



EMPLOYMENT TRIBUNALS

Claimant
Mr C Waya

Respondent
Cambridge Students' Union

RECORD OF A PRELIMINARY HEARING

Heard at: Norwich (CVP)

On: 23 July 2026

Before: Employment Judge S Moore (sitting alone)

Appearances

For the Claimant: In person

For the Respondent: Mr A Lyons, counsel

JUDGMENT

The claim is struck out under rules 38(1)(b) & (1)(c) of the Employment Tribunal Procedure Rules 2024.

REASONS

Introduction

1. The Respondent is the university-wide representative body for all Cambridge students, advocating for their interests and promoting equality and welfare. The Claimant was employed as the Disabled Students' Officer (DSO) pursuant to a fixed term contract which terminated in July 2025.
2. ACAS Early Conciliation took place between 1 and 7 May 2025.
3. The claim form was presented on 21 May 2025 against the Respondent and four further named individuals, making complaints of unfair dismissal, of age,

race and disability discrimination, victimisation, whistle-blowing detriment, for unlawful deduction of wages and other payments, as well as a number of allegations of blackmail and intimidation which are outside the statutory remit of the Tribunal.

4. The dispute derives from the fall out of the fact that while the Claimant had been due to start his role on 7 July 2024 he did not do so until 3 September 2024. This was because he was an international student, who, in order to take up the role of DSO, had to request and obtain a year-long intermission from his PhD, and accordingly agreement from his PhD funders, his college, the central university and the Home Office (for immigration status purposes) had to be obtained before he could start in the role. Since the Claimant did not undertake any duties during July and August 2024 the union Respondent withheld remuneration for this period. It did however subsequently pay the Claimant 50% of the disputed sum voluntarily.
5. A response was lodged on 15 August 2025 on behalf of all five Respondents stating the complaint of unlawful deduction of wages was out of time and should be struck out. It also made the point that many of the discrimination, victimisation and whistleblowing allegations were vague and that further information was required.

Background

6. On 6 May 2026 a Case Management Preliminary Hearing (CMPH) took place before EJ Laidler.
7. At that CMPH it was recorded that the Claimant was withdrawing his complaints against the named Respondents on the basis that the Respondent union accepted liability for any acts of discrimination found to have been committed by those individuals.
8. As regards disability, EJ Laidler recorded that the Claimant relied on a sleep disorder, as well as mobility issues with regard to his feet. The Respondent accepted the mobility issues but required more information in relation to the alleged sleep disorder.
9. EJ Laidler went through the chronology as set out in the claim form and attempted to identify the complaints being made by the Claimant and the relevant list of issues. However she found it was not possible to agree a list of issues as further information was required from the Claimant and accordingly she made orders to that effect, namely:
 - a. Requiring the Claimant to provide an impact statement and medical evidence in respect of disability.
 - b. Further information in respect of the Claimant's whistleblowing complaint.
 - c. Further information in respect of the Claimant's victimisation complaint.
 - d. Names of alleged comparator white colleagues in respect of the Claimant's complaint of race discrimination.

- e. Further information in respect of the Claimant's factual allegation the Respondent had briefed against him to third parties (it is unclear to what legal complaint this factual allegation related).
- 10. That information was required to be provided within 28 days of the date the record of the CMPH was sent to the parties.
- 11. EJ Laidler also noted that "having discussed all these matters, it was only appropriate and proportionate" for there to be a one-day Public Preliminary Hearing (PPH) to consider whether any of the claims should be struck out on the grounds they had no reasonable prospect of success or the Claimant should be required to pay a deposit order as a condition of continuing to advance any specific allegations or arguments pursuant respectively to rules 38 and 40 of the Employment Tribunal Procedure Rules 2024 ("the rules").
- 12. In that latter respect EJ Laidler ordered the Claimant to bring to the PPH, which was listed for 23 July 2026, evidence of his means and ability to pay a Deposit Order.
- 13. On 18 May 2026 the Claimant informed the Respondent's solicitors that he did not intend to pursue his whistleblowing complaint.
- 14. The record of the CMPH was sent to the parties on 21 May 2026, which meant that the Claimant was required to comply with EJ Laidler's orders by 18 June 2026.
- 15. On 22 May 2026 the Claimant requested an additional 28 days to provide the information and for the PPH to be adjourned for at least 28 days.
- 16. The reasons advanced for the request were that the Claimant had been given an opportunity to write an article for a journal with a deadline of 31 May 2026 and that he had been given an opportunity to participate in a summer school which "ends a bit too close to the hearing".
- 17. The Respondent opposed the application and invited the Tribunal to make an Unless Order.
- 18. By letter of 9 June 2026 the Claimant was informed that he had been granted a 7-day extension, so that he must provide the information in question by 25 June 2026. The request to postpone the PPH was refused.
- 19. On 25 June 2026 the Claimant informed the Tribunal he had been unable to meet the deadline as he had been in "great pain and laid up for weeks", that he had been on bed rest and unable to do any kind of work. He stated he had requested a note from his GP who was aware of his latest flare up.
- 20. On 26 June 2026 the Claimant sent the Tribunal a copy of a subject data access request he had made to the Respondent on 14 April 2026. He stated he needed the data and information to prepare for the next and subsequent

hearings and asked the Court to prevail on the Respondent to make it available to him.

