

PARLIAMENTARY AND HEALTH SERVICE EMBASSY

Principles of Good Contact Handling

- ① GETTING IT RIGHT.
- ② Being Customer Focused.
- ③ Being Open and Accountable.
- ④ Acting fairly and proportionately.
- ⑤ Putting things Right.
- ⑥ Seeking continuous improvement.

These Principles of Good Contact Handling should be read in conjunction with
and (Principles of good Administration)
AND (Principles For Remedy)

PHSO - Ref - EN-182252

PHSO - Ref - EN-189777

PHSO - Ref - EN-197514

PHSO - Ref - HS-205710.

PHSO - Ref - PA-205710.



Parliamentary
and Health Service
Ombudsman

In Confidence
Mr Peter Still
113 Glebe Road
Whitburn
BATHGATE
EH47 0AX

1 May 2014

Dear Mr Still

I am writing to you as I am the manager of Mr Botonjic. I understand from your recent email that you had concerns about the content of the telephone conversations you had with Mr Botonjic on Friday and again on Tuesday afternoon. I know that you prefer email communication; however, as this letter goes into a certain level of detail, and because we have a strict policy on how sensitive the information is that we can send by email, I have written a letter to you. I hope that this does not inconvenience you too much and that you can accept my reasons for contacting you by letter.

I have discussed your case with Mr Botonjic and briefly looked through your recent complaint form. I have also clarified with Mr Botonjic what he was trying to discuss with you.

The role of a Customer Services Officer is to carry out the initial casework on complaints brought to the Ombudsman. The Officers specialise in identifying cases which are not within the power of the Ombudsman to investigate; and those which are within the Ombudsman's power, but where there is further opportunity to resolve matters with the original organisation. They are also required to identify the alleged failings by the organisation; the injustice the complainant says flows from such failings; and the outcome that the complainant is seeking to remedy any such injustice.

I understand that you feel it was not for Mr Botonjic to raise questions about whether your case is one that we could investigate. To the contrary; that is precisely the role of a Customer Services Officer at the Ombudsman.

If I can turn now to the information Mr Botonjic was trying to obtain from you.

Your complaint to us is about the Equality and Human Rights Commission's (EHRC) handling of your case. That underlying case is about grievances with Tesco and the



INVESTORS
IN PEOPLE | Bronze



Printed on 100%
recycled paper

Millbank Tower
Millbank
London SW1P 4QP

Enquiries: 0345 015 4033
Fax: 0300 061 4000

Email: phso.enquiries@ombudsman.org.uk

www.ombudsman.org.uk

subsequent employment tribunal. Out of all of these matters we can only look at the actions of EHRC. The tribunal hearing and decision, and the actions by Tesco, are not in our jurisdiction. Before we can decide to investigate, Mr Botonjic has to identify the consequences that could be linked to possible failings by EHRC, and that is what he was trying to raise with you.

On our complaint form, the failings that you seem to be alleging by EHRC are their initial advice, which led to you pursuing the employment tribunal, and the loss of your papers when they were sent from their Scotland office to their Manchester office (I apologise if I have missed any other matters, but the following would still hold). These are matters we have the power to look at.

The consequences you are describing are all to do with the impact on you mentally and physically of three years of pursuing the employment tribunal case against Tesco. The outcome you are seeking is all to do with the tribunal hearing and the £3,000,000 compensation that you feel should have arisen from that, or a rehearing.

Mr Botonjic was trying to explain that these seem to be impacts to do with the tribunal and Tesco's actions, and not the result of the actions by EHRC. Mr Botonjic wanted to clarify your injustice arising solely from EHRC's actions. Until we have that information, we would be unable to progress your complaint.

I am sorry if Mr Botonjic did not make this clear during his conversation with you. I can see that it is difficult to untangle the issues surrounding EHRC, the employment tribunal and Tesco's, but it is important for us to do this as we can only look at the consequences of EHRC's actions.

To this end, I would ask you to identify this information and pass it to us. If you would like to discuss which injustices would arise from EHRC's actions, then Mr Botonjic is the person to contact as he is the Officer dealing with your case. You can do so by email or telephone. If we cannot clarify this information with you by 15 May 2014 we will consider closing your case, as we will not be able to progress it. However, if that happens we would be happy to open the case again once we have this information.

I hope that this letter has clarified the reason for Mr Botonjic's call and the information we are seeking. I have sent a copy of this letter to George Galloway MP, for his information. If you provide an address for Karen Campbell at MHAP, who you mention on your complaint form, then I would be happy to forward a copy to her as well.

Yours sincerely

A handwritten signature in black ink, appearing to be 'SP' or similar initials, written in a cursive style.

Stuart Poole
Customer Service Manager

Dalvi Arif

From: peter still <peterstill1969@hotmail.co.uk>
Sent: 15 August 2014 08:25
To: Complaintsphso
Subject: FW: peter still complaint

VF-ITEM-ID: 2456935:1599594:197518:M02878229

From: Rebecca.Hilsenrath@equalityhumanrights.com

To: peterstill1969@hotmail.co.uk

Date: Tue, 20 May 2014 11:00:50 +0100

Subject: RE: peter still complaint

Dear Mr Still

I acknowledge receipt of your emails which I have forwarded to Shelagh O'Brien as she is dealing with your complaint.

Many thanks
All best wishes
Rebecca

Rebecca Hilsenrath
Chief Legal Officer

Equality and Human Rights Commission
Fleetbank House, 2-6 Salisbury Square
London, EC4Y 8JX
Tel: 020 7832 7839
Mobile: 07837 625050
Fax: 0203 117 0237
www.equalityhumanrights.com

From: peter still [<mailto:peterstill1969@hotmail.co.uk>]

Sent: 19 May 2014 15:54

To: Rebecca Hilsenrath

Subject: peter still complaint

did you get my emails regards complaint to ombudsman,kind regards peter still

We have teamed up with AbilityNet and BCS to develop a new e-learning course that will equip individuals and businesses with the right skills to create accessible websites. Visit: www.equalityhumanrights.com/webaccessibilityessentials

Our vision

maia 07586715423

Peter Still
113 globe Road
Whithorn
West Lothian
EH47 0AX
Scotland.

Re 21/5/2014 sent 9 recorded delivery
Stuart Poole (mgr) Phsd
18 May 2014

Peter Still complaint Ref. EN-182252/0073
5/4/2014 - signed MP George Gallacher
New Ref - 189777.

Amir Batanjic - Customs Services

Dear Amir, I received a copy of the
complaint, Ref - EN 182252/0073,
on 9th May 2014, would like to say sorry
was aware been on this constant nightmare
since 17th June 2011 - had to rep, over myself
against taxes + hire legal team, please
find what I was was what you were asking
for, my complaint has nothing to do with taxes
in regards to my complaint (it) is against
Equality And Human Rights Commission

complaint Refo - SC0118 - 14/10/2013 - 30/10/2013

After that date they sent my
Documents to Manchester what got lost
so end of procedure, Scotland had to
deal with First Stage of complaints this
did not happen, And was not told till
19/11/2013, I attempted suicide - idea
regard the nightmare, 23/12/2012 - 27/12/2012
was admitted to unit 17 north Heath, St
① confined

2014
21/5/2014

Spent Xmas + reloaded on heavy medication
lost everything I have - family - job - health
left with nothing except ~~money~~ (money)
All this was after being put in touch with
Eric Helpus, start of July 2010 after
being dismissed on 13th May 2010 for a brief
time from base, Livingston-

Get Subject Access Personal File after
Ben, told by advice at Labour that

USOAW ARGA ORCOUNSEL IAN FRASER
changed my appeal to make me look out
manager's best since November 2008
to dismissed 13th May 2010. Advice by
Eric advised NED to check Direct
DOA95 report, etc dated 5/11/10/2010

Peter Scott v ~~Scott~~ Scott Ltd et al

9th August 2010 - 22 July 2011
referred judgment

I have since been looking for justice

Read 22 July 2011 signed by Susan A Day
I have enclosed that judgment
also photocopy of *Levishan v Malcolm*
UKHL (43) 2008 June, House of Lords
(7 page) If that affects further judgment

21/5/2011
all

cont

(3)

Circled parts in (Red) please put this be
a very experienced (10/15/95) legal person
but the ombudsman as very complex

If this affects judgment Yes or No
?

This was produced at End last day

By Advocate For Tesco

(Kenneth M'guire) who is also

Advocate for Equality And Human
Rights Commissioner,
In Scotland

I believe there is ~~no~~ support
these people don't care if they care
about it their own, (target)
settled system

yes sure

Pete Owen

please any queries, mobile - 07586715423
sent copy to (Rebecca Hudsonwell)
Heal new legal act (EHRC) hope P...
get help S.M.A.W.

2/5/2014

per Owen 21/5/2014

LONDON BOROUGH OF LEWISHAM
(appellant) v.
MALCOLM (respondent) and EQUALITY AND
HUMAN RIGHTS COMMISSION (intervener)

[2008] UKHL 43

- 1800 *Disability discrimination*
1811.1 *Disability-related discrimination – reason related to disability*
1811.2 *Disability-related discrimination – others to whom reason does not apply*
1855 *Discrimination by others than employers – providers of goods, facilities, services or premises*

Disability Discrimination Act 1995: ss.22, 24

The facts:

Courtney Malcolm suffered from schizophrenia. His condition was controlled through medication. He rented a flat from the London Borough of Lewisham on a secure tenancy. He sublet his flat on an assured shorthold tenancy for a period of six months. That was a breach of the express terms of his tenancy agreement, which provided that subletting had the automatic effect that the tenancy was no longer a secure tenancy and could never subsequently become one. At the time that he had sublet the flat, Mr Malcolm had stopped taking his medication.

When the council discovered that Mr Malcolm had sublet the flat, it gave him notice to quit. At that time, the council was unaware that Mr Malcolm suffered from schizophrenia. When he did not vacate the flat, the council commenced possession proceedings in the county court. By that time, the council had been informed of his mental health problems.

In his defence to the possession proceedings, Mr Malcolm argued that the council's attempt to gain possession of the flat constituted unlawful disability discrimination contrary to s.22 of the Disability Discrimination Act 1995. He contended that he suffered from a disability for the purposes of the Act; that the reason why the council was seeking possession was because of his disability; and that unless the council could show justification the court was precluded from making a possession order against him. He claimed that he had only sublet the flat because he had not been taking his medication at the time, and this had led to his irresponsible behaviour. The judge in the county court rejected the complaint of disability discrimination and granted the possession order. The Court of Appeal reversed that decision. The council appealed to the House of Lords. The Equality and Human Rights Commission took part in the proceedings as intervener.

Two issues, amongst others, fell to be determined. Firstly, the correct comparators for the purposes of s.24(1) of the Act fell to be identified. There were three options: (a) secure tenants of the council without a mental disability who had sublet; (b) secure tenants of the council who had not sublet; and (c) some other unspecified comparator group. According to the Court of Appeal in *Clark v Novacold Ltd* the correct comparator was (b), but the council submitted that that case was wrongly decided and that the correct comparator was (a). On that basis, Mr Malcolm's discrimination claim would fail, since it was not disputed that the council would have issued a notice to quit and pursued possession proceedings against any secure tenant without a mental disability who had sublet his flat.

Secondly, it fell to be determined whether knowledge of the disability on the part of the discriminator at the time of the alleged discriminatory act was necessary in order to establish that the "reason" for the treatment related to the disability for the purposes of s.24(1). The council argued that it was necessary that the discriminator knew or ought to have known of the disability at the time of the alleged discriminatory act in order to satisfy s.24(1) and establish unlawful discrimination.

Although the issues related to disability discrimination in the

Section 22 of the Act, so far as material, provides:

"(3) It is unlawful for a person managing any premises to discriminate against a disabled person occupying those premises (a) in the way he permits the disabled person to make use of benefits or facilities; (b) by refusing or deliberately omitting permit the disabled person to make use of any benefits or facilities; or (c) by evicting the disabled person, or subjecting him any other detriment."

Section 24 of the Act, so far as material, provides:

"(1) ... a person ('A') discriminates against a disabled person – (a) for a reason which relates to the disabled person's disability, he treats him less favourably than he treats or would treat others to whom that reason does not or would not apply."

The House of Lords (Lord Bingham of Cornhill, Lord Scott of Foscote, Baroness Hale of Richmond (dissenting in part as to the reasoning), Lord Brown of Eaton-under-Heywood and Lord Neuberger of Abbotsbury) 25 June 2008 allowed the appeal and restored the decision of the judge in the county court.

The House of Lords held:

1811.1, 1811.2

The Court of Appeal had erred in holding that the council's conduct in seeking possession of the flat constituted unlawful disability discrimination.

(1) The correct comparator for the purposes of s.24(1)(a) is a secure tenant of the council with a mental disability who has sublet his property, a not a secure tenant who has not sublet his property. In that regard, the Court of Appeal decision in *Clark v Novacold Ltd* was wrongly decided.

There is no point in asking whether a person has been treated "less favourably than others" if the reason why the disabled person was subjected the allegedly less favourable treatment cannot apply to those "others". If a person has been dismissed because he is incapable of doing his job, there is no point in making the lawfulness of his dismissal depend on whether those who are capable of doing their job would have been dismissed if a person has been dismissed because he will be absent from work for a year, there is no point in making the lawfulness of his dismissal depend on whether those who will not be absent from work will be dismissed. If a tenant has been given notice terminating his tenancy because he has sublet in breach of the tenancy agreement, there is no point in making the lawfulness of the action taken by the landlord dependant on whether notice to quit would have been served on tenants who had not sublet. Parliament must surely have intended a meaningful comparison in order to distinguish between treatment that was discriminatory and treatment that was not.

(2) In order for the alleged discriminator's "reason" to "relate to" the disability for the purposes of s.24(1)(a), it is necessary that the discriminator knows of, or ought to know of, the disability, at the time of the alleged discriminatory act. Unless the discriminator has knowledge or imputed knowledge of the disability, he cannot be guilty of unlawful discrimination under the Act.

That interpretation is supported by the fact that s.25(1) provides that a claim based on unlawful disability discrimination may be made the subject of civil proceedings in the same way as any other claim in tort, damages being recoverable. This points towards a requirement of knowledge. Moreover, the grounds of justification specified in s.24 of the Act assume that the discriminator has knowledge of the disability.

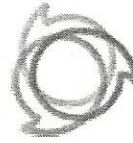
21/5/2008 [Signature]

Ref. EN-182252/0073

And Botajic

Phso - Has signed
All dates that apply
p/s M - dated

RECEIVED (PHSO)
H86
11 APR 2014
Dr
ACKNOWLEDGED -
Del by hand



Parliamentary
and Health Service
Ombudsman

Making a complaint about UK Government services

The Parliamentary Ombudsman can carry out independent investigations into complaints about government departments and other public organisations. We would normally expect that the organisation you are complaining about has had the opportunity to respond to your concerns.

This form is to help us decide if we can look at your complaint. We need specific information from you so that we can deal with your complaint as quickly as possible. If we feel that we do not understand your complaint, then we may return the form to you to be completed before we take any action on your complaint.

