



EMPLOYMENT TRIBUNALS

Claimant: Mrs F Hassanzadeh

Respondents: 1. City of Bradford MDC
2. The Governing Body of Belle Vue Boys School

Heard at: Manchester

On: 27 February 2018

Before: Employment Judge Holmes
Ms F Crane
Mr T A Henry

REPRESENTATION:

Claimant: Mr R Shojaee, Husband
Respondents: Ms R Mellor, Counsel

JUDGMENT ON PRELIMINARY ISSUE AS TO DATE OF DISABILITY

It is the unanimous judgment of the Tribunal that the claimant was a person with a disability within the meaning of the Equality Act 2010 from September 2011.

REASONS

1. The Tribunal has considered, with the agreement of the parties at this stage in the case, the date upon which the claimant is to be regarded as a person with a relevant disability for the purposes of section 6 of the Equality Act 2010. These claims arise from proceedings that the claimant has started in which she claims, amongst other claims, disability discrimination arising out of her employment as a maths teacher at the Belle Vue School in Bradford between October 1990 and January 2014. She is represented by her husband, Mr Shojaee, and has made various claims of disability discrimination up until the end of her employment in 2014. The disability upon which she relies is agitated depression, and this is contended to be a mental impairment which has the

requisite substantial effect on her ability to carry out day-to-day activities within the meaning of section 6 of the Equality Act 2010.

2. The respondents initially disputed disability and in previous preliminary hearings in Leeds, before transfer of the proceedings to this region, a preliminary hearing to determine disability was ordered and the claimant was invited to serve any relevant medical evidence, and to prepare what is termed an "impact statement" in which she would set out the effects of her alleged disability upon her at various times. The claimant did not accede to this request , and has not actually made an impact statement as such, but her witness statement does contain some details which are relied upon for this purpose and her husband, Mr Shojaee, has also made a witness statement in which there is some evidence which is relied upon by the claimant in support of the determination of disability.
3. The medical records, however, were not disclosed and at a preliminary hearing held in this region on 20 April 2017 the issue of how disability would be determined, and when, was further considered. On that occasion the Employment Judge in question determined not to hold a separate preliminary hearing in relation to disability, not least of all because the issue as to knowledge would also still require to be determined, so consequently no preliminary hearing was ever held. There was again further discussion as to the claimant's records, the respondents seeking disclosure of them, but they were not ordered, it being a matter for the claimant as to what she did or did not wish to advance in support of her contentions about disability. So , in terms of the evidence before the Tribunal, it is contained in the witness statements of the claimant and her husband , and in the various documents already in the bundle and in particular various medical reports and other medical documents to which the Tribunal has been referred.
4. The respondent did, however, subsequently concede disability, again further removing the need for it to be dealt with as a preliminary issue, but in terms of the date from which the claimant is so to be considered as a disabled person, this is still in dispute. The respondents' contentions are that the relevant date is August 2012 or thereabouts, whereas for the claimant Mr Shojaee contends that the disability goes back to 2004. His submissions initially were to persuade the Tribunal that that is the case , but in due course the Tribunal will determine that actual date. Those, then are the reasons that the Tribunal is considering the matter at this stage. The claimant's case has closed , so all the evidence from the claimant in relation to this matter (upon which the burden of proof is upon her), is before the Tribunal, and the parties did agree that the Tribunal should determine this issue at this stage, not least of all because it may have an effect upon what evidence the Tribunal needs to hear in relation to the remainder of the claims , once the actual date of disability has been determined.
5. In relation to the issues, Mr Shojaee made his submissions yesterday, and primarily they are to the effect that the Tribunal should find that the claimant was a disabled person from 2004 ; secondly, in the alternative , if not that date then from 2008, and finally in the final alternative 2011. In support of the contentions for a 2004 date Mr Shojaee made reference to his own witness

statement (paragraph 3) in which he makes reference to an incident in 2001 where the claimant was admitted to A & E following a meeting at the school. Mr Shojaee refers to that incident and indeed to the history of the claimant's absences which are primarily to be set out, certainly in relation to this period, at page 752 of the bundle. He took the Tribunal through those various absences pointing out that the first ones , in 2001, in July and September of 2001, were for what was termed as "stress" and he referred the Tribunal to those entries and relies upon them in support of his contention that the disability goes back to 2004 at the latest. He also refers to other absences in 2004 where again there is a "stress" absence recorded. There is an issue as to whether the number of days is correctly recorded, five being recorded, but the reality perhaps being 15 to include the Easter holiday, but again he relies upon that as an instance where the claimant was suffering from the condition which he contends was a disability since at least 2004.

6. Further, in support of his contentions Mr Shojaee has referred the Tribunal to a number of policies and procedures that are contained in the bundle in relation to absence management, and has alleged the Tribunal to the alleged failure of the respondents to carry out those procedures with the claimant in respect of the various absences that she has had, and in particular to those which were related to stress. In essence, what his submissions appear to amount to is this: that the failure of the respondents to follow those procedures led to the claimant being denied the opportunity, as it would be put, to understand or to get across to her employers the condition from which she was suffering at that time; that she was thereby precluded through the fault of the respondents, as it were, from either investigating or putting matters before the respondent which might have led to either her realising herself that she had the relevant disability , or to the respondents finding that out by appropriate referrals to Occupational Health. The thrust of his submissions in relation to those alleged procedural irregularities was, as the Tribunal understands it to that effect, that failure to follow those procedures has deprived the claimant of the opportunity of establishing, either for herself or for the respondents, the extend of her condition and its potential disabling effect as long as 2004.
7. Similarly in relation to 2008, Mr Shojaee refers in particular to a return to work interview held by the then Head Teacher on 12 June 2008 , which is recorded in the bundle but which he says does not comply with the Absence Management Procedure. It is not on the "right" form, the claimant disagrees with the contents of that document which he did not see for many years and which is alleged to have been concealed, rather in the same way that it is alleged the respondents concealed the various policies that Mr Shojaee refers to. From this Mr Shojaee effectively again makes a submission that this was another instance of the school not following the appropriate procedures , and consequently depriving the claimant of the opportunity to explain further the effects of her condition, that it may amount to a disability, or thereby preventing the respondents from making the appropriate enquiries, and that is another instance, he says, of such a failure.
8. In terms of the claimant progressing through her school history at that time he accepts, as indeed the evidence shows, that the claimant continued to attend work during 2004, 2008 and all the way through to 2011 apart from the

absences that are set out on page 752. Mr Shojaee does, however, refer to the claimant withdrawing an application for a Deputy Headship, and he referred us to that, and the document is in the bundle in which she withdrew that application. He says, and there is no challenge to this factually, that she made no further applications, which he says was because of her low mood and depression, and was therefore a further indicator of the effect of her condition upon her at that time. He says at that time he effectively became her carer; he was providing, what he terms “adjustments” for her when she was returning home every evening, and that was what was helping her get through her working day. As I say, she was still, nonetheless, working during that period as a member of the Maths Department. Mr Shojaee effectively says that by this time, and we are talking effectively 2008 now, that the claimant was already suffering from the symptoms of her condition that did amount to a disability, and that without these adjustments and the assistance that he was providing she would not have been able to continue to work as she was doing so.

9. In terms of the further absences that then occurred, Mr Shojaee refers the Tribunal to absences in 2006 through to 2008, again recorded in the absence record, where the reason for absence has been given as either “exhaustion” or “lethargy”. Mr Shojaee has submitted that on these occasions these were symptoms of the claimant's condition and that these are, he would term, classic symptoms of the depression from which she was suffering. These are instances that had been documented, and, as I say in 2006, 2007 and 2008, that these are instances where the claimant can show that these were the effects of the condition upon her, and she should be regarded as a person with a disability. He accepted, however, that these are all self-certificated absences and the reason given for absence in the column on the absence record will be provided by the claimant on these occasions. There is no medical evidence relating to these absences, or indeed any absences, prior to July 2011. The remaining record of the claimant's absences is to be found at page 1042A of the bundle which, as it were, picks up from 2008 onwards and shows the absences that then occurred.
10. Mr Shojaee then took the Tribunal through the various fit notes which began to be supplied by the claimant following her absence in July 2011, and indeed the first of those is at page 757 of the bundle on 15 July 2011, was for work related stress, which is described in the fit note as “ongoing situation”, and the claimant was given the fit note for one week. It seems likely that that would be at or around the end of the summer term and there were no further fit notes during that summer, the next one being 23 September 2011, which is page 758 of the bundle, where the diagnosis again is “work related stress” and the doctor has made comments in relation to the need for work place adaptations as a means of the claimant being able to return to work. There is an entry made that the claimant needed an independent Occupational Health referral “as soon as possible”, underlined on the fit note by the doctor. That was a fit note for two weeks in September 2011. The next is at page 759 and is dated 7 October 2011. The reason given at the head of the fit note is “ongoing severe stress related illness”, and on this occasion the doctor has simply indicated that the claimant was not fit for work and does not make any recommendations in the

box below , but does make the comment that she was awaiting occupational input, and again uses the word “urgent” and that was for a period of two weeks dated 7 October.