21. Also on 26 June 2026 the Respondent made an application for a strike out on the basis the Claimant had conducted proceedings in a manner that was unreasonable (rule 38(1)(b)); for non-compliance with a Tribunal order (rule 38(1)(c)), that the claims had no reasonable prospect of success (rule 38(1)(a)), that the Claimant had failed to actively pursue the claim (rule 38(1)(d)) and that a fair hearing was no longer possible (rule 38(1)(e)).

22. On 16 July 2026, and in response to the Claimant's email of 25 June 2026, EJ Arullendran directed:

"The Claimant's application for postponement is refused, no material change of circumstances since the decision of 9 June 2026. The requirement for the Claimant to meet a deadline of 31 May to produce a journal article is immaterial to the attendance at a hearing on 23 July 2026. If the Claimant wishes to litigate this case they must comply with Orders and attend hearings as listed. Compliance is not optional or aspirational. The hearing remains listed for 23 July 2026.

The Respondent's application to strike out the Claimant's claims dated 26 June 2026 shall be decided at the next hearing on 23 July 2026. A failure to attend the next hearing by the Claimant could result in the claims being dismissed under rule 47 of the Employment Tribunal Procedure Rules 2024 or the hearing may proceed in the absence of the Claimant."

23. In the afternoon of 22 July 2026 (i.e. the day before today's hearing) the Claimant sent a lengthy email to the Respondent and the Tribunal in which he stated that he would be attending the hearing but that he was "unwell" and "weak". The email also made a number of allegations in relation to the Respondent's behaviour regarding his preparations for the hearing and also asked the Tribunal to order the Respondent to collate and publish the results of a survey of disabled students. However, that email did not contain any of the information sought by EJ Laidler's orders or indeed engage with those orders in any way.

The Hearing

24. At the hearing today, Mr Lyons made his application for a strike out and the Claimant responded.

25. The Claimant stated he was not prepared for the hearing and had not read the Respondent's application of 26 June 2026 because he had been unwell. His disabilities caused him to have flare-ups which were very painful and made him bedridden for weeks and under too much pain to do anything. As a result he had missed out on professional and academic opportunities as well as being unable to prepare his case. The nub of his case, however, was that he had not been paid his full salary for July and August 2024 and he wanted compensation

for his lost wages and the mental pain and damage that he had suffered as a result.

26. When I asked about medical evidence to support his contention he had been unable to comply with EJ Laidler's orders, he said he had not been able to arrange any appointment with his GP until tomorrow morning, that he had been too unwell to go to his GP and that he had not even been able to arrange an online consultation. Further, although he had (during the period in question) been attending some seminars and lectures, this was a requirement in order to graduate and he had had to cope with a lot of pain in order to attend them.
27. When I asked how he had been able to write such a lengthy email to the Respondent and the Tribunal the previous evening, the Claimant said he had been surprised himself that he had been able to do so.
28. When I asked when the Claimant would be able to comply with EJ Laidler's orders going forward, he said that his disabilities were ongoing and caused extreme flare ups, that he was constantly on medication, and it was hard to say when a flare up would end. He also suggested that he could not comply with the orders until the Respondent had provided data in response to his subject data access request. Finally, he stated that he was a PhD student and that he had to submit three chapters of and/or his PhD thesis by January 2027 and since it would be extremely difficult for him to concentrate on both his thesis and his case before the Tribunal, he would need to first submit his thesis before concentrating on his case.
29. Submissions concluded at approximately 11.35am at which point I stated that I would give judgment on the Respondent's strike out application at 2pm.
30. When the hearing resumed at 2pm the Claimant interjected shortly after I had begun to give judgment, stating he had sent an email to the Respondent's solicitors and the Tribunal during the adjournment to the effect that he wished to make further submissions. That email was subsequently retrieved by the Respondent's solicitors.
31. Given the decision I had reached on the Respondent's application, and being aware that the Claimant is a disabled person and strike out is a draconian action, I took the unusual step of allowing the Claimant to make further submissions before giving judgment.
32. The Claimant's first submission was that the matter should be adjourned so that he could obtain further evidence, in particular medical evidence. I refused that application because the Claimant had had every opportunity to obtain medical evidence prior to the hearing (his case being that he had been ill and suffering a flare up since "weeks" before 25 June 2026, which is a timescale of at least 6 weeks prior to the hearing before me).
33. His second submission was that he should be allowed to read out a 14 page (double spaced) written submission that he said he had written with the

assistance of friends/other students during the adjournment (“the written submissions”). I asked him to email the written submissions to the Tribunal and the Respondent’s solicitors and then adjourned for a further 20 minutes to read the document.

34. Since the written submissions did not give me cause to change my decision I did not need to invite Mr Lyons to respond to it and I then proceeded to give judgment in the terms set out below.