To help us consider your complaint, we need to see all the evidence that you have about it - in particular letters to and from the organisation you are complaining about. We are happy to copy originals and return them to you.

You will need an MP to sign Section 9 of this form.

If you are unable to fill in the form or you need any advice, you can contact our helpline on 0345 015 4033.

The helpline is open from 8:30am to 5:30pm Monday to Friday, excluding public holidays.

21/5/2014
Peta

SECTION 1: About you

If you are complaining on behalf of someone else then they must complete Section 7 of this form if they are able to.

1. About you:

Name: PETER Thomas William STEU

Address: 113 globe road, whitburn,
west Lothian, SCOTLAND,

Postcode: EH47 0AX

Telephone number: 07586715423

Email: PeterSteu1969@hotmail.co.uk

How and when would you prefer to be contacted? Phone or email
A.S.A.P.

Do you have any special requirements for us to communicate with you? We will make adjustments for you if we can.

Are you being supported by an advocacy organisation or other representative? Please provide their details if you would like us to copy them into our correspondence.

Karen Campbell (MHAP) email (chic complaints)

We'll keep in touch with you in whichever way works best for you. However, we do need to make you aware that with email there is always a small risk of messages being intercepted. If this is your preferred way for us to contact you please let us know by ticking one of the boxes below. As a precaution, and for added peace of mind, we will also password protect any sensitive documents we send you.

To confirm you are content for us to email you, please tick this box

If you do not want us to correspond with you by email, please tick this box

21/5/2014
PCL

2. Is the complaint on behalf of someone else? YES / **NO**

If you have answered YES to this question, please also complete questions 3 and 4.

If you have answered NO to this question, please go to question 5.

3. Who are you complaining on behalf of:

Name: _____

Address: _____

Postcode: _____

Telephone number: _____

What is your relationship to them? _____

If the person has died, please tell us the date of death here:

4. Please explain why the person who has suffered as a result of the problem is not making the complaint. We would normally expect a person to make their own complaint if they are able to. However, you can represent someone to make a complaint if you have their consent.

SECTION 2: Information about the organisation that you are complaining about

You can contact us before filling in this form if you are not sure whether your complaint is about an organisation we can consider. Our helpline number is 0345 015 4033.

5. Which organisation(s) are you complaining about?

EQUALITY AND HUMAN RIGHTS COMMISSION,
(UK) AND COMMISSION STAFF.

21/5/2004
P. B. A. S.

SECTION 3: Your complaint

We need to know what happened and why you are unhappy with the response to your complaint. Please attach additional sheets of paper if you need more room to set out your complaint. Please do not just say 'see attached' and provide copies of previous correspondence. If the organisation has not addressed all of the issues raised in your complaint, then we may decide that there is further work for the organisation to do before we look at your concerns.

6. Please briefly explain what your complaint is about:

VIOLATION OF PETER STILL, HUMAN RIGHTS
ACT 1998, EUROPEAN CONVENTION HUMAN RIGHTS
Article 6(1) by AU judiciary,
Sheriff Susan A Craig, Lady Anne Smith,
UK ECHR President, Justice Brian Lawson,
Supreme Court Scotland, Lord Robert Doherty,
AND ECHR SENIOR SOLICITOR, IRONIE
Itenerig, claims, S/111150/2010, CAT,
UKCATPAS/0100/11/BI, Peter Still v
tesco stores (tel + fax dno's) 22/7/2015

7. Why are you still unhappy following the response(s) from the organisation(s)?

Peter Still ECHR complaint. Policy + procedure,
ECHR Ref SCOM 18 - STILL,
14/10/2013, 30/10/2013, THIS IS
ONLY COMPLAINT ANYTHING REGARDING
COMPLAINTS, FORWARDED WERE NOT KEEP
AS FAR AS PETER STILL ECHR COMPLAINTS
THIS WAS A CONTINUED MISCAR/ AS FAR AS
AS PETER STILL'S EXPERIENCE

21/5/2014
pccat

8. Has the organisation responded to all the issues raised in your complaint?

If the answer to this question is NO, then please set out below the issues that have not been addressed.

(No) Violation of Peter Stone's Human Rights Act 1998, ECHR, Article 6 (1) Right to A fair hearing, judicial, Sheriff Susan Gray, court session Lady Anne Smith, CAT UK President Justice Brian Langstaff, And Scottish Court of Session Lord Roddy, Dalrymple and CMC Series Solicitors. Irene Henry, all violated Peter Stone's human rights, legal claim S1111/2010 + cat/PAS/0100/10/B1, 9/8/2010 - 22/10/2013

9. How have you, or the person you represent, been affected by what happened?

Since 9th August 2010 continued to present date, S1111/2010 Peter Stone v Law Society Ltd + others, Having to be Party litigant, and 3 year plus experience of Scottish judicial system, has damaged me mentally + physically, at the hands of All names in et claim appeals, lost my home, family, finally, debt, total nervous breakdown, suicidal, isolation,

petro
21/5/2011

SECTION 4: Outcome

Examples of remedies we regularly achieve are apologies, improvements to services, and financial payments.

10. What outcome(s) do you want us to achieve for you?

JUSTICE, REITERATION OF S/111150/2010
PETER SCUM v tesco Stores Ltd + others
CJ 9th August 2010, Regal's judgment 27/07/2011.
OR COMPENSATION, = TO SALARY OF AICE
FIVE NAMED, FROM 8/4/2011, TO PRESENT
DATE.

11. If you are seeking a financial remedy, what would be a reasonable sum of money to remedy your complaint?

£3,000,000, ESTIMATE, OR (REWARDS)

SECTION 5: When things happened

The law says that a complaint should be made to an MP within a year of you becoming aware there is a problem. We can extend this time limit but only where there are special circumstances.

12. When did the events occur? 9/8/2010 - PRESENT DATE +.

13. When were you aware there was a problem and when did you complain?

S/111150/2010, ORAL JUDGEMENT 17/6/2011
et Peter Scum v tesco Stores Ltd +
4 others, FROM 23/6/2011, TO PRESENT DATE.

14. If you did not complain straight away, please explain why: POORLY LITIGANT

APPEAR. THROUGH SCOTTISH et, et, car
of session, ehrc, 25/11/2012, conf to
present date / violation human Rights,

21/5/2014
JPM

15. When did you first write to your MP about your complaint? 19/2/2014

16. If there was more than a year between you becoming aware of the problem and you contacting your MP, please explain why you did not complain to your MP earlier. It would be helpful if you could provide relevant dates of when key events happened. For example, the date of your initial complaint and dates of the organisation's responses.

eat 1 30/10/2011, notice of Appeal
contracte ehrc, request for legal
help, requests et- clean of 11/15/2010
9th August 2010, 22 July 2011, 25/11/2012
numerous dates, conf 6th February, 17/2/2014.
ehrc final response to compute, Scan/18, 4/7,

17. If there is a long time between any of the above dates, please explain what was happening.

Scottish legal procedure, appeal,
et, eat, call of session,

SECTION 6: Legal action

The law says that we must consider whether it is reasonable for you to pursue legal action to achieve the outcomes you are seeking.

We may not be able to look at your complaint: if you are already pursuing legal action; or are planning to take legal action; or if we consider that there is a course of legal action open to you that is reasonable for you to pursue.

18. Are you taking, or planning to take, legal action on your complaint? If YES please give details.

(Yes) current appeal reclaim, Court of Session
time have, requested ehrc, assen on
scan 18 30/10/2013, or compute, rehaing

20/5/14 RJS

SECTION 7: Authorisation

I wish the Ombudsman to investigate my complaint and I consent to the obtaining of all relevant papers for the purposes of investigating a complaint under the Parliamentary Commissioner Act 1967.

Signature: Pete Gill
Date: 19/02/2014

If you are complaining on behalf of someone else, they must sign here if they are able to. If they are not able to, please explain why.

I give my consent for a complaint to be made on my behalf and for the Ombudsman to obtain all relevant papers for the purposes of investigating a complaint under the Parliamentary Commissioner Act 1967. I understand that this may mean that my representative will be able to access personal information obtained for the investigation.

Signature: _____
Date: _____

SECTION 8: To the MP

This section must be completed by the person making the complaint

To (Name of MP) GEORGE GALLOWAY MP

House of Commons, London SW1A 0AA

Please consider the complaint described on this form and in any information attached.

Please complete section 9 and send this complaint to the Parliamentary Ombudsman.

2/15/2014
P Gill


SECTION 9: From the MP to the Ombudsman

This section must be completed by the MP

To: The Parliamentary Ombudsman, Millbank Tower, Millbank, London SW1P 4QP

Mr/Mrs/Miss/Ms _____

Has sent me a complaint. Please consider this complaint and let me know the outcome.

Signature of MP:  _____

Print name: GEORGE GALLOWAY MP

Date: 5/4/2014

Feb 20/5/2014

LONDON BOROUGH OF LEWISHAM (appellant) v. MALCOLM (respondent) and EQUALITY AND HUMAN RIGHTS COMMISSION (intervener)

[2008] UKHL 43

- 1800 *Disability discrimination*
- 1811.1 *Disability-related discrimination – reason related to disability*
- 1811.2 *Disability-related discrimination – others to whom reason does not apply*
- 1855 *Discrimination by others than employers – providers of goods, facilities, services or premises*

Disability Discrimination Act 1995: ss.22, 24

The facts:

Courtney Malcolm suffered from schizophrenia. His condition was controlled through medication. He rented a flat from the London Borough of Lewisham on a secure tenancy. He sublet his flat on an assured shorthold tenancy for a period of six months. That was a breach of the express terms of his tenancy agreement, which provided that subletting had the automatic effect that the tenancy was no longer a secure tenancy and could never subsequently become one. At the time that he had sublet the flat, Mr Malcolm had stopped taking his medication.

When the council discovered that Mr Malcolm had sublet the flat, it gave him notice to quit. At that time, the council was unaware that Mr Malcolm suffered from schizophrenia. When he did not vacate the flat, the council commenced possession proceedings in the county court. By that time, the council had been informed of his mental health problems.

In his defence to the possession proceedings, Mr Malcolm argued that the council's attempt to gain possession of the flat constituted unlawful disability discrimination contrary to s.22 of the Disability Discrimination Act 1995. He contended that he suffered from a disability for the purposes of the Act; that the reason why the council was seeking possession was because of his disability; and that unless the council could show justification the court was precluded from making a possession order against him. He claimed that he had only sublet the flat because he had not been taking his medication at the time, and this had led to his irresponsible behaviour. The judge in the county court rejected the complaint of disability discrimination and granted the possession order. The Court of Appeal reversed that decision. The council appealed to the House of Lords. The Equality and Human Rights Commission took part in the proceedings as intervener.

Two issues, amongst others, fell to be determined. Firstly, the correct comparators for the purposes of s.24(1) of the Act fell to be identified. There were three options: (a) secure tenants of the council without a mental disability who had sublet; (b) secure tenants of the council who had not sublet; and (c) some other unspecified comparator group. According to the Court of Appeal in *Clark v Novacold Ltd* the correct comparator was (b), but the council submitted that that case was wrongly decided and that the correct comparator was (a). On that basis, Mr Malcolm's discrimination claim would fail, since it was not disputed that the council would have issued a notice to quit and pursued possession proceedings against any secure tenant without a mental disability who had sublet his flat.

Secondly, it fell to be determined whether knowledge of the disability on the part of the discriminator at the time of the alleged discriminatory act was necessary in order to establish that the "reason" for the treatment related to the disability for the purposes of s.24(1). The council argued that it was necessary that the discriminator knew or ought to have known of the disability at the time of the alleged discriminatory act in order to satisfy s.24(1) and establish unlawful discrimination.

Although the issues related to disability discrimination in the

Section 22 of the Act, so far as material, provides:

"(3) It is unlawful for a person managing any premises to discriminate against a disabled person occupying those premises (a) in the way he permits the disabled person to make use of benefits or facilities; (b) by refusing or deliberately omitting to permit the disabled person to make use of any benefits or facilities; or (c) by evicting the disabled person, or subjecting him to any other detriment."

Section 24 of the Act, so far as material, provides:

"(1) ... a person ('A') discriminates against a disabled person – (a) for a reason which relates to the disabled person's disability, he treats him less favourably than he treats or would treat others to whom that reason does not or would not apply."

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The Court of Appeal had erred in holding that the council's conduct in seeking possession of the flat constituted unlawful disability discrimination.

(1) The correct comparator for the purposes of s.24(1)(a) is a secure tenant of the council with a mental disability who has sublet his property, a not a secure tenant who has not sublet his property. In that regard, the Court of Appeal decision *Clark v Novacold Ltd* was wrongly decided.

There is no point in asking whether a person has been treated "less favourably than others" if the reason why the disabled person was subjected to the allegedly less favourable treatment cannot apply to those "others". If a person has been dismissed because he is incapable of doing his job, there is no point in making the lawfulness of the dismissal depend on whether those who are capable of doing their job would have been dismissed. If a person has been dismissed because he will be absent from work for a year, there is no point in making the lawfulness of his dismissal depend on whether those who will not be absent from work will be dismissed. If a tenant has been given notice terminating his tenancy because he has sublet in breach of the tenancy agreement, there is no point in making the lawfulness of the action taken by the landlord dependant on whether notice to quit would have been served on tenants who had not sublet. Parliament must surely have intended a meaningful comparison in order to distinguish between treatment that was discriminatory and treatment that was not.

(2) In order for the alleged discriminator's "reason" to "relate to" the disability for the purposes of s.24(1)(a), it is necessary that the discriminator knows of, or ought to know of, the disability, at the time of the alleged discriminatory act. Unless the discriminator has knowledge or imputed knowledge of the disability, he cannot be guilty of unlawful discrimination under the Act.

That interpretation is supported by the fact that s.25(1) provides that a claim based on unlawful disability discrimination may be made the subject of civil proceedings in the same way as any other claim in tort, damages being recoverable. This points towards a requirement of knowledge. Moreover, the grounds of justification specified in s.24 of the Act assume that the discriminator has knowledge of the disability.

2/15/2011 [Signature] (copy) 16/6/2011 [Signature]



EMPLOYMENT TRIBUNALS (SCOTLAND)

To: Mr PT Still
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President: Shona Simon

17 June 2011

Case Number 100758/2011

Claimant
Mr PT Still

V

Respondent
Tesco Stores Ltd
& others

Dear Sir

EMPLOYMENT TRIBUNAL JUDGMENT Employment Tribunals Rules of Procedure 2004

A copy of the judgment and reasons of the Employment Tribunal is enclosed

Your attention is drawn to the booklet 'The Judgment' which contains important information and can be found on our website at www.employmenttribunals.gov.uk/Publications/publications.htm.

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim

Yours faithfully

R WALKER
For the Secretary of Employment Tribunals

21/5/2011
R Walker

West Lothian
EH54 8TB

5

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

10 The unanimous judgment of the Employment Tribunal is:

(First) that the claims against the second, third, fourth and fifth respondent having been withdrawn by the claimant, the claims against them are dismissed;

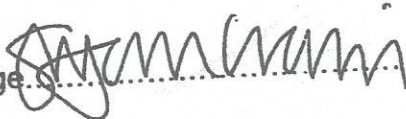
15 (Second) that the claim of unfair dismissal against the first respondent fails, and is dismissed; and

(Third) that the claim of disability discrimination against the first respondent fails, and is dismissed.