11. The next in this sequence is at page 763 and is dated 27 October 2011. The diagnosis again is “work related stress” and this time the doctor has added the words “agitated depression”. Again, the certificate confirms the claimant is not fit for work, comments are made about awaiting an Occupational Health appointment and CBT treatment, and that the claimant was on medication. That fit note was effectively valid until 11 November, and on that date the next fit note dated 11 November (page 764 of the bundle) was then issued, again for “work related stress” , and again reference was made to a referral for Occupational Health and CBT counselling. This fit note now was for some eight weeks.
12. The next fit note is on 3 December 2011 (page 769 of the bundle). Again the diagnosis is “work related stress”. The claimant is said not to be fit for work but there are some recommendations as to adaptations that may be made, and the doctor in this box has written that the patient still had what it described as “significant mental health problems” and referred to meetings, deadlines and stress issues, and the need for the claimant's husband to attend meetings as an observer. That fit note was for four weeks. That was then followed by a further fit note at page 770 of the bundle dated 24 January 2012, where again for “work related stress” and with a note “agitated depression” in the box below it, a fit note for eight weeks was issued by the claimant's GP.
13. Around about this time a letter was written by the claimant's GP, Dr Pearson, which is to be found in fact in two places in the bundle, but one example of it is at pages 771-772. That report is dated January 2012 and is addressed to Susan Gee who was a manager of the Health and Wellbeing Service to whom the claimant had been referred , and with whom there was to be, apparently and may well have been, a meeting on 16 February. This report, however, addressed to Ms Gee refers to the claimant having been seen in April 2004 with work related stress for which she had three weeks off work. The report continues, and the next paragraph is a reference to the claimant being seen next in July 2011 in a state of extreme distress, and this of course was the time at which the claimant first went off work and in respect of which the first of this series of sick notes was issued. The doctor at that point refers to the tests that she gave the claimant, but she makes no further reference to any other treatment or any other matters arising in July 2011. She continues, however, to refer to the claimant returning to work in September 2011, returning in what she describes as “more distress”. The doctor goes on to say how she then recommended antidepressants and referred the claimant to an NHS counsellor. She goes on to say how the claimant had been reviewed approximately two weeks since then, and that her medication was increased to a level that she was able to tolerate to a therapeutic dose. There then appears a paragraph where she says this:

“She remains on medication and having regular counselling with which she is compliant and is actively participating in her recovery. Over the last two months she has gained more insight into how unwell she has become over many

months/years and that her recovery to full mental health will be slow. I continue to see progress at every consultation...I think it is fair to say that the claimant has suffered a breakdown in her mental health due to agitated depression caused by work related stress.”

She says she is not aware of any other extraneous factors and then she goes on to express the cause of the condition, a breakdown in relationship at the school. and then continues with her report.

14. The penultimate paragraph reads as follows: “Based on the evidence I have seen from Mrs Hassanzedah it seems that there is little hope at present that the school can manage the situation effectively internally and that until satisfactory protection of her mental health can be provided it would be unwise to return to this environment without further predictable deterioration in her mental health, this is also the view of the therapist.”
15. It is unclear for the moment, and does not matter for the purposes of this determination, when and to whom that report was provided, but it was clearly prepared for Ms Gee to see and is clearly an indication of the position at January 2012.
16. The fit notes, as it were, continued and on 9 March 2012 a further fit note was issued by the claimant's GP (page 841 of the bundle) where the diagnosis is given as “depression and mental illness caused by work related stress” and again boxes are ticked in relation to adaptations that may be made and this fit note was for a period of a month.
17. The claimant's submissions through Mr Shojaee are that the fit notes, and indeed the medical report of January 2012, support a contention that by that stage the claimant was indeed a person with a relevant disability. In addition, the claimant also relies upon a report that was subsequently provided by Dr Pearson on 30 October 2013 which is at pages 2473-2474 of the bundle, and this was the result of a referral by the claimant of an application for ill health retirement, and this is her GP’s answer to a set of questions that were posed to her which are to be found, if one can read them, at pages 2469-2470 of the bundle, but one can just about discern on the back type against a dark background what the questions were, and it is these questions that the GP’s report of 30 October answered.
18. In relation to question 1, which is “please list all the relevant current diagnosed medical conditions giving the date of onset for each”, the reply by the claimant's GP is as follows: “agitated work depression due to work related stress since consultation 23 September 2011”. In relation to question 2, which was about treatment, a reference was made to the CBT report, and in relation to question 3, which was “please describe how the condition affects the applicant’s general health and capability” the GP’s answer is as follows:

“This lady’s severe anxiety and depression affects her functioning, memory and cognition. She is often weepy to the point of hysterical suicidal ideation. She cannot do any routine household chores or cook and is definitely incapable of

any higher level functioning. She is phobic of leaving the house, taking any initiative with reference to any conversations, she is tired all the time and teary.”

19. In answer to question 4, which asked as to the treatment that was being prescribed for the claimant, the doctor sets out there how, since September 2011, she had prescribed the claimant Citalopram, initially a 10mg dose but rising therefrom up until a level of some 40mg which was the dose at the time of the report, and the doctor also makes reference to the two courses of CBT that the claimant had undergone.
20. The remainder of the questions are also answered in this document but in essence the General Practitioner’s view in answer to question 10 as to the condition she says this:

“This lady has severe agitated depression which is resistant to two attempts at counselling and high dose antidepressants. The issue is focussed around work related stress that is unable to be resolved with her employer and has resulted in significant suicidal agitation which has deteriorated rather than improved.”
21. She then goes on to deal with question 11, which is the question for ill health retirement purposes as to whether the claimant was likely to be able to give any further service as a teacher and she concluded that this would not be so.
22. In terms of the medical evidence that the claimant relies upon, that is from her GP in the context of the ill health retirement application but which does set out in some detail the diagnosis, the date of the diagnosis and the indeed the treatment that the claimant was prescribed for her condition and when she was so prescribed.
23. In essence, Mr Shojaee’s submission on behalf of the claimant is that certainly by 2011 at the latest she was a person with a disability, taking all the medical evidence into account and the other evidence that he relies upon, but that in fact that disability the Tribunal should find goes back to either 2008 or further back to 2004, but those are in essence and in summary, and I hope doing due justice to them, his submissions on behalf of the claimant.
24. For the respondents Ms Mellor makes the point that in relation to the 2004 and 2008 arguments there is no medical evidence in support of any finding that the claimant was a person with a disability in those periods. She highlights the fact that on all the evidence the claimant never consulted her GP in relation to those periods and that there is no medical evidence from which the Tribunal could safely conclude that the claimant had a disability during those periods. To the extent that the reasons for the claimant’s absences are recorded in the sickness absence record on page 752, these are self certified, they are not supported by any medical evidence and indeed there is not even any evidence that these are necessarily symptoms of the claimant’s condition, though of course they may be. She makes the point that in support of this early period the claimant has really failed to adduce any evidence either of her own or through her husband, or from any medical point of view, to support any finding that the disability could be established any earlier than 2011. Consequently, Ms Mellor

invites the claimant to discount those periods, and in relation to the later periods she accepts, as the respondents do, that the relevant disability arose by August 2012, but she invites the Tribunal effectively to look at that from the point of view of that being the length of time for which the condition had actually been affecting the claimant in the requisite way, and that instead of looking what the condition was likely to do at any earlier point, the safest thing for the Tribunal to do is to look, in August 2012, at the history. She accepts that by then there had been 12 months of the condition having the requisite effect upon the claimant; she accepts there is evidence to that effect and on that basis the respondents contend for the August 2012 date.

25. Ms Mellor counsels the Tribunal against taking the report of the GP on 30 October 2013, and simply going back two years, and therefore coming up with 2011, and that the Tribunal instead should focus upon the position as it appeared to be, without the benefit of hindsight, in late 2011. What she says about that is that whilst clearly the claimant was ill by that time, and her absences are being recorded in the way that they were, that at that time one could not have said that the condition was likely to last 12 months. It did in fact do so but if, as it were, one had taken a snapshot at that time and asked, "is this condition likely to last for more than 12 months?" the answer would not have been "yes", because it was very dependent upon how things may have gone at the school, and there is an implication in the medical reports that the two matters were interlinked. Therefore the likelihood may have been that the condition might have been improved in that period of time if matters had turned out differently, so in terms of the test to be applied in relation to "likely to last for more than 12 months", she submits to the Tribunal that the evidence falls short of that and that the Tribunal can only really rely upon the safe anchor of the date of August 2012, in relation to the length of time for which the condition actually did last.

