

EMPLOYMENT TRIBUNALS

Claimant: Mr M Akinlotan

Respondent: Oxford Brookes University

Heard at: Reading **on:** 21 April 2026

Before: Employment Judge Gumbiti-Zimuto

Representation:

The claimant: In person

The respondent: Ms T Hudson, Solicitor

JUDGMENT

The claim is struck out.

REASONS

1. In a claim presented on 25 June 2024 the claimant made a claim in which purported to make complaints of race discrimination, whistleblowing and holiday pay.
2. The claimant's employment started on 24 April 2023 and end on the 24 April 2024.
3. In section 8.2 of the claim form the set out the following:

“Systemic/Institutional Racial Discrimination , harassment, and bullying

Oxford Brookes University acted as part of a system within the UK HEI to launch, and sustained a persistent racial attack, harassment and bullying against me, my career, reputation and character using a well-coordinated method with other state and non-state actors such as security entities on and off campus.

Using secretive and calculated method, Oxford Brookes University, without verifying the source of information, began a campaign of discrimination, harassment, bullying, and intimidation against me, by, among others, engaging in deliberate character assassination, intimidation, including but not limited to these acts.

1. Telling colleagues (witnesses withhold) that I'm mentally ill
2. I send spam messages; IT risks; and a risk to the IT systems

3. Sharing/disclosing my personal information without consent, to, among others, colleagues, institutions, police, security, etc
 4. Harassment by campus security, together with state police/terror
 5. Discrimination, intimidation by a way of deliberate That I'm a racist -thus (4)
 6. That I'm a sexist
 7. Intimidation by a way of investigation
 8. Refusal to investigate my complains/grievance
 9. Using hoax investigation to harass, bully and intimidate
 10. Acting dishonestly with me with intention to bully & intimidate
 11. Deliberate withholding of information
 12. Isolation from my work
 13. Exclusion from meetings
 14. Promoting colleagues' acts of harassment & bullying of me
 15. Preferential treatments to other colleagues at
 16. Refusal to pay accrued holiday - and used instead, without consent/agreement, for garden leave"
4. The respondent filed a response to the claim in which it denies all allegations of race discrimination, harassment, victimisation, or detriment. The claimant was employed as a Research Grants Officer from April 2023 under a six-month probation period. The respondent states that it investigated allegations of misconduct—serious bullying and harassment, aggressive behaviour, and refusal to follow management instructions—through an investigation led by Dr Nick Wilson. Following the investigation, the claimant's probation was extended for six months and he was warned that failure to meet required standards could lead to dismissal.
5. A disciplinary hearing took place in November 2023, after which the claimant received a final written warning. In February 2024, the claimant's manager recommended dismissal due to the warning and alleged unsubstantiated claims said to undermine trust and confidence. After a probation review and an opportunity to make representations, the Vice Chancellor decided to dismiss the claimant with notice, placing him on garden leave. The respondent denies any protected disclosures, detriments, harassment, or entitlement to remedy.
6. The detail of the response to the claim do not correlate to the details of the claim form.
7. The claim was an initial consideration of the claim and response by an Employment Judge and a Notice And Order pursuant to Rule 28(1). The notice stated that the Employment Judge *"is of the view that the Tribunal has no jurisdiction to consider the claimant's claim in relation to protected disclosures, or such a claim form identified any protected disclosures made by him nor any adverse consequences of them."*

8. The claimant responded to the Tribunal's order in an email of 7 October 2025 stating as follows:

“In response to the attached order asking the claimant to provide the protected characteristics of the claim on the basis of discrimination.

The protected characteristics are that of (1) nationality and country origin – The claimant is a black Nigerian and has such has been profiled as a Nigerian scammer, racist, dangerous, violent, terrorist, mentally ill, and whose movement and conversation must be reported and monitored, including hacking into his phone and electronic communication. And that every colleague must pass this malicious information to everyone.

The direct comparator are the lien manager (Hae Won) and equivalent counterparts Research Officers.

Witnesses, including colleagues and material evidence are being prepared to support the claim at the hearing.”

9. The claimant's email was considered by an Employment Judge resulted in the claimant being notified that:

“The hearing on 21 April 2026 will also consider under Rule 28(3) whether, in the light of the claimant's response on 7 October 2025, any part of the claimant claim of race discrimination should be permitted to proceed.”

10. The claimant explained that he wished to make claims of race discrimination, whistleblowing, harassment, victimisation, and unfair dismissal.

11. The claimant's claim form and the email of 7 October 2025 make no reference to unfair dismissal. The claimant's employment with the respondent was less than 2 years and therefore has no right to claim unfair dismissal under by reason of sections 94 and 98 Employment Rights Act 1996. There is nothing set out by the claimant that would provide a basis for claiming dismissal.

12. The claimant purported to set out a basis for making a whistleblowing claim. The basis of such a claim is not set out in the claim form and would appear to arise out of facts not set out in the claim form or the email of 7 October 2025.

13. It was pointed out to the claimant that he has failed to set out the factual basis on which the various complaints are based, the claimant has not set out who said or did what or when it occurred that amounts to his alleged instances of discrimination. The claimant explained that he had knowingly not provided the details of his claims because the individual concerned would have been victimised by the respondent.