20

Oral reasons for that judgment were delivered to parties at the Hearing.

25 Employment Judge



Date

17 June 2011

17 JUN 2011

30

Entered in Register/Copied to Parties.....

21/5/2011 f d s t t b



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For the Secretary of Employment Tribunals

21/5/2011
RWA

West Lothian
EH54 8TB

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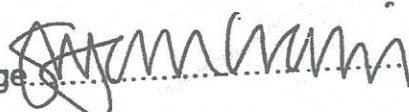
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Oral reasons for that judgment were delivered to parties at the Hearing.

25 Employment Judge.....



Date.....

17 June 2011

17 JUN 2011

30 Entered in Register/Copied to Parties.....

21/5/2011
[Handwritten signature]

Ian Fraser
USDAW
342 Albert Drive
5 Glasgow
G41 5PG

Fifth Respondent

10

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

15 The claim against the fifth respondent is dismissed under Rule 25(4) of the
Employment Tribunal Rules of Procedure 2004.

✓

REASONS

20

1. The claimant withdrew his claims against all respondents.
2. The Secretary notified the respondents of that withdrawal and applications were made in writing for dismissal of those claims.
3. By judgment dated 28 and promulgated on 29 March 2011 the claims
25 against the first to fourth respondents was dismissed but, as a result of an administrative oversight, the fifth respondent was not included in that judgment but ought to have been.
4. The claim against the fifth respondent is dismissed.

30

Employment Judge.....*[Signature]*

35

Date.....*17 June 2011*.....

17 JUN 2011

Entered in Register/Copied to Parties.....

2/5/2011 [Signature]



EMPLOYMENT TRIBUNALS (SCOTLAND)

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www.employmenttribunals.gov.uk

President: Shona Simon

22 July 2011

Case Number 111150/2010

Claimant
Mr PT Still

V

Respondent
Tesco Distribution Centre
& others

Dear Sir

REASONS FOR JUDGMENT OF EMPLOYMENT TRIBUNAL **Employment Tribunals Rules of Procedure 2004**

A copy of the employment tribunal's reasons is enclosed.

Yours faithfully

A Kosiorek
For the Secretary of Employment Tribunals

cc Acas

2/15/2014

per Cow

EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: S/111150/10 Held in Edinburgh on 14, 15, 16 & 17 June 2011

5

Employment Judge S Craig
Members K Cowan
J Terry

10

Mr P T Still
113 Glebe Road
Whitburn
EH47 0AY

Claimant
In Person

15

Tesco Stores Ltd
Tesco Distribution Centre
Carnegie Road
Livingstone
West Lothian
EH54 8TB

First Respondent
Represented by:
Mr K McGuire
Advocate

20

Bruce Balberston
C/o Tesco Distribution Centre
Carnegie Road
Livingstone
West Lothian
EH54 8TB

Second Respondent

30

John Gilcrist
C/o Tesco Distribution Centre
Carnegie Road
Livingstone
West Lothian
EH54 8TB

Third Respondent

35

John Clenghan
C/o Tesco Distribution Centre
Carnegie Road
Livingstone
West Lothian
EH54 8TB

Fourth Respondent

40

Guy Henderson
C/o Tesco Distribution Centre
Carnegie Road
Livingstone
West Lothian
EH54 8TB
ETZ4(WR)

Fifth Respondent

45

2/15/2011
P.T. Still

(82)

REASONS

Introduction

5 1. On 17 June 2011 a judgment was promulgated in the following terms:

"The unanimous judgment of the Employment Tribunal is:

10 (First) that the claims against the second, third, fourth and fifth respondent having been withdrawn by the claimant, the ~~claims~~ against them are dismissed;

15 (Second) that the claim of unfair dismissal against the first respondent fails, and is dismissed; and

(Third) that the claim of disability discrimination against the first respondent fails, and is dismissed.

20 Oral reasons for that judgment were delivered to parties at the Hearing."

2. On 23 June 2011 the claimant made a request for those reasons be issued in writing. These are those reasons.

25 **The claims**

3. This is a claim of unfair dismissal in terms of section 98 of the Employment Rights Act 1996 ("ERA") and of direct disability discrimination contrary to section 3A(5) of the Disability Discrimination Act 1995 ("DDA").

30 ~~There had initially been a claim for unpaid wages but the sums sought had been paid well in advance of the Hearing so that claim had been~~
/withdrawn.

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5. The claim was brought against the first respondent, the claimant's employer, and also against a number of individuals, all employees of the first respondent.
6. At the outset of the Hearing the claimant withdrew his claims against the individual respondents and the claims against them were dismissed. Hereafter the first respondent is referred to as "the respondent".

The issues

7. It was a matter of agreement that the claimant was dismissed, and that the reason for dismissal was capability – the claimant had been absent from work on a number of occasions and was, for the third time, on the third stage of the respondent's absence management procedure.
8. There was no substantial challenge to that procedure; the challenge was to whether it was fair to dismiss the claimant given the reasons for his absences, a substantial number of which were related to his back condition – spondulitis.
9. By the time of the Hearing it was also not in dispute that the claimant was a disabled person within the meaning of the DDA albeit that it was a source of some frustration to the claimant - perhaps understandably given the extensive medical information available to the respondent - that that concession was not made at an earlier stage.
10. The issues for determination by the Tribunal were whether or not the dismissal was fair or unfair and, if that dismissal was on the ground of his disability, whether the claimant was treated less favourably than a person not having that particular disability but whose relevant circumstances were the same as, or not materially different from, his?

The evidence

21/5/2014

11. The Tribunal heard evidence from a number of witnesses:

- The claimant
- Guy Henderson, who took the decision to dismiss
- John Clarke, who heard the first stage appeal
- Mark Window, who heard the second stage appeal
- Kara Mathieson, the Human Resources Manager who advised Mr Clarke at the first stage of the appeal

12. The Tribunal was referred to a Joint Bundle of Documents to which various documents were added in the course of the Hearing.

13. There was very little factual dispute between the parties. The Tribunal found all of the witnesses to be honest, truthful and reliable albeit that it had some reservations about the approach adopted by Mr Henderson, for reasons explained hereunder.

14. Based on the evidence which it heard and the documents to which it was referred the Tribunal found the following to be the facts material to the issues before it which were either established or agreed.

Material facts

15. The claimant was first employed by the respondent on 29 November 2004. Earlier in his employment the claimant had been dismissed but then reinstated on appeal.

16. The effective date of termination of employment was 13 May 2010.

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17. The claimant was paid five weeks pay in lieu of notice.

18. The claimant was dismissed for reason of his capability.

5 19. The claimant was a disabled person throughout his employment with the respondent.

20. The claimant had spondulitis.

10 21. The respondent operates an absence management procedure which is triggered where an employee is absent for more than 3% of contracted hours in a rolling period of 26 weeks or, alternatively, has three separate periods of absence in that rolling period.

15 22. There are three stages within the procedure. An employee may move up or down the stages depending on whether their level of absence increases or decreases. Each stage lasts 26 weeks from the date of the trigger absence.

20 23. The terms of the respondent's procedure make it clear that should an employee reach Stage 3 a single further absence within the period of 26 weeks of the Stage 3 is likely to result in dismissal.

25 24. Where an employee on Stage 3 has a further absence that employee's line manager may refer the employee to human relations. They will consider the referral and, if appropriate, will then refer the employee to managers specifically appointed to consider whether or not such employees should be dismissed. Those managers are known as "the dismissing officer".

30 25. Essentially the terms of the respondent's procedure give a dismissing officer only two options – dismiss or not dismiss. There is very little room for manoeuvre within those two options.

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26. Guy Henderson was a dismissing officer within the warehouse where the claimant was employed.

5 27. An employee that has been through the procedure on two separate occasions which escalated as far as Stage 3 on both occasions who then has a third occasion of absence is automatically fast tracked to Stage 3, skipping Stages 1 and 2.

10 28. An employee placed on any Stage has the right to appeal that decision.

15 29. Over the course of his employment the claimant had a number of periods of absence for a variety of reasons, some, though not all, related to his spondulitis. He had been subject to the absence procedure on a number of occasions, and had twice reached Stage 3. On both occasions there was no further absence during the currency of the Stage 3.

30. The claimant had not appealed any of the decisions to place him on any of the stages of the procedure.

20 31. On 23 September 2009 the claimant returned to work following a 34 day period of absence for anxiety and stress.

32. There was no suggestion that that was not a genuine absence.

25 33. That absence triggered a fast track onto Stage 3.

34. There were four further periods of absence during that Stage 3.

30 35. The respondent did not take any action in relation to one of those absences - which was for two days - and were satisfied with the explanation given by the claimant.

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36. The other three absences totalled 55 days between 20 January and 22 April 2010.

5 37. The respondent took action in relation to those absences, and the matter was referred to Guy Henderson.

38. Correspondence was sent to the claimant inviting him to attend a meeting with Mr Henderson. That explained the reason for the meeting, and that it might result in dismissal.

10 39. The claimant was given, but declined, the opportunity to be accompanied to the meeting.

40. The meeting with Mr Henderson took place over two separate days.

15 41. The claimant was given ample opportunity to explain the reason for his absences. He focused instead only on issues that had arisen several years previously, relating to the earlier dismissal and appeal, and which had culminated in an adjustment being carried out to his working practices in
20 early 2009. Those issues were unconnected with the absences that caused the claimant to be placed on the Stage 3 in late 2009.

42. The claimant did not suggest to Mr Henderson that he was a disabled person.

25 43. The claimant did not suggest that he had not been off nor did he challenge the procedure leading up to and including the meeting with Mr Henderson.

30 44. Mr Henderson decided to dismiss the claimant. That was a decision that was open to him in terms of the procedure because of the level of the claimant's absences.

45. Mr Henderson did not know that the claimant was a disabled person.

2/5/2014
RASH

LONDON BOROUGH OF LEWISHAM (appellant) v. MALCOLM (respondent) and EQUALITY AND HUMAN RIGHTS COMMISSION (intervener)

[2008] UKHL 43

- 1800 Disability discrimination
- 1811.1 Disability-related discrimination – reason related to disability
- 1811.2 Disability-related discrimination – others to whom reason does not apply
- 1855 Discrimination by others than employers – providers of goods, facilities, services or premises

Disability Discrimination Act 1995: ss.22, 24

The facts:

Courtney Malcolm suffered from schizophrenia. His condition was controlled through medication. He rented a flat from the London Borough of Lewisham on a secure tenancy. He sublet his flat on an assured shorthold tenancy for a period of six months. That was a breach of the express terms of his tenancy agreement, which provided that subletting had the automatic effect that the tenancy was no longer a secure tenancy and could never subsequently become one. At the time that he had sublet the flat, Mr Malcolm had stopped taking his medication.

When the council discovered that Mr Malcolm had sublet the flat, it gave him notice to quit. At that time, the council was unaware that Mr Malcolm suffered from schizophrenia. When he did not vacate the flat, the council commenced possession proceedings in the county court. By that time, the council had been informed of his mental health problems.

In his defence to the possession proceedings, Mr Malcolm argued that the council's attempt to gain possession of the flat constituted unlawful disability discrimination contrary to s.22 of the Disability Discrimination Act 1995. He contended that he suffered from a disability for the purposes of the Act; that the reason why the council was seeking possession was because of his disability; and that unless the council could show justification the court was precluded from making a possession order against him. He claimed that he had only sublet the flat because he had not been taking his medication at the time, and this had led to his irresponsible behaviour. The judge in the county court rejected the complaint of disability discrimination and granted the possession order. The Court of Appeal reversed that decision. The council appealed to the House of Lords. The Equality and Human Rights Commission took part in the proceedings as intervener.

Two issues, amongst others, fell to be determined. Firstly, the correct comparators for the purposes of s.24(1) of the Act fell to be identified. There were three options: (a) secure tenants of the council without a mental disability who had sublet; (b) secure tenants of the council who had not sublet; and (c) some other unspecified comparator group. According to the Court of Appeal in *Clark v Novacold Ltd* the correct comparator was (b), but the council submitted that that case was wrongly decided and that the correct comparator was (a). On that basis, Mr Malcolm's discrimination claim would fail, since it was not disputed that the council would have issued a notice to quit and pursued possession proceedings against any secure tenant without a mental disability who had sublet his flat.

Secondly, it fell to be determined whether knowledge of the disability on the part of the discriminator at the time of the alleged discriminatory act was necessary in order to establish that the "reason" for the treatment related to the disability for the purposes of s.24(1). The council argued that it was necessary that the discriminator knew or ought to have known of the disability at the time of the alleged discriminatory act in order to satisfy s.24(1) and establish unlawful discrimination.

Although the issues related to disability discrimination in the field of housing it was common ground that the same approach would apply to disability discrimination in the employment field.

Section 22 of the Act, so far as material, provides:

"(3) It is unlawful for a person managing any premises to discriminate against a disabled person occupying those premises (a) in the way he permits the disabled person to make use of benefits or facilities; (b) by refusing or deliberately omitting to permit the disabled person to make use of any benefits or facilities; or (c) by evicting the disabled person, or subjecting him to any other detriment."

Section 24 of the Act, so far as material, provides:

"(1) ... a person ('A') discriminates against a disabled person – (a) for a reason which relates to the disabled person's disability, he treats him less favourably than he treats or would treat others to whom that reason does not or would not apply ..."

The House of Lords (Lord Bingham of Cornhill, Lord Scott of Foscote, Baroness Hale of Richmond (dissenting in part as to the reasoning), Lord Brown of Eaton-under-Heywood and Lord Neuberger of Abbotsbury) 25 June 2008 allowed the appeal and restored the decision of the judge in the county court.

The House of Lords held:

1811.1, 1811.2

The Court of Appeal had erred in holding that the council's conduct in seeking possession of the flat constituted unlawful disability discrimination.

(1) The correct comparator for the purposes of s.24(1)(a) is a secure tenant of the council without a mental disability who has sublet his property, a not a secure tenant who has not sublet his property. In that regard, the Court of Appeal decision *Clark v Novacold Ltd* was wrongly decided.

There is no point in asking whether a person has been treated "less favourably than others" if the reason why the disabled person was subjected to the allegedly less favourable treatment cannot apply to those "others". If a person has been dismissed because he is incapable of doing his job, there is no point in making the lawfulness of the dismissal depend on whether those who are capable of doing their job would have been dismissed if a person has been dismissed because he will be absent from work for a year, there is no point in making the lawfulness of his dismissal depend on whether those who will not be absent from work will be dismissed. If a tenant has been given notice terminating his tenancy because he has sublet in breach of the tenancy agreement, there is no point in making the lawfulness of the action taken by the landlord dependant on whether notice to quit would have been served on tenants who had not sublet. Parliament must surely have intended a meaningful comparison in order to distinguish between treatment that was discriminatory and a treatment that was not.