Conclusions

35. The Respondent’s application is made on the basis of all five subparagraphs of rule 38(1) of the rules, but primarily on the basis of rule 38(1)(c), failure to comply with an order of the Tribunal.
36. Since strike out is a draconian remedy it is necessary to consider whether such an action is proportionate in all the circumstances, having regard to whether a fair hearing remains possible and whether lesser remedies should first be explored.
37. The situation before me today is as follows, the Claimant has not complied in any respect with the orders of EJ Laidler; the first deadline of 18 June 2025, the second deadline of 25 June 2025 and even today’s hearing of 23 July 2025 having come and gone without any attempt by the Claimant to comply with any of the orders in question. As a result, it has not been possible to address the question of whether the complaints have any reasonable prospect of success (the reason why this PPH was initially listed) because they remain as vague and unparticularised as when the matter was before EJ Laidler. The Claimant has also not complied with EJ Laidler’s order to bring to the PPH evidence of his means and ability to pay a Deposit Order.
38. I take into account that the Claimant is a disabled person and I heard that he has been suffering a flare up for a number of weeks, a matter which was further stressed in his written submissions.
39. However, there is no medical evidence before me to support the assertion of a flare up, still less any evidence to support the assertion that the flare up has been so incapacitating it rendered the Claimant unable to comply in any way with the orders in question. Moreover I note that during the period in question he has continued to attend (at least some) lectures and seminars, that on 26 June 2026 he was able to write an email to the Tribunal asking for an order to be made against the Respondent, and that the afternoon before today’s hearing he was able to write a very lengthy and articulate email. I also note that during the adjournment today, he was able, at the eleventh hour, to put together a lengthy written submission with the assistance of his friends and fellow students. Furthermore, the information required by the orders consisted of matters that are – or should be – entirely within his own knowledge already and should not have required a great deal of effort on his part to collate and write down. I am therefore not satisfied that the Claimant’s failure to respond to any

of EJ Laidler's orders is primarily attributable to his disability or any flare up he has been suffering as a result of his disability.

40. Furthermore, the Claimant could give me no assurance that he would be able to comply with EJ Laidler's orders anytime soon, let alone urgently. Moreover the reasons he gave for the anticipated further delay were not only his disability and flare up, but the fact of his PhD which meant, he said, that he wouldn't be able to pursue his case until January 2027, once he had submitted his PhD thesis.
41. This same extraordinary approach to the litigation process, which appears to treat it as a hobby, to be fitted, when convenient, around his other commitments, was further reflected in the Claimant's written submissions where he stated he was seeking an extension of "three to four months" to prepare and file a fully particularised ET1. Notably in those written submissions he also stated that he now wished to reconsider "the scope of the claims advanced within the proceedings" and in particular whether the whistleblowing allegations (which he had indicated on 18 May 2026 he did not intend to pursue) should in fact remain within his claim.
42. Accordingly, although the claim has been before the Tribunal for over a year even the head of complaints the Claimant is bringing remain unclear and there is plainly no prospect of finalising a List of Issues in the near future – which itself is only the beginning of the litigation process.
43. In his written submissions the Claimant submitted the Respondent had suffered and would suffer no prejudice from his failure to comply with EJ Laidler's orders and requirement for more time, but that is plainly not the case. The Respondent has incurred significant legal costs and management time in defending a claim that is not yet even close to being properly formulated. Moreover the greater the delay between the events in question and the Claimant's particularisation of his case, the more difficult it is for the Respondent to obtain the necessary evidence to respond to the allegations as memories fade and employees move on.
44. In my judgment the conduct and attitude of the Claimant demonstrates a complete lack of appreciation of the seriousness of a litigation process, the importance of avoiding delay and of resolving claims as quickly and efficiently as possible, as well as the costs burden that cases – particularly drawn out cases – places upon respondents and the Tribunal system. Although I considered whether a lesser sanction than strike out, such as an Unless Order, was appropriate, in circumstances where the Claimant was saying he would be unable to comply with such an order for months or until the New Year, such a course of action was plainly not an appropriate one.
45. For the reasons set out above, I am not satisfied that a fair trial of the matter remains possible, still less one which complies with the overriding objective set out in rule 3 of the rules, and I therefore strike out the claim under rule 38(1)(c) and/or 38(1)(b) namely that the Claimant has failed to comply with an order of

the Tribunal and/or that the way in which the proceedings have been conducted has been unreasonable.

Costs Hearing

46. I record that the Respondent stated that it intended to make a costs application against the Claimant and I therefore set down a costs hearing (by CVP) for 17 November 2026 and made appropriate directions.
47. The Claimant objected to the costs hearing being set down before the New Year because, he said, he would have insufficient time to prepare for it since he was busy with his PhD thesis and because he would also have to spend time preparing an appeal of my decision.
48. I was nevertheless satisfied that 17 November 2026, being nearly 4 months away, would give the Claimant plenty of time to prepare, particularly since the Respondent was content to agree to an order that they would make any costs application within two weeks of being sent this judgment.

Approved By:

Employment Judge S Moore

Date: 23 July 2026

Sent to the parties on:

24 July 2026

For the Tribunal: