



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Miss M Ansari

v

Buckingham Nursery Limited

Heard at: Bury St Edmunds (by CVP)

On: 30 May 2022

Before: Employment Judge Laidler

Appearances

For the Claimants: In person

For the Respondent: Mr C Plume, HR Representative

JUDGMENT

1. The Claimant's application to amend her claim is refused.
2. This Hearing is adjourned to a date to be fixed due to the Claimant's connectivity problems.
3. The next Hearing will take place as a "hybrid" Hearing in the Bury St Edmunds Employment Tribunal. The Claimant will attend the Tribunal, but the Respondents will be permitted to attend via the Cloud Video Platform (CVP).

REASONS

1. This matter has been before the Tribunal on two previous occasions: 2 December 2021 and 3 February 2022.
2. On 1 February 2022, the Claimant wrote to the Employment Tribunal advising she wished to amend her claim to bring a claim of the assertion of a statutory right as the reason for her dismissal. She did not provide any further information as to the basis of that claim and why it had not been brought forward sooner. The adjourned Hearing that was scheduled for a date in February 2022 had to be postponed to today's date. The application was considered at this Hearing.

Decision on Application to Amend

3. The Claimant's application for leave to amend her claim is refused. There was no suggestion in the ET1 that the Claimant was claiming unfair dismissal of any kind; there is a box to tick to claim unfair dismissal so the Claimant would have been alerted to that type of claim.
4. The application does not detail the claim, but having discussed it with the Claimant today, it appears she is saying she was dismissed for invoking ACAS Early Conciliation, or starting the claim in the Employment Tribunals which she did on 6 June 2020.
5. The Claimant, however, waited until February 2022 to suggest she was dismissed for the assertion of a statutory right, even though the claim form was issued nearly two years ago.
6. The Claimant was dismissed on 8 June 2020, the claim is significantly out of time and the Claimant has not explained why it was not reasonably practicable to have brought the claim in time. The Claimant has stated she is a qualified lawyer in Iran and is now seeking to qualify here. She is better placed than most to find out about her rights. In a letter to the Respondent of 8 June 2020, she stated she needed to seek advice from the Citizen's Advice Bureau, so she was aware of that entity's existence.
7. For those reasons the application is refused.
8. The Tribunal then called the Claimant to be cross examined on supplemental documents. The Claimant's connection was not good and she kept dropping in and out of the Hearing. She was urged to speak to the Helpline to see if the problems could be resolved. Despite numerous attempts, it was necessary to adjourn the case at approximately 1pm as the Judge was not satisfied a fair Hearing could take place with these difficulties.
9. In view of the connectivity problems experienced by the Claimant, she will have to attend the Tribunal Hearing Centre on the next occasion. As the Respondent's representative resides abroad and his business is based there, he and the Respondents will not need to attend, but will take part by way of the CVP link.

10. Dates to avoid are to be provided by the parties within 7 days of the date upon which these Reasons are sent to the parties and the matter will then be relisted

Employment Judge Laidler

Date: 13 July 2022

Sent to the parties on: 22 July 2022

For the Tribunal Office.