(2) In order for the alleged discriminator's "reason" to "relate to" the disability for the purposes of s.24(1)(a), it is necessary that the discriminator knows of, or ought to know of, the disability, at the time of the alleged discriminatory act. Unless the discriminator has knowledge or imputed knowledge of the disability, he cannot be guilty of unlawful discrimination under the Act.

That interpretation is supported by the fact that s.25(1) provides that a claim based on unlawful disability discrimination may be made the subject of civil proceedings in the same way as any other claim in tort, damages being recoverable. This points towards a requirement of knowledge. Moreover, the grounds of justification specified in s.24 of the Act assume that the discriminator has knowledge of the disability. It would be anomalous if a discriminator needs to know of the disability if

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46. The claimant appealed - unsuccessfully - through the respondent's two stages of the appeal.

47. The claimant applied for and received State Benefits throughout the majority of the time following his dismissal, albeit that he encountered a problem in relation to one signing on period which is in the process of being appealed.

48. The claimant is now being medically examined to assess his fitness for work.

49. The claimant has taken reasonable steps to mitigate his losses.

Submissions

50. It was the claimant's submission that the respondent knew full well that he was covered by the DDA and that he could not understand why it took them so long to acknowledge that fact to the Tribunal. He did not believe he should have been subjected to the absence management process and that it was unfair that he was.

51. Referring the Tribunal to London Borough of Lewisham - v - Malcolm [2008] IRLR 700 Mr McGuire for the respondent submitted that the claim of direct discrimination must fail. In any event, he argued, the formulation of the claimant's claim could never succeed as it could did not amount to an allegation of direct discrimination. That claim was, said Mr McGuire, wholly misconceived.

2. The claimant had not led evidence about comparators or that any comparator would be treated more favourably than the claimant. Further, said Mr McGuire, the claimant had not put to the witnesses that the dismissal was on the ground of his disability. Given that Mr Henderson did

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not know that the claimant was disabled he could not have dismissed him on that ground.

53. In relation to the unfair dismissal claim Mr McGuire submitted that the Tribunal must not substitute its views for those of the respondent. While the claimant had had money issues, those predated the dismissal.

54. The respondent had led evidence of a potentially fair reason for dismissal – capability – said Mr McGuire, and the decision to dismiss for that reason was fair. The claimant did not argue that there was any unfairness in the procedures followed by the respondent and he had every opportunity to raise any issues during that process. The only issues he raised were by then historical and unrelated to the issue of the current level of absence.

55. If the dismissal was found to be unfair, argued Mr McGuire, any award ought to be reduced in accordance with Polkey -v- AE Dayton Services Ltd 1988] ICR 142.

The law

36. Whether or not a dismissal is fair or unfair is determined in accordance with section 98 of ERA. That provides:

"98(1) In determining for the purposes of this Part whether the dismissal of an employee is fair or unfair, it is for the employer to show -

(a) the reason (or, if more than one, the principal reason) for the dismissal, and

(b) that it is either a reason falling within subsection (2) or some other substantial reason of a kind such as to justify the dismissal of an employee holding the position which the employee held.

(2) A reason falls within this subsection if it –

.....

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(a) relates to the capability or qualifications of the employee for performing work of the kind which he was employed by the employer to do,

5

.....
(4) Where the employer has fulfilled the requirements of sub section (1), the determination of the question whether the dismissal was fair or unfair (having regard to the reason shown by the employer) –

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(a) depends on whether in the circumstances (including the size and administrative resources of the employers undertaking), the employer acted reasonably or unreasonably in treating it as a sufficient reason for dismissing the employee and

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(b) shall be determined in accordance with the equity and substantial merits of the case."

20

57. The claimant's claim of direct disability discrimination arises under section 3A(5) of the DDA which provides:

"3A(5) A person directly discriminates against a disabled person if, on the ground of the disabled person's disability, he treats the disabled person less favourably than he treats or would treat a person not having that particular disability whose relevant circumstances, including his abilities, are the same as, or not materially different from, those of the disabled person."

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Discussion and decision

58. Turning to the issues before the Tribunal, first in relation to the unfair dismissal claim the first matter to determine is whether the respondent had satisfied the onus on it to establish the reason for dismissal and that it was a potentially fair reason for dismissal.

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59. On the evidence the Tribunal was satisfied that that was established and that the reason for dismissal was capability. There was no substantive challenge to that reason by the claimant.

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21/5/2014 [Signature]

60. The second question is whether or not that decision was fair or unfair having regard to the reason given by the respondent. In that matter the onus is neutral, with no burden on either party.

5 61. In considering that issue the Tribunal reminded itself that it must not substitute its view for that of the respondent. Instead it must consider what the respondent in fact did in order to decide if it acted fairly and reasonably. In other words, the Tribunal is not deciding whether it would have taken the same decision in similar circumstances but instead whether or not the
10 decision taken by this employer was one that was open to it.

62. On the evidence the Tribunal was satisfied that it was. It was satisfied that the decision was fair.

15 63. It was not a matter of dispute that the level of the claimant's absences was sufficient in terms of the policy to entitle Mr Henderson to dismiss. The procedure was properly followed and the claimant was given ample opportunity to say why he should not be dismissed. All of his submissions to Mr Henderson concentrated on issues that he had had with various
20 managers over a period of some years previously, but none of which had any relevance to the question of whether or not, as a fact, he had had the level of absences that he had.

25 64. The correspondence relating to the various stages was clear about the consequences of there being further absences. It was clear that the claimant was offered an opportunity to appeal each of the placings onto the various stages but did not do so on any occasion. Accordingly by the time the matter came before Mr Henderson it was the third occasion on which the claimant had been at Stage 3, and was there without any challenge by
30 the claimant to that fact.

65. The claimant's submissions to Mr Henderson, and indeed to both appeal officers, all harked back to the much earlier dispute that had resulted in a

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J. J. J.

dismissal, and then a reinstatement, and then, some time later again, an adjustment to the claimant's working practices. That all that had occurred did not seem to be in any serious doubt, but none of it had any relevance at all to the issue that was facing the respondent i.e. that the claimant had been through their absence management procedure on two earlier occasions, both times reaching Stage 3 and that, during the currency of the present Stage 3, the claimant had had a further 55 days absence between January and April 2010.

10 66. That Mr Henderson seemed perplexed by the claimant's constant reference back to the earlier matters was understandable. Mr Clarke and Mr Window were similarly baffled. The Tribunal accepted that the claimant appeared to have an honestly held belief that he had been poorly treated on earlier occasions but there was no evidence that any of that earlier treatment in any way infected or affected the decision to dismiss.

15 67. For the purposes of determination of the unfair dismissal claim whether or not the 55 days of absences arising during the currency of the Stage 3 were related to the claimant's disability was not an issue in itself. The issue was whether the employer is entitled to form the view that the claimant was not capable of carrying out his employment. That was a decision that was open to the respondent on the facts and was a fair decision.

20 68. In relation to the claim of direct disability discrimination the Tribunal determined, as a fact, that Mr Henderson did not know that the claimant was a disabled person. However it was persuaded that he ought to have known. There was more than sufficient information within the claimant's HR file, including medical reports and assessments from occupational health that should have alerted Mr Henderson to that fact.

25 69. While the Tribunal was satisfied that, subjectively, Mr Henderson did not know that the claimant was a disabled person it considered his approach to someone who was in fact disabled - and who he ought to have known was

21/5/2014 [Signature]

disabled - was rather ill-informed and ill-considered. That was particularly so in his questioning of the claimant about his back condition. Some of the questioning suggested that his point of view was that there was something that the claimant could do about his painful back; that the claimant was in some way culpable for not taking those steps.

70. The Tribunal considered that Mr Henderson's approach was rather insensitive given the claimant's well documented medical conditions.

71. Nevertheless that did not amount to direct discrimination of the claimant on the ground of his disability. The claimant led no evidence about a comparator. As such the only comparator would have to be hypothetical, albeit that there was no direct evidence about such a comparator either. However what was plain from the evidence before the Tribunal was that a hypothetical comparator - one whose relevant circumstances i.e. level of absence were the same as, or not materially different from, those of the claimant's - would also be dismissed.

72. That being so there was no evidence at all of there being any less favourable treatment of the claimant on the ground of his disability, and the claim of direct discrimination must fail.

73. In any event, argued Mr McGuire, the claim as formulated was ill-conceived in that what the claimant sought could not amount to a claim of direct disability discrimination. While the Tribunal agrees, that claim is in any event dismissed for the reasons given.

74. Further, and in any event, while the Tribunal was not unsympathetic to the predicament in which the claimant found himself given the number of absences that he had, it was not persuaded that even if the respondent had left out of account the absences that were related to his back that there would have been a different result. The level of non-back related

Paul
21/5/20

absences were in any effect sufficiently high so that the claimant would have found himself subject to the absence procedure anyway.

5

75. That being so the Tribunal was satisfied that both claims fail and are dismissed.

10

Employment Judge.....

[Handwritten signature]

Date.....

21 July 2011

22 JUL 2011

15

Entered in Register/Copied to Parties.....

21/5/2010

petaw

PENSION - ILL HEALTH PENSION

Peter Stille v Tesco Stores Ltd

PO-1491

Spurs pattern - hours worked
M'Clay

February 2013
Appealed then
ended legal assistance
11 July 2015 - 2017

Judith Nelson
UK PENSION Director
v Tesco

Fox Cross - Brian McLaughlin

Advised me regards Pension, Ombudsman
claim

Needed to copy - as he would deal with
claim 8/11/2010 - Tesco have put that
judgment dated 22 July 2011 Susan A'Loig
+ cost of 1000/11/13, Lady Smith, none of to
dissolve ill-health pension at ten
& dismissed 13 May 2010

evidence produced by Tesco - 1 page
dismissed
13 May 2010 - (shd- let's personal documents)

Photo copy 'page' handwritten & Malcom June 2008

(Hours of work) (written ~~13~~)

Pension Ombudsman

PO-1491 Peter Stull v Tesco Stores Ltd

14/5/2014 - 4/9/2014

David Jacobs (TPAS) 2/5/2014 - 14/5/2014
Pension Adviser

Paul Stochan (PO) 16/9/2013 - 10/6/2015
Investigation Investigator

Rajon Bhudid (PO) 10/6/2014 - 12/6/2015
Investigation Assistent

Niall McDonagh (PO) 28/4/2013 - 30/6/2015
Investigation Assistent

Change of Address - 4 September 2014

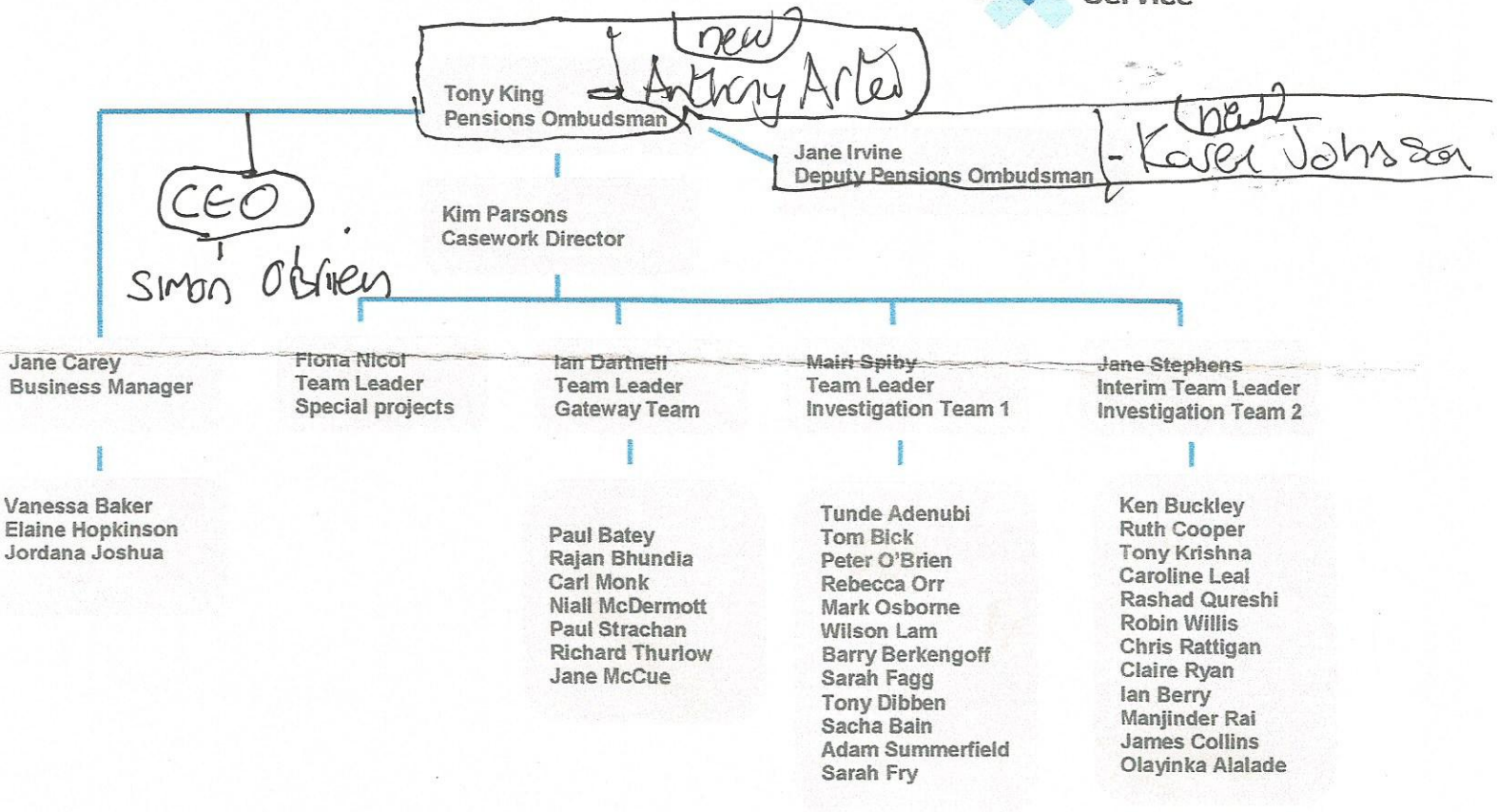
Peter Stull
84 Plessey Rd,
Bathgate
EH48 2LP

07586715423
mobile

email peter.stull@tesco.com

Peter Stull
Tesco Stores Ltd
Pension Ombudsman
PO-1491
28/4/2013 - 13/7/2015

Organisation chart



Application Form

po pensions ombudsman

Please complete the details below (you are required to complete those marked *)

Your details

*Your surname: STILL
*Your first name: PETER
Your title: MR
*Your address: 113 GLEBE ROAD
WHITBURN
WEST LOTHIAN
SCOTLAND
*Your postcode: EH47 0AX

Your date of birth: 13/06/1969
Your telephone number: 07586 715423
Your email address: PETERSTILL1969@HOTMAIL.CO.UK
How would you like us to contact you? PHONE / E-MAIL
Do you need information in another language or format (eg large print)? Yes/No (No)
If yes, please give details:

Representative details

Is someone representing you? Yes/No (No)
(Please note, if someone is representing you we will correspond only with them.)
Name: _____ Telephone number: _____
Address: _____ Email address: _____

Postcode: _____

Your complaint or dispute details

*Name of scheme or policy number(s): TESCO PLC PENSION SCHEME (17917319)
*Please tell us the name and address of who you are complaining about:
(Before contacting the Ombudsman, you should complain in writing to the people or bodies you would like to complain about. The Ombudsman will not normally be able to consider your complaint until you have done this.)
Employer: TESCO STORES LTD Trustees: _____
DISTRIBUTION CENTRE _____
CARNEFIE ROAD _____
LIVINGSTONE SCOTLAND _____
Scheme Managers: Squire Sanders LLP Scheme Administrators: _____
Leeds, England, UK _____
Legal for all matters _____
21/9/2010 - 28/11/2013 _____
to present date.

