Neutral Citation Number: [2026] EAT 125

Case No: EA-2023-000934-AS

EMPLOYMENT APPEAL TRIBUNAL

Rolls Building
Fetter Lane, London, EC4A 1NL

Date: 23 July 2026

Before:

JOHN BOWERS KC
DEPUTY JUDGE OF THE HIGH COURT

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Between:

MR Z PEKACAR

Appellant

- and –

(1) LONDON BOROUGH OF ISLINGTON
(2) MR HILARY FRANCIS
(3) MR ROBERT WILLIS
(4) MR DAVID DANIELS
(5) MS UMA MEHTA
(6) MS JABEEN STORY
(7) MS LEILA RIDLEY
(8) MS JO MURPHY
(9) MR JONATHAN DAVIES
(10) MS KIM HAMBIS
(11) MS LAURA EDEN

Respondents

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Will Baylis-Allen (instructed through Advocate) for the **Appellant**
Ronnie Dennis (instructed by London Borough of Islington) for the 1-8 & 10-11 **Respondents**
No appearance or representation from **Respondent** 9

Hearing date: 22 & 23 July 2026

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JUDGMENT

SUMMARY

List of issues; pleadings by a litigant in person

The claimant asserted a series of discrimination complaints. There was a complex list of issues. The EJ rejected three complaints which the claimant asserted were pleaded in the ET1 as not being pleaded. The Judge emphasised the need for clear pleadings even from a litigant in person but decided that there was to be found in the pleading a discrimination claim in respect of a threat of redeployment. The Judge emphasised the dangers of narrative pleadings.

JOHN BOWERS KC, DEPUTY JUDGE OF THE HIGH COURT

1. This appeal arises from a preliminary hearing held on 4 and 5 May 2023 before EJ Quill sitting at Watford Employment Tribunal. The claimant's appeal contains three allegations that he made within three ET1 forms which were erroneously excluded from the list of issues by the judge. He says they "shout out" as allegations from the documents submitted. Further and in the alternative he says the whole approach taken by EJ Quill to the list of issues was overly restrictive which was an error of law.

2. I will refer to the parties as they appeared below. The claimant was employed by the first respondent from 2014 until 2022. The second to eighth, and the tenth and the eleventh respondents are current or former employees of the first respondent. The ninth respondent is a barrister who was previously instructed by the first respondent. He has not been represented at this hearing. All the others have.

3. The claimant has made in all 13 separate claims, so that he is an experienced litigant, albeit a litigant in person. The first claim was presented in August 2019 and the last in January 2023. The claims are multifaceted and cover a range of differing allegations predominantly of race, sex and disability discrimination along with claims relating to his dismissal, including whistleblowing and victimisation.

4. The original listing for a final hearing was for 30 days but that was postponed due to this appeal.

5. The claimant attended the tribunal hearing under appeal in person. The London Borough was represented by the counsel who appeared before me, Mr Dennis. The main function of the tribunal hearing was to prepare the list of issues for the final hearing. The employment judge spent one and a half days working through the claimant's draft list of issues and the claim forms with the parties.

The employment judge's decisions on the disputed issues are contained in his clear case management summary. The list of issues is very extensive. It was clearly not an easy task to spell out all of the causes of action.

6. Through his counsel, the claimant told me that his first claim was drafted by solicitors then advising him. That set out a format he said which the claimant would then follow for the other claims which he pleaded in person. The structure of that first claim and the others starts with a list of claims with a legislative reference followed by a narrative style of pleading of the chronology and background. I note that HHJ Tucker presciently warned parties not to adopt this narrative style of pleadings in **C v D** EAT/132/19. This decisions should be read by all litigants before tribunals.

Relevant Law

7. The legal issues raised in this appeal in essence concern the approach to the interpretation of claim forms and particulars of claim and to constructing a list of issues within ET proceedings.

8. Employment tribunals are of course designed to be informal but the importance of pleadings even in the ET context was made clear by the then President of the EAT, Langstaff J, in **Chandhok v Tirkey** [2015] IRLR 195 where he says:

> "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."

9. In **Moustache v Chelsea and Westminster Hospital NHS Foundation Trust** [2025] EWCA Civ 185 Warby LJ at [34] to [37] said the issues were those which "emerge clearly from an objective analysis of their statements of case" and I emphasise the word "clearly". At [35] he said:

> "Of course, the contents of a statement of case must be analysed in their proper context but this does not require the [tribunal] to engage in an elaborate or complex

interpretative exercise."