14. In **C v D** [2019] UKEAT 0132, it was stated that:

“A claim form sets out a legal claim. It is not a witness statement (although in this case both the Claim Form and Response in this case bear many similarities to a witness statement). Ideally, in a Claim Form, the author should seek to set out a *brief* statement

of relevant facts, and the cause of action relied upon by the Claimant. The purpose of doing so is to allow the other side to understand what it is that they have done or not done which is said to be unlawful. It should be clear from the document (Claim Form) itself, within the brief summary of the relevant factual events, which facts are relevant to which claim, if more than one is advanced. The Respondent can then properly respond to that claim or claims. The Respondent can admit, not admit, or deny the facts and claims asserted by the Claimant and, where appropriate, set out a brief summary of the relevant facts the Respondent asserts occurred. Lawyers will, or should, understand, that each of the phrases 'admit, not admit, or 'deny' have a particular meaning in this context. The task in hand, when setting out a Claim or Response (certainly for an instructed lawyer) is to distil the relevant factual matters to their essential or key component parts. Doing that effectively will often be more difficult, and take more time, than simply reciting lengthy facts and then listing a series of claims. It is often, however, time well spent. Different considerations obviously apply where parties represent themselves and the documents are prepared by people who are not lawyers. However, the basic principle remains good: the Claim form should set out what the claim is and a brief summary of the facts relevant to each particular claim.”

15. The claim form does not comply with this guidance. In **Chandok v Tirkey** 2015 ICR 527, a case where a claimant failed to provide particulars of matter of which she complains, that

16. I do not think that the case should have been presented to him in this way or that it should have formed part of his determination. That is because such an approach too easily forgets why there is a formal claim, which must be set out in an ET1. The claim, as set out in the ET1, is not something just to set the ball rolling, as an initial document necessary to comply with time limits but which is otherwise free to be augmented by whatever the parties choose to add or subtract merely upon their say so. Instead, it serves not only a useful but a necessary function. It sets out the essential case. It is that to which a Respondent is required to respond. A Respondent is not required to answer a witness statement, nor a document, but the claims made – meaning, under the Rules of Procedure 2013, the claim as set out in the ET1.

17. I readily accept that Tribunals should provide straightforward, accessible and readily understandable fora in which disputes can be resolved speedily, effectively and with a minimum of complication. They were not at the outset designed to be populated by lawyers, and the fact that law now features so prominently before Employment Tribunals does not mean that those origins should be dismissed as of little value. Care must be taken to avoid such undue formalism as prevents a Tribunal getting to

grips with those issues which really divide the parties. However, all that said, the starting point is that the parties must set out the essence of their respective cases on paper in respectively the ET1 and the answer to it. If it were not so, then there would be no obvious principle by which reference to any further document (witness statement, or the like) could be restricted. Such restriction is needed to keep litigation within sensible bounds, and to ensure that a degree of informality does not become unbridled licence. The ET1 and ET3 have an important function in ensuring that a claim is brought, and responded to, within stringent time limits. If a “claim” or a “case” is to be understood as being far wider than that which is set out in the ET1 or ET3, it would be open to a litigant after the expiry of any relevant time limit to assert that the case now put had all along been made, because it was “their case”, and in order to argue that the time limit had no application to that case could point to other documents or statements, not contained within the claim form. Such an approach defeats the purpose of permitting or denying amendments; it allows issues to be based on shifting sands; it ultimately denies that which clear-headed justice most needs, which is focus. It is an enemy of identifying, and in the light of the identification resolving, the central issues in dispute.

18. In summary, a system of justice involves more than allowing parties at any time to raise the case which best seems to suit the moment from their perspective. It requires each party to know in essence what the other is saying, so they can properly meet it; so that they can tell if a Tribunal may have lost jurisdiction on time grounds; so that the costs incurred can be kept to those which are proportionate; so that the time needed for a case, and the expenditure which goes hand in hand with it, can be provided for both by the parties and by the Tribunal itself, and enable care to be taken that any one case does not deprive others of their fair share of the resources of the system. It should provide for focus on the central issues. That is why there is a system of claim and response, and why an Employment Tribunal should take very great care not to be diverted into thinking that the essential case is to be found elsewhere than in the pleadings.

16. The Employment Tribunal Procedure Rules 2024 specify at Rule 13 that a claim may be rejected where it is one which does not contain any grounds on which the claimant relies, cannot sensibly be responded to or is an abuse of process. Rule 28(1) provides that if the Tribunal considers either that it has no jurisdiction to consider the claim or part of it or that the claim or part of it has no reasonable prospect of success it must send a notice to the parties, (a) setting out the Tribunal's view and the reasons for it, and (b) ordering that

the claim, or the part of it, is to be dismissed on such date as is specified in the notice unless before that date the Tribunal has received written representations from the party advancing the claim explaining why the claim, or part of it, should not be dismissed.

17. Rule 28 (3) provides that if the Tribunal receives written representations before the date specified under paragraph (1)(b) the written representations must be considered by the Tribunal, who must either permit the claim, or part of it, to proceed or fix a hearing for the purpose of deciding whether it should permit the claim, or part of it, to do so. The party responding or replying to that claim may, but need not, attend and participate in the hearing.
18. The ET1 claim form does not set out the out a *brief* statement of relevant facts, the claimant explained that he deliberately omitted to do so. The claimant appears to have considered that it was appropriate to make allegations of discrimination which are entirely unsupported by a factual narrative that can be responded to by the respondent. It is not possible for the employer to sensibly respond to the claim. This claim illustrates that starkly by the fact that the response which has been provided by the employer has set out a narrative of the history of the claimant's employment however it does not correlate with the claimant's claim form or the claim that he wished to present orally at this case management hearing.
19. The claimants complaints of race discrimination as set out in the claim form should be struck out as they cannot succeed. The claimant's complaint of whistleblowing is not set out in any sense whatsoever in the claim form. The claimant does not explain why his claim of holiday pay should succeed he does not set out the basis of the claim.
20. The claimants complaints are therefore struck out.

Approved by:
Employment Judge Gumbiti-Zimuto

Dated: 21 April 2026

JUDGMENT SENT TO THE PARTIES ON
28 May 2026

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FOR THE TRIBUNAL OFFICE