Previous referrals

*Have you referred your complaint to the Pensions Advisory Service? Yes/~~No~~

(You may find it useful to do so before contacting us.)

Can we request your papers from them? Yes/~~No~~

What is your Pensions Advisory Service reference number? 86039

Has a Court or Tribunal been involved in your complaint? Yes/~~No~~
(If yes, please provide details and any supporting documents.)

et claim 5/11/2010/2010, P Steel v tesco Gro Ltd
et al 9/08/2010 - 27/07/2011 + 4 others
at Appd - UKPAS/0100/11/BI - P Steel v Tesco Gro Ltd
August 2011 - 13/03/2014 + 4 others

***Please summarise your complaint**

(Please complete this part even if you have referred the matter to the Pensions Advisory Service (TPAS) or are providing supporting documents. It may help you to list what each party has done wrong. Please provide a copy of all documents if not held by TPAS.)

My complaint is... BEFORE LOSING MY EMPLOYMENT I WAS
SUFFERING FROM A SERIOUS MEDICAL CONDITION. MY
EMPLOYER WAS AWARE OF THIS BUT CHOSE NOT TO
ASK THE SCHEME TRUSTEES TO CONSIDER MY ENTITLEMENT.
THE TRUSTEES CANNOT LOOK AT THIS UNLESS TESCO ASK THEM TO.

*When did you first become aware of this matter? (JANUARY 2012,) (- March -2013 - NOV 2013)

***Please detail the injustice you have suffered**

I HAVE NOT BEEN CONSIDERED FOR RECEIPT OF AN ILL
HEALTH EARLY RETIREMENT PENSION AND HAVE BEEN
LEFT WITHOUT THE INCOME, LOST HOME, HOMECARES,
BONUSES, ETC, NOT WORKED SINCE, LEAVING, 12/5/2010 to present date

***How would you like the matter put right?**

FOR TESCO TO ASK THE TRUSTEES TO CONSIDER MY
APPLICATION FOR ILL HEALTH RETIREMENT WITH EFFECT
FROM MY DATE OF LEAVING EMPLOYMENT, OR ANY
OTHER BENEFITS, AS FULL SCHEME MEMBER.

Declaration: I consent to the Office of the Pensions Ombudsman obtaining necessary information from the parties I am complaining about and other third parties to process my complaint and during any investigation. (We will not be able to deal with your complaint unless you consent to this.) Please note that any papers received may be copied to all parties you are complaining about. I have read the section headed "Your personal information" in the Pensions Ombudsman's leaflet "How we can help you with a complaint about a pension".

Signed: Peter Steel Date: 7/5/2014

A
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PQ
R
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T
UV
WX
Y7

[Print](#)[Close](#)

RE: complaint , peter still , tesco pension scheme , ref , po-1491

From: **peter still** (peterstill1969@hotmail.co.uk)

Sent: 27 August 2013 13:33:14

To: **Niall McDermott** (niall.mcdermott@pensions-ombudsman.org.uk)

thanks niall , much appreciated and no need for apology kind regards peter still

> From: Niall.McDermott@pensions-ombudsman.org.uk

> To: peterstill1969@hotmail.co.uk

> Subject: RE: complaint , peter still , tesco pension scheme , ref , po-1491

> Date: Tue, 27 Aug 2013 12:26:04 +0000

>

> Dear Mr Still

>

> Your case is still currently waiting to be reviewed by a Jurisdiction Investigator. I have been informed that this should happen within the next week and they will be in contact with you at this point. Until this has happened, there is not much more we can update you on the case. I apologise for the delay in reviewing your case.

>

> Regards

>

> Niall McDermott

> Investigation Assistant

>

>

> -----Original Message-----

> From: peter still [mailto:peterstill1969@hotmail.co.uk]

> Sent: 27 August 2013 13:06

> To: Niall McDermott

> Subject: RE: complaint , peter still , tesco pension scheme , ref , po-1491

>

> hi ,niall not heard anything regards my complaint , could you be good enough to ask the person handling my claim , if they could give me a call . next week i have the mental health advocacy , coming to see me , just want to find out whats happening so i can let them know as they will be handling a lot of issues for me muchobliged if you can update me , thanks peter still . my mobile number is 07586715423

>

>

>

>

>

> Subject: RE: complaint , peter still , tesco pension scheme , ref , po-1491

[Print](#)[Close](#)

**RE: mr peter still , tesco stores ltd , squire sanders , ref
lxw2/tes.019-1109,**

From: **peter still** (peterstill1969@hotmail.co.uk)
Sent: 22 January 2014 04:16:44
To: squire sanders (laura.walsh@squiresanders.com)

update not going to send your firm or clients the documents that i said i would be doing , sending one copy to
judith nelson , not going to spend another dime at anytime from now on not after all the misery you have caused
me along with your clients oki doki

Peter thomas william Still

From: Laura.Walsh@squiresanders.com
To: peterstill1969@hotmail.co.uk
Date: Mon, 9 Dec 2013 12:04:56 +0000
Subject: RE: mr peter still , tesco stores ltd , squire sanders , ref lxw2/tes.019-1109,

Mr Still

The firm's complaints handling partner is Andrew Pike. He can be reached at Andrew.Pike@squiresanders.com

Yours sincerely

Laura A. Walsh

Associate

laura.walsh@squiresanders.com

T +44 113 284 7048
O +44 113 284 7000
F +44 870 460 3014
M +44 7545 935632
M Mobex 25 7048

Dear Paul,

RECEIVED BY THE
14 MAY 2014
PENSIONS OMBUDSMAN

RECEIVED BY THE
14 MAY 2014
PENSIONS OMBUDSMAN

David Jacobs from Pension Advisory Service, will be bringing a large bundle of documents, in relation to Peter SW CW health report, pension scheme, their career scheme above + numerous diophany, while employed at these same HJ the full two bundles, as all from subject Access request dated prior to Act which I obtained after 24th June 2010, there is also medical from O, H, A, dated report which I obtained after 11th November 2010, also that GPO have supplied is etc, ground of residence, response to DISB query 2nd September 2010, and 17th May 2011. and to Richard Paul, Sybil Sanders, and on 16th June 2011 at Henry a photocopy of Malcolm W Lewis (House of Lords) nothing else, Please could you deal with this as soon as possible to avoid a drawn out matter and physically, ~~any to send~~ I have emails, to send in regards to Pension Benefit January 2013, to print date, which I will send after all necessary papers.

Before I do this will wait until I hear
from your office regarding my complaint.

Yours faithfully,

Peter Stein

Peter Stein, 11/5/2014.

P, A, S, Ref = 86039

penrose ombudsman - ref. PO - 1491

Scheme - Tesco Plc, 17917319

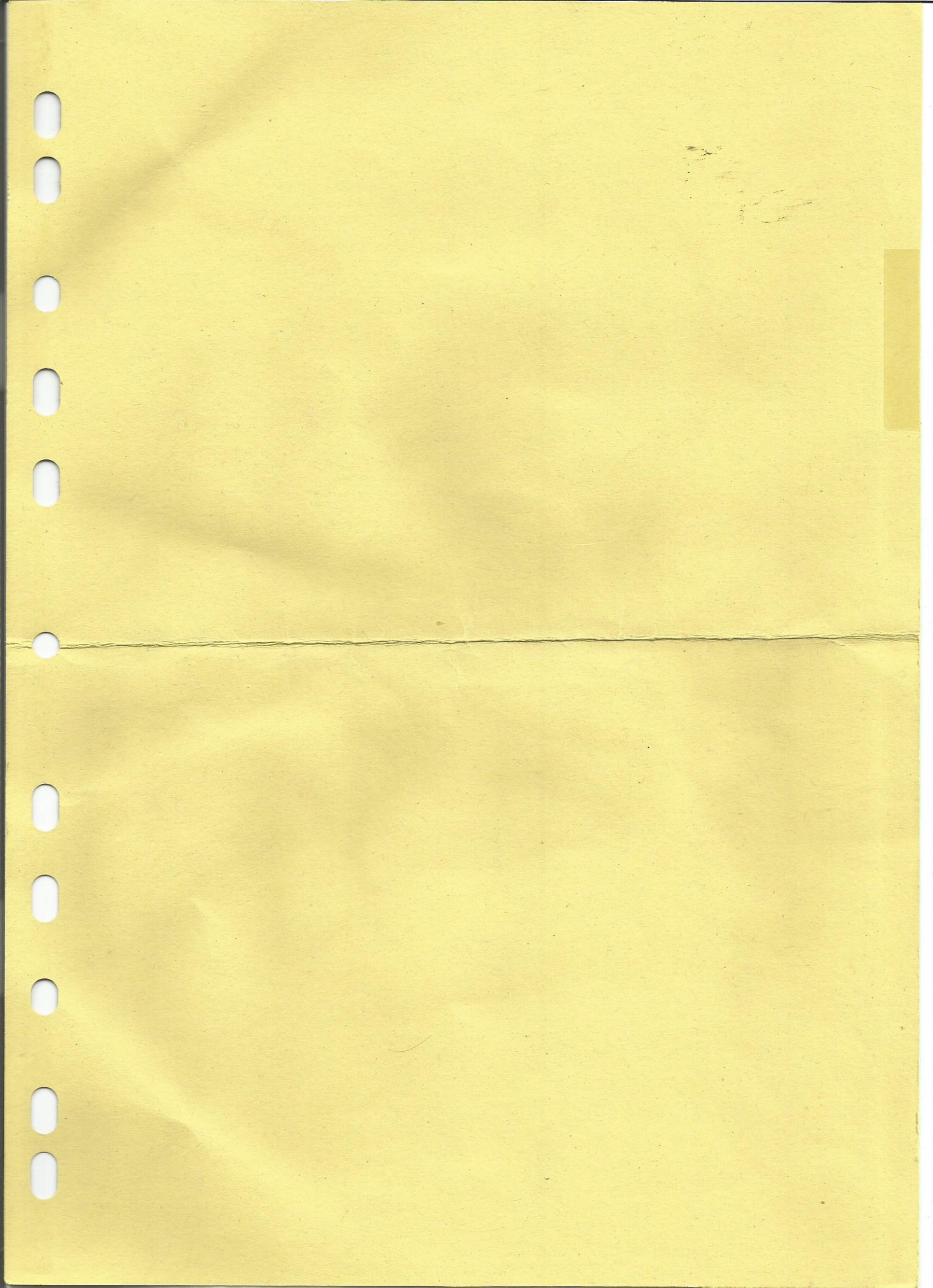
STILL.

Contact - mobile = 07586715423.

and home = 01501-470781

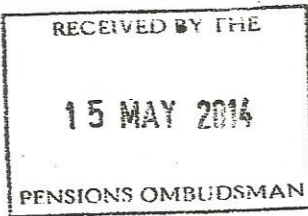
email = PeterStein1969@hotmail.co.uk

address 113 glebe road, whitburn,
west Lothian, EH47 0AX,
Scotland.



PO-1491,

of 17917319



Peter Still

113 globe road,
Whithorn,

west Lothian, EH47 0AX

Scotland

Peter Still
tesco Psc Pension

(ref) (Mrs, L, CLUME - SCOTLAND) POZZUB
conclusion page 26

Pensions Ombudsman.

Please find enclosed further.

Documents regards Peter Still complaint against
ex-employee tesco Stores Ltd, Squire Sunders 11/7
would like ombudsman to look at sickness
absence records employed as warehouse operative.
From 28th November 2004, previous dismissed, 11/11/20
returned after ordering of dismissal 22/02/2006, about
3 days (back pain) returned but no report she
received, all g.p. visited doctor reports done
in Peter Still November 2010, was given job that
resulted in 174 days sickness absence after return
22/02/2006, 36 days Anxiety + stress, disability
also taken full leave allowances, paid SSP. 57
at my home, family, husband, mounting in social
debt, in debt of £70,000, loss of fund after
4 years since 12 May 2010, 20 years till 65, loss
of any pension could this be dealt with as
soon as possible, looking for any (PIB) (IOB)
or any other benefits, Young Small D.A. etc.

After returning to work, diagnosis overturned, dated
of 11/11/2005, 3 days sickness back pain,
spondylosis, doubly less severe 1st,
intended appeal stage (2) 22 February 2006.
To Anne Ratcliffe (regia persone mgrs)
Margaret involved in this dismissal, were
(Pao Stellu): team mgrs = Bruce Balbojato
Shift mgrs = John Gilcrest
Down Office = Steve Miles

Returned to same shift - same Margaret,
23/2/2006. cont 13/05/2010 sickness
absence due to (Back pain) (Spondylosis)
Disability (174 days) disability which taken
in relation all these absences, company
sickness absence, s,yca, result is dismissal
13 May 2010, also (34 days) sickness absence
due to Anxiety + Stress Disability taken for
these absences also against s,yca) total of
sickness is total 208 days, paid SSP,
result in debt, Margaret, repayment of none:

Stage 1 stage 2 appeal initiated in relation
to document 13th May 2010, stage 1 9th June
2010 - cont 24 June 2010) was represented
by under Ave Orphan Ian Frowd, under
an access subject Access Request after
a valid request data protection Act)
Personal file held by Tesco Store Ltd,
From 1st July 2010 I had found out that
Ian Frowd had given me wrong advice
at stage 1 hearing 9th June 2010 - 24 June
2010) request (Stage 2) In the appeal,
1st July 2010, stage (2) hearings 22 September
2010 cont 11th November 2010, also 10 Dec 2010
2010 end of Tesco Store Ltd. Appeal paid
provision. All documents regarding Peter Star
from 30th June 2010 were supplied from Peter
subject Access Request for time employed
by Tesco Store Ltd from Nov 2004, to 30 June
2010. Details reports between Peter Star on request
by Orphan Health were only obtained end Nov
2010, being after coverage 1st Nov 2010 by
Orphan Health. There were, all, matters

Sunder 11p on behalf of the clients
were on (2nd September 2010) (of 3 grounds
of Residence) and response to DCSO
questionnaire) Stage 2 Inter Appeal.
held 22 September 2010 (at 11 North
2010, 10th October 2010) the court.
They have provided work on ~~16 June 2010~~
17/July 2010, 16 June 2011 and they
were during of having procedure; And
Sue has the letters sent by Squire
Sunder 11p in regard to ill-health
pension, 28th March 2013, and again
27th November 2013. All documents I'm
submitting forward as regard ill-health pension
are contained in bundles, sent to David
Jacobson recently at Pension Advice Service
first two bundles, are from personal file
subject access, 30th June 2010, and are connected
to ill-health retirement (pension) the 1st bundle
includes, including debit, family, loss of funds
have. Also contained are loss tax 13th May 2010
containing to present date, total 4 years 13th May

...
...
... as follows)

At time of dismissal 13 May 2010, Sja,
By company's, Sja's, down's office Gyltendal
Peter Stalk works as warehouse operative,
weekly contractual pay = £445.12,
x 52.

