



EMPLOYMENT TRIBUNALS

Claimants: (1) Mrs Tasleem Akhtar
(2) Ms Marya Akhtar

Respondent : Leeds Islamic Centre

Heard at: Leeds (By Video Link) **On:** 21 August 2026

Before: Employment Judge R S Drake

Representation:

Claimant: Mr E Carey (of counsel)
Respondent: Ms G Young (Legal Advocate)

JUDGMENT

1. The Claimants have NOT established that they were “employees” of the Respondent engaged under a “contract of employment” as defined by Section 230 Employment Rights Act 1996 as amended (“ERA”). Their claims of unfair dismissal fail and are both dismissed.
2. Any implied or imputed application for leave to include/amend their claims to include claims of “bullying and harassment”, “unlawful payment of wages” (sic) and “victimisation” is refused for the reasons set out below.
3. The Claimants’ application to adjourn today’s hearing (albeit facing the risk of a wasted costs application) is refused for the reasons set out below.
4. I gave Summary Reasons at the conclusion of the hearing and noted a request for Full Reasons which are set out below and supersede the oral Summary Reasons.

FULL REASONS

5. Both sets of parties were professionally represented. Mr Carey of counsel for the Claimants, was instructed as little as two or so hours before the case was called on for full hearing despite Notice of the Hearing as a full merits hearing in public was sent to the parties' representatives as long ago as 19 May 2025. I am grateful nonetheless to both representatives for informative and skilled submissions which were also clear and succinct.
6. I did not hear witness testimony as there were no statements from the Claimants themselves whatsoever, and only four other persons (upon which statements I comment below) and thus no cross examination of oral evidence. This case therefore had to be determined on the basis of written and oral submissions and such paucity of evidence as I had before me. .
7. Despite Mr Carey being instructed so recently, I record that he presented the Claimants' cases as best he could and valiantly despite the shortcomings of evidence about which I make the findings below. Part way through hearing detailed submissions, when I warned of my misgivings about the paucity of evidence and testimony, Mr Carey sought as best he could to remedy the deficiencies in his clients' evidence position, by applying for adjournment even in the face of a clearly stated intention by Ms Young to seek a wasted costs order.
8. I refused his application because I concluded that given the time taken to get the case thus far and likely further delay, the interests of justice, proportionality, cost and balance of prejudice favoured proceeding on the evidence available today rather than postpone the eventual trial of the merits to a date many months in the future. I comment on the balance of prejudice issue further below.
9. Mr Carey urged me to conclude that reference in the Claimants' Grounds of Claim statement to claims of "bullying and harassment", "unlawful payment of wages" (sic) and "victimisation was sufficient to remedy complete absence of such reference in the ET1. I refused this argument (if it were to be treated as an application to amend the claim) so as to include these complaints as new and additional heads of claim, because of –
 - 9.1 The guidance of Langstaff J of the EAT in **Chandhok v Tirkey [2025] ICR 527** - *"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."*
 - 9.2 There was nothing in the evidence and statements before me (addressing the Claimants' specific cases other than general

assertions that all who worked for the Respondent were employees) with nothing more to support the assertion of such claims which on their face lacked particularity of the precise way in which the allegations fit the matrix of the definitions of heads of discrimination by reference to their specific definitions in the Equality Act 2010 ("EqA") and National Minimum Wage Act 1998 ("NMWA") so as to found a basis of such heads of claim – so -

- 9.3 I therefore took there to be no reasonable prospect of success in such claims for the purposes of Rule 38 of the Employment Tribunal Rules of Procedure 2024 (as amended) (the "ET Rules").

Issue

10. I noted the Respondent's application 13 June 2025 (misdated 2024) to dismiss the claims on grounds of lack of jurisdiction and thus that there be but one issue in both Claimants' cases which was whether the Claimants were engaged (as teachers) to work for the Respondent as "employees" pursuant to Section 230 ERA so as to enable the Tribunal to have jurisdiction to hear such of their complaints which were dependent thereon? Given that they accepted in their pleadings that they were originally volunteers who became employed, the Respondents took issue with this and argue that they were not employees.
11. This therefore cast the burden of proving they were employees upon the Claimants, rather than placing a burden on the Respondents to disprove this. Thus, determination of this single issue could be determinative of the entire proceedings, and accordingly right from the start, this issue was taken as necessarily to be dealt with in open public hearing following the Respondents' application for such.

The Law

12. I noted the incredible weight and volume of case law which I list below elaborate where relevant to the issue to be determined and what little material evidence is before me today. The cases I had in mind in my judgment were the following based on the the classic test for whether a contract of service exists was set out in **Ready Mixed Concrete (South East) Ltd v. Minister of Pensions and National Insurance [1968] 2 QB 497**

The cases are as follows:-

12.1 Court of Appeal in **Nethermere (St Neots) Ltd v. Gardiner [1984] ICR 612** - for a contract of service to be found, an irreducible mutual obligation between the parties was necessary under which an employee was paid a wage for the work done and was obliged to provide his own work and skill in the performance of a service for the employer;

12.2 The Court of Appeal's decision in **Express & Echo Publications v Tanton [1999] IRLR 367**

12.3 The then House of Lord's decision in **Carmichael v National Power Place [2000] IRLR 43** confirming and restoring a decision of the Newcastle ET which had upheld by the EAT (though overturned by the Court of Appeal in the intervening period) – the necessity to establish mutuality of obligation;

12.4 The EAT in **Ter-Berg v. Simply Smile Manor House Ltd & ors [2023] EAT;**

12.5 The EAT in **Richards v. Waterfield Homes Ltd [2022] EAT 148** and the Court of Appeal in **Young and Woods Ltd v. West [1980] IRLR 201;**

12.6 The Supreme Court in **Uber BV v. Aslam [2021] UKSC 5** held that worker status is a question of statutory interpretation, rather than contractual interpretation. In the present case I was greatly limited in consideration of this guidance because of a complete absence of documentary and oral evidence as to any contract between the parties;.

12.7 The Court of Appeal in **Nursing and Midwifery Council v. Somerville [2022] EWCA Civ 229;**

12.8 The supreme court in **Autoclenz v Belcher [2011] UKSC 41** in which confirmed that in the employment context the Tribunal will look to the reality of the arrangements between the parties, as opposed to concentrating on the written terms of any agreement, in determining the true nature of the relationship; In the current case, I had no evidence to examine in the absence of direct testimony from the Claimants themselves and I noted that the statements upon which they seek to rely were from witnesses which were incredibly brief, were general in content and did not directly address the Claimants' own personal situations, were from witnesses who were likely to be much less than impartial because they were direct family relatives of both Claimants, and because they were not even signed and dated;

12.9 The Court of Appeal in **Pimlico Plumbers v. Smith [2017] EWCA Civ 51;**

12.10 The Supreme Court in **Hashwani v. Jivraj [2011] UKSC 40;**

13. What remains clear in the way the law has developed over the last 25 years is that as previously described in **Hall v Lorimer [1994] 1 All ER 250**, *"The matters that are capable of being relevant are too numerous to list in full.... "* All of these authorities emphasise a considerably holistic approach being necessary in case preparation to be able to make a clear judgement that the Claimants were employees. I was denied the opportunity to adopt such an approach in the absence of considerably more evidence than was put before me today.

Findings of Fact

14 My findings of fact are apparent from the elaboration above to the case law guidance and application specific to this case. .

Application of Law to facts

15. I conclude the following:
- 15.1 Obligation to provide services personally – not fully established;
 - 15.2 Mutuality of obligation – not fully established :-
 - 15.3 Being subject to Respondent's control – not fully established
- .

Conclusions

16. I recognised that if I had acceded to the Claimants' late applications to amend and adjourn/postpone, this would have given them an unreasonable opportunity to get their case preparation in order, when that should have been done much sooner by their professional representatives. I do not think I can criticise the Respondents for their preparation of their case in that having alerted the Claimants to their application to dismiss their claim, they did at least put together what they could (it is always more difficult to prove a negative than a positive assertion) and were entitled to await and see what the Claimants produced between 19 May 2025 and today's hearing.
17. I recognise that it is unfortunate for all that the postponed original hearing date to 20 February 2026 could not be fulfilled and had to be postponed to today because of lack of judicial resource, but that dilemma affected both sides in equal adverse measure. Imperfect case preparation and disclosure of clear evidence including statements from the Claimants prejudiced the Respondent more.
18. I balance that prejudice against the prejudice faced by the Claimants if their cases were to fail at the present stage and conclude the balance favours the Respondent, especially as they were entitled to expect full case preparation by the Claimants as they faced the primary burden of proof. I was left having to deal with this case on the basis of the evidence before me and nothing else. That evidence was plainly insufficient to serve the Claimants and prove their assertions.
19. Accordingly, I have no alternative but to conclude that both Claimants were employees of the Respondent for the purposes of S230 ERA and Reg 2(1) WTR. Therefore, I dismiss his claims.

Employment Judge R S Drake

Signed 21 August 2026

Note

Reasons for the Judgment having been given orally at the hearing, Full Reasons in writing, which take precedence, have now been supplied herewith..

Public access to Employment Tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the Claimant(s) and Respondent(s) in a case.