10. At [37] he went on that:

> "The ET may consider it appropriate to explore the scope of a party's case by way of clarification."

11. It is not sufficient if the claim form only contains an indication that the claimant might be pursuing a particular complaint or if it is only a possibility subject to the need for clarification [50].

12. As Laing J said in **Adebowale** at [16]:

> "The employment judge should not be burdened by… a disproportionately complex exercise of interpretation."

13. Laing J immediately went on to say that:

> "The [employment judge] has the difficult job of managing a case like this, and the [employment judge's] task will not be made any easier if this Tribunal imposes unrealistic standards of interpretation on him or on her."

14. There are also two important statements by HHJ Auerbach in **McLeary v One Housing Group Ltd** [2018] EAT/124/18. He refers to an issue potentially "shouting out" from the pleadings at [88]. He also makes clear that employment judges are under a duty to clarify the substance of a pleading in a proactive manner when it does indeed jump out from the pleadings (see [88] and [98]). In **Pranczk v Hampshire County Council** [2020] EAT/272/19 he refers to making the objective assessment by looking at the claim form as a whole at [51] but says the tribunal should give a litigant in person allowance for a lack of statutory provision not being cited and the lack of formal language being used but only so long as the essential factual elements of a claim have been pleaded (see particularly [52]). One way or another he suggests the essential factual elements of the putative additional claim had to have been asserted for it to be accepted as an issue. I should add myself that it is important that the claimant's case is not a moving bagatelle, nor should the tribunal have to find

a needle in a haystack.

15. The second important issue in this case is the approach to be taken to pleadings by litigants in person. Important guidance was given about this by Barling J in **Drysdale v Department of Transport** [2014] EWCA Civ 1083. At [49] he includes the proposition that tribunals should provide such assistance to litigants as may be appropriate in the formulation and presentation of their case but what degree of assistance or intervention is appropriate clearly depends on the circumstances of each particular case. Some litigants in person may be highly experienced in the ways of tribunals.

Discussion

16. Here, the claimant was far from inarticulate and when he wanted to make a clear case of direct discrimination in the pleadings, he did so with reference to comparators, that is actual comparators whose identity he spelt out or hypothetical comparators. This is a background against which the pleadings are to be viewed in my view.

17. The claimant's overarching ground of appeal here was that EJ Quill erred in law by not allowing three allegations to be included in the list of issues. I look at them in turn.

Allegation 1 – threat of redeployment

18. The claimant contends that this claim (Claim 6 in the long list of claims) sits against Islington, Ms Mehta and Mr Willis. He said he made a complaint of section 13 direct discrimination on the basis of both sex and race that the respondents "threatened to make arrangements for the claimant to be redeployed to another team if he failed to work in the office five days a week". In the decision under appeal, EJ Quill found at [41] in relation to claim 6, the claim form as presented does not include complaints that any respondents threatened to redeploy the claimant.

19. At section 8 of claim 6 the box is ticked at paragraph 8(1) for race discrimination. The employment judge allowed a complaint of race discrimination to go to the list of issues that there was

a refusal to allow the claimant to temporarily increase the days he worked from home.

20. Counsel for the appellant referred me to the particulars of claim and the claim form received by the tribunal on 10 June 2021. Paragraph 2 does refer compendiously to several causes of action. Paragraph 22 refers to the third respondent informing the claimant that "at this time" he was not looking to redeploy the claimant. The word "threat" is not used. The very words "at this time" are, however, pregnant with possibilities that this would happen in the future so might be seen as a pleading of an implicit threat. Paragraph 39 of the pleading refers to others working from home, as do paragraphs 40 and 48. Paragraph 55 refers to "a question which was designed to produce one answer that would allow the second and third respondent to insist the claimant attend the offices they directed or to be redeployed if he could not".

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21. I think that these pleadings are just enough to make out a claim of direct race discrimination by reference to an implicit threat to redeploy. It is far, however, from a model pleading and I accept that it should not require this degree of analysis to find a cause of action. I sympathise with the employment judge who was having to deal with multiple claims. It is only because he is a litigant in person, albeit an articulate and practised one, that I think this should go through in the form set out. I bear in mind here the guidance of Laing J in *Adebowale* at [16]. Of course, ultimately the tribunal at the full hearing may decide that there was no threat but I think that this is effectively pleaded albeit not clearly.