£ 23,146.24 gross
gross

Since 13 May 2010 to
13 May 2014 = 4 years } x 4.
contractual pay

£ 92,584.96

Company Benefits received by Peter Stalk (from
13 May 2010 until 13 May 2014) is
(Benefits, @ Sja, Solo schemes, dil etc,
are as follows, Jobseekers Allowance)

1st July 2010 until November 2010

at = £70.00 week, = estimated = £1120

Benefits 9th January 2011, employee Support
Allowance cont 18 Nov 2011, = £90,000

After attend Appeal tribunal, Appeal by

Peter Sub (ESA) work related (ESC)

= estimated benefits = £3240

Benefits from 18 Nov 2011 = £99 weekly
(ESA) work related) cont 3 January 2013

x 60 weekly, est total = £5940

From 3rd January 2013, continued to past
date (ESA) including D, E, A, M, D, S, I,
Care component = £160 weekly total.

est x 68

£10,880

Total of Benefits = £21,180. est.

earnings 4 years = £92,584,

= £21,180

loss of. 71,404

Key along with Home debt = +70,000

at risk - £70,000

Jobseekers Allowance 1 July 2010
weekly, £70,00. = Nov 2010,
≡ awo x 16 weeks
total = £1120.

9th January ²⁰¹¹ Employee Support Allowance
cont 18 Nov 2011. = 9 months
70,00, = £90, Afo Appd., travel
= ave £360 ~~months~~.

£3240 x 9
= £21,180

Nov 2011 emp suppt. Allowance
= £99 weekly, cont 3rd Jan 2013
x 60

= £5940.

3rd Jan 2013 ESA, 2013, cont to part
date 13 May 2014 £100, weekly

Mr Peter Still
113 Glebe Road
Whitburn
West Lothian
Scotland
EH47 0AX

Our Ref: PO-1491
10 June 2014

Dear Mr Still

Tesco PLC Pension Scheme

I refer to your recent application to the Pensions Ombudsman.

My colleague Mr Paul Strachan carried out a review of your papers and, based on the information available, it is my view that the matter can be investigated. I have summarised below what we will be taking forward for you.

Tesco Stores Limited failed to ask the trustees of the Scheme to consider you for ill health retirement before your employment was terminated.

The above is only intended to be a very brief summary of your complaint. It is not intended to detail the substantive points or the loss that you claim. If it is not what you want to be investigated, please let me know as soon as possible. The decision to accept the matter for investigation and the summary of your complaint may be subject to review during the course of the investigation.

Mr Strachan's involvement in your case has now ended. Your papers are waiting to be passed to an investigator who will consider the matter further. We are currently dealing with a number of cases and it may be some time before an investigator is able to look at your complaint. We will keep you updated of our progress regularly. If you would like any further information in the meantime, please contact the office switchboard on 0207 630 2200.

Yours sincerely

RBhundi@

Rajan Bhundia
Investigation Assistant

0207 630 2234
rajan.bhundia@pensions-ombudsman.org.uk

Mrs Judith Murray
Tesco Stores Limited
Pensions Team
Maes-Y-Coed Road
Cardiff
CF14 4TT

Our Ref: PO-1491
10 June 2014

Dear Mrs Murray

Tesco PLC Pension Scheme - Mr Peter Still

As you may be aware, we have recently received an application from Mr Still.

Based on information available so far, that application has been accepted for investigation. I enclose a copy of our letter to Mr Still explaining the current position.

We will contact you again in due course. **Please do not respond to this letter, it is for your information only.**

Yours sincerely

Rajan Bhundia
Investigation Assistant

0207 630 2234
rajan.bhundia@pensions-ombudsman.org.uk

THE PENSIONS OMBUDSMAN
OUR ROLE AND HOW YOU CAN HELP

(18 June 2005)

This fact sheet tells you more about the way we work, how we go about investigating complaints and how you can help when we consider your case.

We are impartial (that is we neither represent you nor the party(ies) that you are complaining about). We will look at both sides of the complaint/dispute and if necessary request further information. We will let you know our opinion as soon as we can.

Sometimes we will make a formal decision. Whichever way we deal with your complaint, you and the other parties involved will always have an opportunity to ask the Ombudsman to look at your complaint. We will always give you the chance to query anything you do not understand or agree with.

Here are some tips on how you can help.

You have already summarised your complaint on our application form. If we need more information and documents, we will ask for them. If you are asked for further information or to comment on a response from the party(ies) that you are complaining about, it is much better to give specific and concise written replies, perhaps using bullet-points, as important points may be harder for us identify from long and rambling replies.

- A telephone call can be useful for seeking clarification on a particular issue or for asking a question. However, this method of communication is not appropriate for going through the details of your complaint in any length (unless of course there is no other option for you) as we will require you to confirm everything in writing so that we can, if necessary, send a copy of what you have said to the other party(ies) to give them the opportunity to respond. If writing is not something you feel comfortable doing, you could ask a friend, carer, family member or an organisation like Citizen's Advice to help you.
- Because ordinary emails are not always secure, please write to us by post when submitting personal information. Please note we are not allowed to issue emails to you containing personal information for the same reason.
- Do let us know if you are not going to be contactable or will be unable to reply to us (when we write to you) for more than three weeks.

And please remember:

- We are not authorised to provide advice.
- If you have incurred a financial loss as a direct result of maladministration we aim, as near as possible, to put you in the position you would have been in if the maladministration had not occurred.
- Sometimes an upheld complaint might only result in a small payment for distress and inconvenience. Please be realistic about the outcome – we want to put matters right for you in a proportionate way.
- If you have been refused an ill-health pension or injury benefit and we uphold your complaint, we will usually ask the organisation concerned to look at its decision again. We won't just tell them to pay you, because it is a decision for them to take, not us.
- We understand that making a complaint can sometimes be stressful, but getting angry just makes things unpleasant for everyone.

More information about what we do can be found in the enclosed Pensions Ombudsman Booklet or on our website, www.pensions-ombudsman.org.uk

Mr Peter Still
84 Plessey Road
Bathgate
West Lothian
Scotland
EH48 2XP

Our Ref: PO-1491
7 August 2014

Dear Mr Still

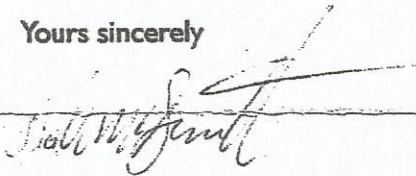
Tesco PLC Pension Scheme

Thank you for your letter of 6 August 2014 in relation to your application to this office.

As soon as we are in a position to progress matters we will contact you again.

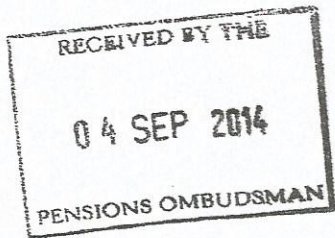
In the meantime if you have any queries please contact me.

Yours sincerely



Niall McDermott
Investigation Assistant

020 7630 2246
niall.mcdermott@pensions-ombudsman.org.uk



PETER t, w, STILL
(new address) 84 PLESSEY ROAD,
BATHGATE,
West Lothian,
Ch48 2XP,
SCOTLAND,

All Future correspondence. From 29/08/2014,
Pension Ombudsman, reference: - PO-1491
Peter Still - tesson, Pension scheme.
PLC

to Be sent to - MR PETER STILL
84 PLESSEY ROAD,
BATHGATE,
WEST LOTHIAN, Ch48 2XP
SCOTLAND,

signed - Peter Still

Date - 29/08/2014.

mobile - 07586715423

mail - peterstill1969@hotmail.co.uk

PARLIAMENTARY AND HEALTH SERVICE OMBUDSMAN

Principles of Good Complaint Handling

- ① GETTING IT RIGHT.
- ② Being Customer Focused
- ③ Being Open and Accountable
- ④ Acting fairly and proportionately
- ⑤ Putting things Right
- ⑥ Seeking continuous improvement.

These Principles of Good Complaint Handling should be read in conjunction with
and (Principles of good Administration)
AND (Principles For Remedy)

PHSO - Ref - EN-182252

PHSO - Ref - EN-189777

PHSO - Ref - EN-197514

PHSO - Ref - HS-205710.

PHSO - Ref - PA-205710.

PARLIAMENTARY + HEALTH SERVICE OMBUDSMAN,
MANCHESTER + LONDON
UK.

- ① GEMMA JOHNSON - CUSTOMER SERVICE OFFICER
PHSO - REF - EN - 182252
0345 - 015 - 4033. 31/1/2014.

- ② MP - GEORGE GALLOVAY - PHSO - Section 9 signature
REF - EN - 182252
5/4/2014 - 11/4/2014.
HAND DELIVERED - 11/4/2014. - LONDON.

- ③ AMIR BOTONJIC - CUSTOMER SERVICE OFFICER
REF - EN - 189777
25/4/2014 - 21/5/2014.

- ④ Stuart POOLE. - CUSTOMER SERVICE MANAGER
REF - EN - 189777.
1/5/2014 - 21/5/2014
- (a) Rebecca Hulswath - eNVC - Head of legal.
- (b) Snelgh O'Sullivan - eNVC - corporate Law.
(15/5/2014 - 2/7/2014)
- ⑤ Josy W Gooding - REVIEW TEAM PHSO. -
REF - EN - 197514
22/7/2014 - 15/8/2014.

PARLIAMENTARY + HEALTH SERVICE OMBUDSMAN.
MANCHESTER + LONDON
UK.

⑥ JAMES HARRINGTON - Review team (PHSO)
Ref-EN-197514.
15/8/2014. -
t 0300-061-1542.

⑦ ARIF DALWI - CASEWORKER. (PHSO)
Ref-EN-197514.
15/8/2014 - 27/10/2014.
t 0300-061-4148

⑧ MICK MARTIN - PHSO - MANAGING DIRECTOR.
Ref-EN-197514
26/9/2014 - 24/12/2014.
t 0300-062-4988

⑨ JULIE MELLOR - OMBUDSMAN - PHSO: UK
Ref-EN-197514.
26/9/2014
PA-205710 - 3/12/2014
car - 19/01/2014

⑩ AMANDA NICHOLLS - BUSINESS MGR CUSTOMER SERVICE
Ref-EN-197514
26/9/2014 - 30/9/2014.

PARLIAMENTARY + HEALTH SERVICE OMBUDSMAN,
MANCHESTER - LONDON
UK

(11) GILLIAN HODGSON - HEAD OF CUSTOMER SERVICE
(MANCHESTER - UK.)
Ref. ~~HS~~ - HS - 205710.
3/11/2014 - 2/12/2014.

ON BEHALF - MICK MARTIN - MANAGING DIRECTOR
PHSO - 0300 - 061 - 4434.

(12) JOANNA LENNON - CUSTOMER SERVICE MGR
(19/01/2015) PA 205710
MANCHESTER - UK
(4/11/2014) - HS-205710.
€ 0345 - 015 - 4033.

(13) GARY JONES - PHSO - UK. MANCHESTER.
Ref - HS - 205710
0300 - 061 - 4620.

(14) DEAN MAYLON - PHSO - CUSTOMER SERVICE OFFICE.
Ref - PA - 205710.
2/12/2014.

VOCEMAIL INQUIRIES - 0345 - 0154 - 033

PARLIAMANTARY AND HERALD SERVICE OMBUDSMAN

(18) Samantha Playford
Business Support Manager. (12/2/2015)

(19) Glen Fairhall
Line Manager - Angela Holder (18/2/2015
4/3/2015)

Dalvi Arif

From: peter still <peterstill1969@hotmail.co.uk>
Sent: 15 August 2014 08:24
To: Complaintsphso
Subject: FW: COM417R Still 20140212 AcknowledgementOfEmails

VF-ITEM-ID: 2456935:1575791:197518:M02878228

From: Shelagh.O'Brien@equalityhumanrights.com
To: peterstill1969@hotmail.co.uk
Date: Tue, 20 May 2014 16:46:34 +0100
Subject: COM417R Still 20140212 AcknowledgementOfEmails

Dear Mr Still,

Thank you for the correspondence you sent to the Commission's Chief Legal Officer on 15 May 2014. We have reviewed your correspondence and note that it is copies of communications we have already considered. As we have previously explained we have exhausted our internal complaints procedure and are now waiting to hear from the Ombudsman in relation to the external review, and we will correspond directly with them on the matter.

Kind regards,

Corporate Law

We have teamed up with AbilityNet and BCS to develop a new e-learning course that will equip individuals and businesses with the right skills to create accessible websites. Visit: www.equalityhumanrights.com/webaccessibilityessentials

Our vision

A modern Britain where everyone is treated with dignity and respect, and we all have an equal chance to succeed.

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Many thanks

All best wishes

Rebecca

Rebecca Hilsenrath

Chief Legal Officer

Equality and Human Rights Commission

Fleetbank House, 2-6 Salisbury Square
London, EC4Y 8JX

Tel: 020 7832 7839

Mobile: 07837 625050

Fax: 0203 117 0237

www.equalityhumanrights.com

From: peter still [mailto:peterstill1969@hotmail.co.uk]

Sent: 19 May 2014 15:54

To: Rebecca Hilsenrath

Subject: peter still complaint

did you get my emails regards complaint to ombudsman,kind regards peter still

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Dalvi Arif

From: peter still <peterstill1969@hotmail.co.uk>
Sent: 15 August 2014 08:25
To: Complaintsphso
Subject: FW: peter still complaint

VF-ITEM-ID: 2456935:1599594:197518:M02878229

From: Rebecca.Hilsenrath@equalityhumanrights.com
To: peterstill1969@hotmail.co.uk
Date: Tue, 20 May 2014 11:00:50 +0100
Subject: RE: peter still complaint

Dear Mr Still

I acknowledge receipt of your emails which I have forwarded to Shelagh O'Brien as she is dealing with your complaint.

