



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss L Thomas

**Respondent:** Devon County Council

**Heard at:** Bristol **On:** 21 October 2020

**Before:** Employment Judge Midgley

## Appearances

**For the Claimant:** In person

**For the Respondents:** Mr A Yendole, Solicitor

# JUDGMENT

1. The claims of constructive unfair dismissal and harassment contrary to section 26 of the Equality Act 2010 were presented 9 years and 6 months out of time.
2. It was reasonably practicable for the claim of constructive unfair dismissal to have been presented within time, and it was not presented within a reasonable period after the expiry of the primary time limit. The Tribunal does not therefore have jurisdiction to hear the claims.
3. It would not be just and equitable to extend time to permit the claims of harassment to be presented. The primary cause of the delay was the Claimant's belief that she would lose the claim because her account would be considered against that of four individuals who she says harassed her. The balance of prejudice favours the Respondent because it no longer has any means of contacting the individuals against whom the allegations are made.
4. The claims are therefore dismissed.

Employment Judge Midgley

Date 21 October 2020

Judgment sent to parties: 12 November 2020

FOR THE TRIBUNAL OFFICE

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.