Allegation 2 – reporting of the claimant to the ICO

22. The claimant contends that his claim 8 made a complaint of sex and 13 direct discriminations on the basis of race with the specific allegation relied on being that the respondents "reporting alleged data breaches against the claimant to the ICO while ignoring the data breaches committed by Mr Daniels and Ms Francis".

23. At paragraph 44 of his order EJ Quill states explicitly that claim 8 did not contain such a complaint. Claim 8 is made against respondents one, three, five and seven.

24. I will again go through the paragraphs of the ET1 presented on 20 December 2021 to which counsel for the claimant referred me. Paragraph 3 is a compendious statement of the relevant discrimination provisions. Paragraphs 12 and 14 refer to an exchange of documents. Paragraph 25 asserts that the respondents created circumstances where the second and third respondents could suspend the claimant. Paragraph 32 asserts the third respondent read out an allegation of obtaining personal data. Paragraph 75 asserts the claimant was treated differently than two others. Paragraph 80 is again a general conclusion of discrimination.

25. I do not think this set of paragraphs even when read together comes even close to providing the basis of the allegations which are sought now to be included. It is indeed to be contrasted with the crisp and focused pleadings that the claimant makes of several of the other grounds. For example, in paragraph 26 of one of his claims, he asserts that "had he been female member of staff the third respondent would have taken immediate action upon hearing that she had been verbally threatened and abused". I think the pleading here is too obscure to be fitted together to make a web of a cause of action notwithstanding the persuasive advocacy to this effect of Mr Baylis-Allen on behalf of the claimant before me.

Allegation 3 – non-protection of personal documents

26. This allegation pertains to claim 14 made against respondents one, three, five, seven and nine. In his draft list of issues the claimant included the following claim: "Leila regularly on the instructions of Uma Mehta allowing Jonathan Davies (external barrister) to continue to hold the claimant's unredacted personal documents and private property and not attempting to protect or retrieve it from Jonathan Davies."

27. In [47] EJ Quill found that there was no such complaint. The claimant relies on claim 14 received by the tribunal on 28 January 2023. Paragraph 3 refers generically to the cause of action. Paragraph 30, third bullet point, is a general complaint about retention of documents. Paragraph 140 incorporates a dense four page email which is very diffuse, if not rambling. It is wholly unclear what significance this allegedly has to a claim of discrimination. Counsel for the claimant picked out some paragraphs from it almost at random. Paragraph 155 relates to the fact that Mr Davies agreed to delete the claimant's documents. Paragraphs 178 and 179 are general assertions of discrimination. Not only does this alleged cause of action not cry out, but it would also be to find the needle in a haystack to come up with it at all.

Second ground of appeal – the employment judge's approach to the list of issues

28. The claimant also submits that the judge's approach to the list of issues was inherently and generally flawed to the extent that it constituted an error of law. It should be acknowledged at the outset that this process was not at all an easy task for the employment judge and the claimant accepts that. However, he says the approach taken was at odds with the *Drysdale* guidance and he should have analysed the whole pleading rather than isolated paragraphs without context. I think that this criticism is wholly uncalled for. The judge had to deal with each allegation in the claimant's list of issues and whether it made it to the list of issues for the hearing but I have no doubt that he looked at each of them in their overall context in so doing. Indeed, part of a holistic approach is considering the contrast between the pleadings which do not show a cause of action with those where the claimant even as a litigant in person is perfectly capable of doing so.

29. I did consider whether to remit the first allegation back to the tribunal for the judge to determine the point but this would have added extra delay and I am confident I had enough material to make my decision. Indeed, counsel for the claimant asked me to do so.

30. As I have said, the dangers of the narrative approach to pleading were referred to by

HHJ Tucker and they are clearly felt here and I reiterate what one should find is a clearly spelt out cause of action with all the necessary elements in it laid out (see especially her guidance in **C v D** at [11] and [12]). Clearly it is important to set out the background to the causes of action but the ET1 should conclude with a crisp setting out of what is especially relied on. This will avoid any further one and a half day hearings to decide what is and what is not an issue in the case.

31. It follows that I only overturn the judge's decision in respect of allegation 1. In respect of allegations 2 and 3, the central factual elements of the putative claims have not been asserted. The list of issues is to be amended accordingly by adding at the appropriate place an allegation of "threatening and making arrangements for the claimant to be redeployed to another team if he failed to work in the office five days a week".