Many thanks
All best wishes
Rebecca

Rebecca Hilsenrath
Chief Legal Officer

Equality and Human Rights Commission
Fleetbank House, 2-6 Salisbury Square
London, EC4Y 8JX
Tel: 020 7832 7839
Mobile: 07837 625050
Fax: 0203 117 0237
www.equalityhumanrights.com

From: peter still [<mailto:peterstill1969@hotmail.co.uk>]
Sent: 19 May 2014 15:54
To: Rebecca Hilsenrath
Subject: peter still complaint

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Dalvi Arif

From: peter still <peterstill1969@hotmail.co.uk>
Sent: 15 August 2014 08:24
To: Complaintsphso
Subject: FW: COM417R Still 20140212 AcknowledgementOfEmails

VF-ITEM-ID: 2456935:1575791:197518:M02878228

From: Shelagh.O'Brien@equalityhumanrights.com
To: peterstill1969@hotmail.co.uk
Date: Tue, 20 May 2014 16:46:34 +0100
Subject: COM417R Still 20140212 AcknowledgementOfEmails

Dear Mr Still,

Thank you for the correspondence you sent to the Commission's Chief Legal Officer on 15 May 2014. We have reviewed your correspondence and note that it is copies of communications we have already considered. As we have previously explained we have exhausted our internal complaints procedure and are now waiting to hear from the Ombudsman in relation to the external review, and we will correspond directly with them on the matter.

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Dalvi Arif

From: peter still <peterstill1969@hotmail.co.uk>
Sent: 15 August 2014 08:24
To: Complaintsphso
Subject: FW: COM417R Still 20140212 AcknowledgementOfEmails

VF-ITEM-ID: 2456935:1554024:197518:M02878227

From: peterstill1969@hotmail.co.uk
To: rebecca.hilsenrath@equalityhumanrights.com
Subject: FW: COM417R Still 20140212 AcknowledgementOfEmails
Date: Thu, 22 May 2014 14:02:12 +0100

From: peterstill1969@hotmail.co.uk
To: shelagh.o'brien@equalityhumanrights.com
Subject: RE: COM417R Still 20140212 AcknowledgementOfEmails
Date: Thu, 22 May 2014 14:01:43 +0100

dear shelagh , thanks for reply got email from rebecca saying that you were dealing with my complaint , you say that you have already dealt with my complaints , 4 months from 14/10/2013 cont till 17/02/2014 thats how long to deal with my complaint, not once in tht time at anystage have you said or mentioned what my complaint is , instead you and the14 diffrent staff involved in the nightmare going through that process, i had 1 complaint scom18 still which ended on 1/11/2013 when you lost my documents , and didnt tell me until 19/11/2013, not once in the 4 months have i said or put forward that i was my complaint was about the advice i was given at anytime from june 2010 ,onwards / and same with the employment tribunal again nothing regards starting the complaint , to tribunal , i done that myself , and the asking for more help / how can you say this as what my compaint and what i was asking , got lost when u scotland office lynn welsh sent the documents to some otheer office why as it was scotland who deal with stage 1 , so i contacted rebbecca to ask for help with this and seems wasted my time going to email copy of this i was thinking of ending my life especially regards oliver varneys involvment starting 2211/2013 onwards as i say anything after losing my documents stage1 1/11/2013 all issues omplaints after were never at anytime made by myself apart for losing my documents going to email rebbecca this email and give her a call mentally and physically drained with this nightmare had enough , peter still

From: Shelagh.O'Brien@equalityhumanrights.com
To: peterstill1969@hotmail.co.uk
Date: Tue, 20 May 2014 16:46:34 +0100
Subject: COM417R Still 20140212 AcknowledgementOfEmails

Dear Mr Still,

Thank you for the correspondence you sent to the Commission's Chief Legal Officer on 15 May 2014. We have reviewed your correspondence and note that it is copies of communications we

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Dalvi Arif

From: peter still <peterstill1969@hotmail.co.uk>
Sent: 15 August 2014 08:23
To: Complaintsphso
Subject: FW: EN-189777

VF-ITEM-ID: 2456935:1512347:197518:M02878225

From: peterstill1969@hotmail.co.uk
To: phso.enquiries@ombudsman.org.uk
Subject: FW: EN-189777
Date: Wed, 18 Jun 2014 07:53:58 +0100

From: peterstill1969@hotmail.co.uk
To: amir.botonjic@ombudsman.org.uk
Subject: RE: EN-189777
Date: Wed, 11 Jun 2014 08:59:24 +0100

hi amir , could you email me an update regards my complaint , much obliged peter still

From: peterstill1969@hotmail.co.uk
To: amir.botonjic@ombudsman.org.uk
Subject: RE: EN-189777
Date: Tue, 6 May 2014 14:11:55 +0100

hi amir, got letter from your manager, stuart poole would like to start by saying sorry for the telephone call on the tuesday , i have been through a lot over last few years and never understood what you were saying , at that time felt bad after being sent the letter from stuart, could you photo copy the documents i sent along with the complaint and send me the originals, as i dont have a copy of the ones i sent with the complaint back in february this year , after getting these i will be able to provide you with what you were trying to obtain from me before , and i now understand what you were asking for after getting te letter from stuart , as i say really sorry for the rant that tuesday , kindest regards peter still , could you send the documents to 113 glebe road , whitburn , west lothian, scotland, eh47 0ax,

From: Phso.Enquiries@ombudsman.org.uk
To: peterstill1969@hotmail.co.uk
Date: Mon, 28 Apr 2014 14:55:24 +0100
Subject: EN-189777

PROTECT

We are committed to keeping your information secure. As part of that commitment we have decided that when we send you information by email we may have to remove some details.

This includes information that may identify you, or any other person and sometimes the body complained about.

Dear Sir

Our reference: EN-189777 (Please quote this reference in any further correspondence concerning this matter)

I can confirm that I have attempted to contact you today. I am a Customer Service Agent and am currently considering your complaint.

I would really appreciate it if you could please contact me on 0345 015 4033? I will try to contact you again at 15:30 in the meantime.

Please note our numbers show up as withheld.

Yours faithfully

Amir Botonjic
Customer Service Agent
Parliamentary and Health Service Ombudsman
T: 0345 015 4033
W: www.ombudsman.org.uk

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From: peterstill1969@hotmail.co.uk

To: rebecca.hilsenrath@equalityhumanrights.com

Subject: RE: peter still complaint

Date: Thu, 19 Jun 2014 07:15:29 +0100

dear rebecca hilsenrath , having had no response regards the emails and documents , i had sent to you and having made you aware of the continued discrimination carried out by all equality and human rights commission staff , from 30/10/2011 the following senior solicitor irene henery , head of legal lynn welsh , ehrc scotland , from 14/10/2013 , in regards to peter still complaints ref-scom18 30/10/2013 / sarah whelan ehrc wales , phillipa bullen , sarah cook , oliver varney , jackie driver , colin douglas , shelagh obrien , markus p , rebecca hilsenrath in regards to peter still ehrc complaints ref -com417 -com417r- scom18r-scom188

i intend to take legal action against the EQUALITY AND HUMAN RIGHTS COMMISSION , REBECCA HILSEN RATH , SHEL AGH OBRIEN , IRENE HENERY, LYNN WELSH , SARAH WHELAN, SARAH COOK, OLIVER VARNEY , JACKIE DRIVER, COLIN DOUGLAS FOR COUNTLESS ACTS OF VIOLATIONS , DISCRIMINATION , HARRASMENT , VICTIMISATION , RE-EQUALITY ACT 2006, 2010, EA, I WILL BE TAKEN LEGAL ACTION AS WELL AS ONGOING COMPLAINTS TO PARLIMENTARY OMBUDSMAN , PENSION OMBUDSMAN REF-PO-1491, AS I HAVE ASLREADY STATED NUMEROUS TIMES THE CONDUCT OF ALL EHRC NAMED , AND THAT I HAD LOST THE WILL TO LIVE XMAS 2012 AND A YEAR LATER XMAS 2013 THE SAME TREATMENT , SUICDIAL MY LIFE MEANT NOTHING TO THESE PEOPLE , I AM GOING TO ASWK YOU REBECCA HILSEN RATH ONE MORE OPTION TO SORT THIS NIGHTMARE THAT CONTINUES TO BE IGNORED BY ALL INVOLVED , I WANT TO ASK YOU TO ARRANGE A MEETING IN PERSON BETWEEN MYSELF AND YOU AND I WOULD BER WILLING TO TRAVEL TO MANCHESTER OR LONDON , WITH MY MENTAL HEALTH SUPPORT WORKER FROM SAMH CHRIS WATT WHO IS AWARE OF WHAT HAS BEEN ON GOING NIGHTMARE , I WILL GIVE YOU TILL TOMORROW FRIDAY 20/06/2014 , 5PM TO RESPOND , TO THIS REQUEST BY EMAIL , REGARDS , peter still ,

From: Rebecca.Hilsenrath@equalityhumanrights.com

To: peterstill1969@hotmail.co.uk

Date: Tue, 20 May 2014 11:00:50 +0100

Subject: RE: peter still complaint

Dear Mr Still

I acknowledge receipt of your emails which I have forwarded to Shelagh O'Brien as she is dealing with your complaint.

Many thanks

All best wishes

Rebecca

Rebecca Hilsenrath
Chief Legal Officer

Equality and Human Rights Commission
Fleetbank House, 2-6 Salisbury Square
London, EC4Y 8JX
Tel: 020 7832 7839
Mobile: 07837 625050
Fax: 0203 117 0237
www.equalityhumanrights.com

Dalvi Arif

From: peter still <peterstill1969@hotmail.co.uk>
Sent: 15 August 2014 08:23
To: Complaintsphso
Subject: RE: peter still complaint

VF-ITEM-ID: 2456935:1496052:197518:M02878224

From: Shelagh.O'Brien@equalityhumanrights.com
To: peterstill1969@hotmail.co.uk
Date: Tue, 24 Jun 2014 11:47:36 +0100
Subject: RE: peter still complaint

Dear Mr Still,

I write to acknowledge receipt of your handwritten letter and copy documents relating to your employment tribunal claim against Tesco Stores LTD and others addressed to Rebecca Hilsenrath Chief Legal Officer of the Equality and Human Rights Commission and your further email communication below.

The documentation and your cover letter and emails do not raise any new matters that have not already been considered and responded to by the EHRC. I am sorry my email is not more positive but our initial decision remains the same and I must reiterate our initial response in that we will not investigate this matter any further.

Kind regards,

Shelagh O'Brien
Corporate Law & Governance
Commission for Equality & Human Rights
Fleetbank House, 2-6 Salisbury Square
London, EC4Y 8JX
Telephone 0207 832 7871
Blackberry: 07970429952

From: peter still [<mailto:peterstill1969@hotmail.co.uk>]
Sent: 19 June 2014 07:19
To: Shelagh O'Brien
Subject: FW: peter still complaint

From: Shelagh.O'Brien@equalityhumanrights.com

To: peterstill1969@hotmail.co.uk

Date: Tue, 24 Jun 2014 11:47:36 +0100

Subject: RE: peter still complaint

Dear Mr Still,

I write to acknowledge receipt of your handwritten letter and copy documents relating to your employment tribunal claim against Tesco Stores LTD and others addressed to Rebecca Hilsenrath Chief Legal Officer of the Equality and Human Rights Commission and your further email communication below.

The documentation and your cover letter and emails do not raise any new matters that have not already been considered and responded to by the EHRC. I am sorry my email is not more positive but our initial decision remains the same and I must reiterate our initial response in that we will not investigate this matter any further.

Kind regards,

Shelagh O'Brien

Corporate Law & Governance

Commission for Equality & Human Rights

Fleetbank House, 2-6 Salisbury Square

London, EC4Y 8JX

Telephone 0207 832 7871

Blackberry: 07970429952

From: peter still [<mailto:peterstill1969@hotmail.co.uk>]

Sent: 19 June 2014 07:19

To: Shelagh O'Brien

Subject: FW: peter still complaint

From: peterstill1969@hotmail.co.uk

To: rebecca.hilsenrath@equalityhumanrights.com

Subject: RE: peter still complaint

Date: Thu, 19 Jun 2014 07:15:29 +0100

dear rebecca hilsenrath , having had no response regards the emails and documents , i had sent to you and having made you aware of the continued discrimination carried out by all equality and human rights commission staff , from 30/10/2011 the following senior solicitor irene henery , head of legal lynn welsh , ehrc scotland , from 14/10/2013 , in regards to peter still complaints ref-scom18 30/10/2013 / sarah whelan ehrc wales , phillipa bullen , sarah cook , oliver varney , jackie driver , colin douglas , shelagh obrien , markus p , rebecca hilsenrath in regards to peter still ehrc complaints ref -com417 -com417r- scom18r- scom188

i intend to take legal action against the EQUALITY AND HUMAN RIGHTS COMMISSION , REBECCA HILSENATH , SHELAGH OBRIEN , IRENE HENERY, LYNN WELSH , SARAH WHELAN, SARAH COOK, OLIVER VARNEY , JACKIE DRIVER, COLIN DOUGLAS FOR COUNTLESS ACTS OF VIOLATIONS , DISCRIMINATION , HARRASMENT , VICTIMISATION , RE-EQUALITY ACT 2006, 2010, EA, I WILL BE TAKEN LEGAL ACTION AS

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From: peter still <peterstill1969@hotmail.co.uk>
Sent: 15 August 2014 08:23
To: Complaintsphso
Subject: FW: peter still complaint

VF-ITEM-ID: 2456935:1479234:197518:M02878223

From: Shelagh.O'Brien@equalityhumanrights.com
To: peterstill1969@hotmail.co.uk
Date: Wed, 2 Jul 2014 11:03:59 +0100
Subject: RE: peter still complaint

Dear Mr Still,

Thank you for your email. I confirm that I will send back to your home address the documents you sent Rebecca. I will send by Royal Mail Signed for 1st Class post.