Conclusions

26. So those, in summary, are the competing contentions, and the Tribunal has had to decide which is the appropriate date for the date of disability. In relation to the claimant's initial positions of 2004 and 2008, the Tribunal cannot accede to the submissions that the Tribunal should go back that far. The burden is upon the claimant to satisfy the Tribunal on a balance of probabilities that she was a person with a relevant disability at the particular time, and the Tribunal finds that she has not discharged that burden in relation to 2004 and 2008 at the very least. The highest we think it can be put at that time is that she may have been a person with this condition, and we do take account of the fact that in her report of January 2012 the GP does make mention of the fact that the claimant was not aware of the fact that she may have had this condition for many months or years, but it is clearly a case that the GP regards it as a condition which has got worse over time, and the GP does not attempt, and possibly could not attempt at that time, to put a date upon which the condition became sufficient to constitute a disability. So we think the highest that can be said in relation to those periods, there being no dispute, is that the claimant was doubtless ill during those periods, and had time off for the reasons that she has given in the various fit notes. That, we feel, falls a long way short of satisfying the evidential

burden that there was in fact a disability during those years, and we do not so find.

27. We turn instead to 2011 when clearly , from July 2011, onwards the claimant has been absent for the reasons which, of course, the GP has subsequently diagnosed as being agitated depression, and the first of those absences, of course, was in July 2011. But that was relatively short-lived and indeed we note that there was no treatment recorded by the doctor on that occasion. We note from the GP's report in October 2013, for example, that the Citalopram was not prescribed until September 2011, so there was clearly a reference to the doctor at that time , and there was clearly an incident. In terms of that forming part of the condition which then could be regarded as a disability, there seems little evidence at that point that one could have said in July 2011 that that condition was likely to last more than 12 months at that time. Thereafter, of course, the claimant starts periods of absences from September 2011 and ,of course, those are then continuing and continued indeed until she left the school. From that period the medical evidence is rather different and in particular, as we see from the final report of Dr Pearson in October 2014, the condition of agitated depression was diagnosed by her on the consultation of 23 September 2011, and of course it is in September 2011 that she starts to prescribe the antidepressant drug for the claimant.
28. In terms of the wording of various fit notes, we do note that as early as 7 October 2011 , in that fit note, the term "severe" is used. The claimant is described as having "ongoing severe stress related illness", and indeed in subsequent fit notes that terminology is used again, but we note it is first used in October 2011. We also note that in her letter of January 2012 the doctor again uses the terminology as to the severity of the claimant's condition at that time, that being January 2012. We also note that in that letter she expresses the view that the claimant's recover to full mental health would be "slow", as she put it; that is, of course, only some four months from the initial diagnosis in September 2011.
29. We take the respondents' point that we should be wary of hindsight and we should be wary of looking at information that has turned out to be the case , and must view the position in relation to likelihood of duration of more than 12 months at the relevant time, and the respondents urge us not, as it were, to go back to September 2011 , look at the position then and say it was likely to last more than 12 months at that time. We should , they say, concentrate instead on the later period of August 2012.
30. The position it seems to us is that the totality of the medical evidence, the terminology of the fit notes and indeed both reports of Dr Pearson, do entitle us to take the view that , as at September 2011 , this was a condition which was likely to last more than 12 months. We think we are entitled to take account of the use of the terminology of "severe" and "significant", which are both terms that are used in relation to the condition , and the expression in January 2012 that recovery was likely to be slow, and all the indications that, as at September 2011 the condition was indeed likely to last more than 12 months, and on that basis we are satisfied that the claimant has established that from September

2011 she was a person with a relevant disability . That will be the date that we take for the purposes of her disability claims going forward.

Note

31. Following determination of the date of disability, the Employment Judge went through the claimant's claims in the Scott Schedule with the parties, and indicated to the claimant's representative that, in the light of that ruling, claims numbered 8, 9, 10 and 11 could not be pursued given the Tribunal's findings in relation to the date of disability. Mr Shojaee for the claimant accepted this, and the Tribunal accordingly will not consider the claims of disability discrimination which are made prior to September 2011.

