today's hearing would not

be required. The parties could agree dates for case management orders and the Tribunal could list the case for a final hearing to consider the unfair dismissal complaint.

9. The claimant did not respond and this morning, I received copies of the letters from 2024 relating to the identity of the correct respondent. The first letter was sent to parents and confirmed that the Southern Cross School would 'defederate' first respondent trust and transfer to the second respondent Ambition Academy on 1 January 2025. The other was sent to staff and unions and confirming by operation of TUPE, staff would transfer from the first respondent to the second respondent on 1 January 2025.
10. The claimant maintained in correspondence sent to Miss Taylor that the first respondent was the correct respondent, disputed that the second respondent should replace the first and that the preliminary hearing should proceed. It is understood that this letter was sent to Miss Taylor (she read the contents out to me) but had not been received by the Tribunal at the time the preliminary hearing took place.
11. The claimant did not join the preliminary hearing today which was listed to start at 10am. I did not start the hearing until almost 10:20am to allow the claimant to attend but it became necessary to begin following this delay.
12. In relation to the respondent's name, Miss Taylor explained that her client's argument was that liabilities would transfer from the first respondent on 1 January 2025 to the second respondent. This meant that responsibility for this claim would also transfer and that as the first respondent had since been dissolved, it would not be possible to proceed with a claim against Endeavour Federation.
13. I noted Judge Shotter's comments but expressed concern that the claimant had failed to engage with the Tribunal in relation to the attendance at today's hearing or at least invited the Tribunal to proceed in the claimant's absence. Based upon the information available and provided by Miss Taylor, the claimant in stating he wanted the hearing to proceed, meant that he was aware that the hearing was taking place. He was of course also present at the preliminary hearing case management before Judge Anderson on 17 December 2025 and received Notice of the Hearing from the Tribunal.
14. Consequently, based upon the circumstances, I noted that Rule 47 (Non-Attendance), was relevant. Based upon the information available at the time when the hearing was taking place, the claimant had not provided me with any information which explained the reasons for his absence or explained how the hearing could proceed in his absence.
15. By the time we had reached 10:45am and allowed the claimant plenty of time to join the preliminary hearing, I determined that it was in the interests of justice to dismiss the claim.
16. However, upon receiving this judgment, the claimant may make an application for reconsideration in accordance with Rule 68, should he believe that this

decision be varied or revoked. This must of course be sent within 14 days of the judgement being sent to the parties in accordance with Rule 69, setting out why consideration is necessary.

EJ A Johnson
Employment Judge Johnson

Date: 21 April 2026

JUDGMENT SENT TO THE PARTIES ON
Date: 3 June 2026

FOR THE TRIBUNAL OFFICE

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