Kind regards,

Shelagh O'Brien
Corporate Law & Governance
Commission for Equality & Human Rights
Fleetbank House, 2-6 Salisbury Square
London, EC4Y 8JX
Telephone 0207 832 7871
Blackberry: 07970429952

From: peter still [mailto:peterstill1969@hotmail.co.uk]
Sent: 02 July 2014 02:41
To: Shelagh O'Brien
Subject: RE: peter still complaint

hi, shelagh , been through a lot over past 4 years and the employment tribunal claim against tesco stores ltd and others has affected my mental health and this is what the ehrc have made me aware after the investagation , since your email dated 24/06/2014 below ive had an update from my complaint to the pension ombudsman , regards my ill-health benifts as tesco pension scheme member at time of my dismissal 13/05/2010 informing me that the evidence supplied by me recently there view is there is evidence for a investagation against the company , and there legal firm squire sanders llp , this will be the last correspondence to ehrc , would you be good enough to send back the documents i sent to rebecca as mentioned below to my home address of 113 glebe road , whitburn , west lothian , scotland , eh47 0ax , recored delivery , kindest regards peter still

Dalvi Arif

From: peter still <peterstill1969@hotmail.co.uk>
Sent: 15 August 2014 08:22
To: Complaintsphso
Subject: FW: EN-189777 URGENT FOR AMIR BOTONJIC, AND STUART POOLE FROM PETER STILL

VF-ITEM-ID: 2456935:1403990:197518:M02878221

From: peterstill1969@hotmail.co.uk
To: stuart.poole@ombudsman.org.uk
Subject: FW: EN-189777 URGENT FOR AMIR BOTONJIC, AND STUART POOLE FROM PETER STILL
Date: Fri, 4 Jul 2014 16:01:11 +0100

From: peterstill1969@hotmail.co.uk
To: amir.botonjic@ombudsman.org.uk
Subject: FW: EN-189777 URGENT FOR AMIR BOTONJIC, AND STUART POOLE FROM PETER STILL
Date: Fri, 4 Jul 2014 15:58:53 +0100

From: peterstill1969@hotmail.co.uk
To: phso.enquiries@ombudsman.org.uk
Subject: RE: EN-189777 URGENT FOR AMIR BOTONJIC, AND STUART POOLE FROM PETER STILL
Date: Fri, 4 Jul 2014 15:57:57 +0100

hi, amir , after our conversation yesterday , and that i would have to change the complaint that i sent dated the 21/05/2014 , after stuart poole had sent me a letter explaining what my complaint was as there was some confusion , with legal claims , my ex employer tesco and my complaint to ehrc , yesterday you informed me that ombudsman cant look at any legal case or the judges involved , and that i would have to make out what my complaint is without the legal or judges or tesco , i could have the lost documents part looked at by ombudsman ,and anything else apart from legal , judges , tesco , i have hopefully done what you are asking , i have also thought of how the legal matter , judges , tesco , can be looked at as i mentioned to you yesterday if the ombudsman couldnt help with the legal part , the ombudsman would attempt to find someone who can , as i said yesterday amir 5 years and lost everything , home . family , debt and the will to live at exmas 2012 and again xmas 2013 , i have spent from14/10/2013 until present trying to deal with 14 diffrent ehrc staff involved in the complaint procedure , i cant take much more of this and i would like you , and your mgr stuart poole to arrange a meeting which i will be willing to travel to either manchester or london office i can arrange to attend either weds 09/07/2014 , thurs 10/07/2014, or friday 11/07/2014 and look at what i have , and if not then i will be able to accept that i have to end the matter once and for all , i will give you a phone on monday amir , i will copy this email to stuart as well , kindest regards , peter still

From: peterstill1969@hotmail.co.uk
To: amir.botonjic@ombudsman.org.uk
Subject: RE: EN-189777
Date: Tue, 6 May 2014 14:11:55 +0100

hi amir, got letter from your manager, stuart poole would like to start by saying sorry for the telephone call on the tuesday, i have been through a lot over last few years and never understood what you were saying, at that time felt bad after being sent the letter from stuart, could you photo copy the documents i sent along with the complaint and send me the originals, as i dont have a copy of the ones i sent with the complaint back in february this year, after getting these i will be able to provide you with what you were trying to obtain from me before, and i now understand what you were asking for after getting the letter from stuart, as i say really sorry for the rant that tuesday, kindest regards peter still, could you send the documents to 113 glebe road, whitburn, west lothian, scotland, eh47 0ax,

From: Phso.Enquiries@ombudsman.org.uk
To: peterstill1969@hotmail.co.uk
Date: Mon, 28 Apr 2014 14:55:24 +0100
Subject: EN-189777

PROTECT

We are committed to keeping your information secure. As part of that commitment we have decided that when we send you information by email we may have to remove some details. This includes information that may identify you, or any other person and sometimes the body complained about.

Dear Sir

Our reference: EN-189777 (Please quote this reference in any further correspondence concerning this matter)

I can confirm that I have attempted to contact you today. I am a Customer Service Agent and am currently considering your complaint.

I would really appreciate it if you could please contact me on 0345 015 4033? I will try to contact you again at 15:30 in the meantime.

Please note our numbers show up as withheld.

Yours faithfully

Amir Botonjic
Customer Service Agent
Parliamentary and Health Service Ombudsman
T: 0345 015 4033
W: www.ombudsman.org.uk

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Dalvi Arif

From: peter still <peterstill1969@hotmail.co.uk>
Sent: 15 August 2014 08:22
To: Complaintsphso
Subject: FW: EN-189777 URGENT FOR AMIR BOTONJIC, AND STUART POOLE FROM PETER STILL

VF-ITEM-ID: 2456935:1450721:197518:M02878222

From: peterstill1969@hotmail.co.uk
To: phso.enquiries@ombudsman.org.uk
Subject: RE: EN-189777 URGENT FOR AMIR BOTONJIC, AND STUART POOLE FROM PETER STILL
Date: Fri, 4 Jul 2014 15:57:57 +0100

hi, amir , after our conversation yesterday , and that i would have to change the complaint that i sent dated the 21/05/2014 , after stuart poole had sent me a letter explaining what my complaint was as there was some confusion , with legal claims , my ex employer tesco and my complaint to ehrc , yesterday you informed me that ombudsman cant look at any legal case or the judges involved , and that i would have to make out what my complaint is without the legal or judges or tesco , i could have the lost documents part looked at by ombudsman ,and anything else apart from legal , judges , tesco , i have hopefully done what you are asking , i have also thought of how the legal matter , judges , tesco , can be looked at as i mentioned to you yesterday if the ombudsman couldnt help with the legal part , the ombudsman would attempt to find someone who can , as i said yesterday amir 5 years and lost everything , home . family , debt and the will to live at exmas 2012 and again xmas 2013 , i have spent from 14/10/2013 until present trying to deal with 14 diffrent ehrc staff involved in the complaint procedure , i cant take much more of this and i would like you , and your mgr stuart poole to arrange a meeting which i will be willing to travel to either manchester or london office i can arrange to attend either weds 09/07/2014 , thurs 10/07/2014, or friday 11/07/2014 and look at what i have , and if not then i will be able to accept that i have to end the matter once and for all , i will give you a phone on monday amir , i will copy this email to stuart as well , kindest regards , peter still

From: peterstill1969@hotmail.co.uk
To: phso.enquiries@ombudsman.org.uk
Subject: FW: EN-189777
Date: Wed, 18 Jun 2014 07:53:58 +0100

From: peterstill1969@hotmail.co.uk
To: amir.botonjic@ombudsman.org.uk
Subject: RE: EN-189777
Date: Wed, 11 Jun 2014 08:59:24 +0100

hi amir , could you email me an update regards my complaint , much obliged peter still

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From: peter still <peterstill1969@hotmail.co.uk>
Sent: 15 August 2014 08:21
To: Complaintsphso
Subject: FW: Your complaint to the Parliamentary Ombudsman [Our ref: EN-189777]
VF-ITEM-ID: 2456935:1733993:197518:M02878235

From: Phso.Enquiries@ombudsman.org.uk
To: peterstill1969@hotmail.co.uk
Subject: Your complaint to the Parliamentary Ombudsman [Our ref: EN-189777]
Date: Mon, 7 Jul 2014 09:13:36 +0000

PROTECT
Dear Sir

Thank you for your email last week asking for a meeting with me and Mr Botonjic. This is not a usual part of our process at this stage, and I would not be free on any of the three days which you have mentioned.

It is also not clear to me how a meeting would help. In Customer Services we look at clarifying what the complaint is, whether the complaint is about an organisation over which we have remit, and whether it has completed the complaints process with that organisation. If it satisfies these points, we then pass the complaint on to our Investigations section to look at the content of the issues.

We need to know what your complaint about the Equality and Human Rights Commission (EHRC) is. All of the correspondence we have seen so far seems to be focused on your dispute with Tesco (who we have no power to investigate) and dissatisfaction with an Employment Tribunal. All of the information you have provided about the outcome you would want from an investigation strongly points to these being the organisations you want us to investigate, as it is their actions you want changed or compensation for.

As Mr Botonjic has explained, we have no power to investigate a private company such as Tesco. By law we cannot investigate those areas which have been looked at by courts or tribunals. We do not have the power to change a tribunal decision. That can only be done by appealing that decision to the Courts. If you wish to do that we would advise you to seek proper legal advice. This is nothing that we can assist you with.

You have mentioned the loss of documents by EHRC. This seems to be the only aspect we could look at. To look further at your complaint we would need you to tell us what the impact this failing by EHRC has had on you (not the actions of Tesco, and not the Tribunal), and what you want EHRC to do to put this right.

I can see that Mr Botonjic has spoken with you previously and he has found it difficult to keep your focus on EHRC, rather than Tesco or the Tribunal. I can understand that you feel frustration about what happened with Tesco and the Tribunal, but we do not have the power to do anything about those organisations.

If you wish to discuss this further, please contact Mr Botonjic. He would be able to discuss with you what we could investigate.

Yours faithfully

Stuart Poole
Customer Service Manager
Parliamentary and Health Service Ombudsman
T: 0345 015 4033
E: phso.enquiries@ombudsman.org.uk
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Dalvi Arif

From: peter still <peterstill1969@hotmail.co.uk>
Sent: 15 August 2014 08:21
To: Complaintsphso
Subject: FW: Your complaint to the Parliamentary Ombudsman [Our ref: EN-189777]
VF-ITEM-ID: 2456935:1391379:197518:M02878219

From: peterstill1969@hotmail.co.uk
To: phso.enquiries@ombudsman.org.uk
Subject: RE: Your complaint to the Parliamentary Ombudsman [Our ref: EN-189777]
Date: Tue, 8 Jul 2014 11:26:34 +0100

dear stuart poole. after our conversation yesterday and reading the email below , i now understyand well hopefully understand what you are requesting , i dont want the ombudsman to do anythiong regards tesco or the legal proceddings , my comp-laint to ehrc is that they failed to act in regards to the legal; claim , when i was told that they would , so again not wanting ombudsman to do anything regards tesco or legal claim , my ehrc complaint is failure to act or help regards legal claim after being guarnteed this would happen , with no explanation or mention when i asked for what they had guarnteed would happen , stuart i will put this in writing and send ity to you , could you please let me know if this covers what you and amir were asking for asap . peter still

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To: peterstill1969@hotmail.co.uk
Subject: Your complaint to the Parliamentary Ombudsman [Our ref: EN-189777]
Date: Mon, 7 Jul 2014 09:13:36 +0000

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Sent: 15 August 2014 08:21
To: Complaintsphso
Subject: FW: Your complaint to the Parliamentary Ombudsman [Our ref: EN-189777]
VF-ITEM-ID: 2456935:1374216:197518:M02878218

From: peterstill1969@hotmail.co.uk
Subject: FW: Your complaint to the Parliamentary Ombudsman [Our ref: EN-189777]
Date: Fri, 18 Jul 2014 13:17:50 +0100

amir canh uyou deal with this i see stuart is not back till 21/07/2014 want this sorted before then not sleapt since this is\has sorted im covered by the equality act 2006 , and the MENTAL HEALTH SCOTLAND ACT 2003 , and ther equality human rights commission has violated both these acts , and your office is delaying this being taken forward i will state again want a meeting asap

From: peterstill1969@hotmail.co.uk
To: stuart.poole@ombudsman.org.uk
Subject: FW: Your complaint to the Parliamentary Ombudsman [Our ref: EN-189777]
Date: Fri, 18 Jul 2014 12:59:51 +0100

sty-uart could you please respond to email below so i know what to do next had enough of this told you how it affected me already , since april yopur office has had my complaint and i know i supplied the information alraedy as io said beforee i want a meeting with you and amir im willing to travel so want this arranged asap regards peter still

From: peterstill1969@hotmail.co.uk
To: phso.enquiries@ombudsman.org.uk
Subject: RE: Your complaint to the Parliamentary Ombudsman [Our ref: EN-189777]
Date: Tue, 8 Jul 2014 11:26:34 +0100

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Yours faithfully

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Dalvi Arif

From: peter still <peterstill1969@hotmail.co.uk>
Sent: 15 August 2014 08:10
To: Complaintsphso
Subject: FW: 189777

VF-ITEM-ID: 2456935:1358688:197518:M02878217

From: Amir.Botonjic@ombudsman.org.uk
To: peterstill1969@hotmail.co.uk
Subject: 189777
Date: Tue, 22 Jul 2014 12:39:48 +0000

PROTECT

We are committed to keeping your information secure. As part of that commitment we have decided that when we send you information by email we may have to remove some details. This includes information that may identify you, or any other person and sometimes the body complained about.

Dear Sir

Our reference: EN-189777 (Please quote this reference in any further correspondence concerning this matter)

I write further to your recent contact with our office to request a meeting with myself and Mr Poole. As we previously explained, at this stage we do not feel that this would help our consideration.

Following your discussion with Mr Poole, we now are clear that your complaint is about the Equality and Human Rights Commission's (EHRC) failure to provide you with the support you feel they should. Thank you for clarifying that.

In order to progress your complaint further we need you to explain what you would like the EHRC to do that would remedy your complaint. Please remember that we are only considering EHRC's actions and so are unable to provide you with an outcome that involves your previous employer or the Tribunal. We also could not ask EHRC to achieve these for you. We could only seek remedial action within the powers of the EHRC.

Until we have received this information from you we are unable to progress your complaint further.

Yours sincerely

Amir Botonjic
Customer Service Agent
Parliamentary and Health Service Ombudsman
T: 0300 061 4152

Dalvi Arif

From: peter still <peterstill1969@hotmail.co.uk>
Sent: 15 August 2014 08:10
To: Complaintsphso
Subject: FW: 197514

VF-ITEM-ID: 2456935:1336604:197518:M02878216

From: peterstill1969@hotmail.co.uk
To: amir.botonjic@ombudsman.org.uk
Subject: RE: 197514
Date: Thu, 31 Jul 2014 10:40:46 +0100

why has reference number changed again thats the third time regards peter still

From: Amir.Botonjic@ombudsman.org.uk
To: peterstill1969@hotmail.co.uk
Subject: 197514
Date: Wed, 30 Jul 2014 13:38:51 +0000

PROTECT
Dear Sir

Our Reference: EN-197514

I write further to our telephone conversation today regarding your complaint about the Equality and Human Rights Commission. I can confirm that your case has now been passed to our case assessment team to be considered for investigation. Please note your new reference number is: EN-197514.

Your case should be allocated to one of our caseworkers by **29 August 2014**. If you have not heard from us by then you can contact us for a further update. We will not be able to provide any other updates in the interim if you contact us.

Yours sincerely

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Dalvi Arif

From: peter still <peterstill1969@hotmail.co.uk>
Sent: 15 August 2014 08:09
To: Complaintsphso
Subject: FW: 197514

VF-ITEM-ID: 2456935:1312460:197518:M02878215

From: peterstill1969@hotmail.co.uk
To: phso.enquiries@ombudsman.org.uk; stuart.poole@ombudsman.org.uk;
amir.botonjic@ombudsman.org.uk
Subject: FW: 197514
Date: Mon, 4 Aug 2014 13:26:14 +0100

i have looked back at the paperwork and emails , and phone conversations , from 31/01/2014 my complaint ref-EN-182252, THIS IS COMPLAINT MP GEORGE GALLOWAY SIGNED, GEMMA JOHNSON ,from 25/04/2014 ref-EN-189777, AMIR BOTONJIC AND STUART POOLE , 100 days in customer service , then ref-changed to EN-197514, AS BELOW , no reason given each time ref has been changed i want you to provide me with a reasons for changing these , also want a name of senior manager and contact number of the assesment team want this done by today not waiting till end of august this is affecting my health and ther way amir botonjic and stuart poole dealing with this complaint 100 days had refr number EN-189777 and a changed for a 3 rd time , dont forward to review team i want assesment team mgrs name and contact detyails regards peter still

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