32. Before the respondents' case was resumed, however, Mr Shojaee made two applications to the Tribunal. The first was that the Tribunal proceed to determine the application to amend that he had previously made to the Employment Tribunal and which had been considered by Employment Judge Horne in July 2017, upon which he had declined to rule, leaving the matter to this Tribunal to determine having heard the evidence. That application was to amend the claims to add some ten (a further five having been dismissed by Employment Judge Horne) allegations of detriment under section 44 of the Employment Rights Act 1996. The Employment Judge was somewhat surprised at this application, but it was considered.

33. The second application was to amend the Scott Schedule in relation to further protected disclosures. There had been a previous discussion during the course of the hearing in which the Employment Judge had pointed out (as he had done previously) that , at present, only one protected disclosure was pleaded in the Scott Schedule, namely that of October 2012, and that the claimant's claims in respect of protected disclosure detriment were accordingly those set out in the Scott Schedule and related to one , and one disclosure only. Following that the claimant's representative sought to amend the Scott Schedule, but in this second application before the Tribunal he had not specified what further protected disclosures he intended to rely upon, and further what alleged detriments the claimant was subjected to as a result of having made those allegedly protected disclosures. Thus, in the form in which it was presented to the Tribunal at that stage, the application to amend in relation to further protected disclosures was still incomplete, and Mr Shojaee was advised to consider it further before pursuing it with the Tribunal.

34. Turning to the application to determine the previous application to amend, the Tribunal and the parties adjourned to familiarise themselves more fully with the history of the claimant's application in the preliminary hearings before Employment Judge Horne, and his rulings thereon. Having returned after a lengthened luncheon adjournment to consider these matters, the Employment Judge informed the parties that he, upon reading Employment Judge Horne's Judgment, had noted that that Employment Judge had been minded to grant the applications, but felt constrained by the authority of **Aldridge** not to do so, on the basis that to do so at that to do so at that stage would have been to deprive the respondents of a defence in relation to time limits. This was expressly the reason why he declined to rule upon the application and left it to the full Tribunal.

35. Since then, however, the judgment of the Employment Appeal Tribunal in **Galilee v The Commissioner of Police for the Metropolis [2017] UKEAT0207/16/2211** which was promulgated on 22 November 2017, in which His Honour Judge Hand QC reviewed the authorities on the doctrine of “relation back” as applied to amendment applications before the Employment Tribunal, and held, contrary to the authority of **Aldridge** and other cases, that the doctrine had no application in Employment Tribunals, and consequently the granting of an amendment in relation to claims that were potentially out of time would not have the effect of depriving the respondents of a time limit defence. That seemed to the Employment Judge to put a rather different complexion upon the application, and rather reinforced the view that this was potentially a matter which was best determined at the conclusion of the evidence. Further, for the respondents, Ms Mellor contended that with respect to Employment Judge Horne, the respondents did not accept his analysis of the applicable time limit as applied to the alleged facts, and that to that extent arguments in relation to when time began to run and whether the claims, if permitted, would be out of time required further submission and was a matter best left for legal argument when all the facts had been heard.

36. The Employment Judge during this exchange did try to explore with Mr Shojaee the precise nature of the amendments that he wished to make, and how he was to contend that he claimant could potentially fall within section 44 at all, given its precise terms and the degree to which the evidence of Mrs Ogley, who was waiting to give evidence, would be relevant to those claims. The reason why Mr Shojaee wanted determination of these applications at this stage was so that he could know what questions he could or could not ask in cross examination of the respondent's witnesses, particularly Mrs Ogley. The Employment Judge assured him that to the extent that there was still a live application to amend in respect of these claims, he would not be precluded from asking relevant questions if they may pertain to these potential claims. The Tribunal would effectively treat the amendments as having been granted and would allow cross examination of the respondents' witnesses if potentially relevant to the claims as amended. He assured Mr Shojaee on that basis that he would not be limited in his cross examination unless and until the Tribunal considered that his questions were not relevant either to any of the claims as presently made or by way of amendment.

37. Consequently the Tribunal declined to rule upon the amendment issue for these reasons, and the hearing continued with Mrs Ogley then giving her evidence.

Employment Judge Holmes

Dated 16 August 2018

JUDGMENT AND REASONS SENT TO THE PARTIES ON

24th August 2018

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