



EMPLOYMENT TRIBUNALS

Claimant: Mrs L Farrand

Respondent: Ace Centre North

Heard at: Manchester (by CVP)

On: 21 November 2024

Before: Employment Judge K M Ross

REPRESENTATION:

Claimant: In person

Respondent: Mr Bunting of Counsel

JUDGMENT

The judgment of the Tribunal is that:

1. The claimant was permitted to amend her claim to include two further public interest disclosure detriments which occurred post termination. These were the allegation listed as:
 - The allegation listed at “r” – “The respondent’s dismissal of the claimant’s grievance out of hand in the grievance outcome letter dated 27 September 2023” in the bundle for the preliminary hearing at page 116; and
 - The allegation listed at “s” – “In the grievance outcome letter the respondent states that the claimant committed gross misconduct but fails to provide any reasonable supporting evidence”.
2. The claimant was not permitted to amend her claim to include allegations p, q, t, u, v, w, x and y listed at page 116 of the bundle, which were other post termination whistleblowing detriments.
3. The claimant was permitted to amend her claim to bring a claim of “ordinary” constructive dismissal arising out of the resignation she issued to the respondent on 13 June 2023.

REASONS

1. I had regard to my inherent discretion to amend a claim, to the Presidential Guidance on amendment of claims, the well-known case of **Selkent** and the cases referred to me by the parties.
2. I had regard to the timing and manner of the amendment, the nature of the amendment and any time limit issues. However, primarily I must concern myself with the balance of justice and hardship between the parties.
3. The claimant was permitted to amend her claim to include the key allegations of public interest disclosure detriment relating to her grievance, namely the respondent's dismissal of the claimant's grievance out of hand in the grievance outcome letter of 27 September 2023, and the allegation that in the grievance outcome letter the respondent stated that the claimant committed gross misconduct but failed to provide any reasonable supporting evidence. These were permitted and not disputed by the respondent because the claimant had referred to this information in her original claim form, so it was a simple relabelling exercise as set out in **Selkent**.
4. However, the other allegations were new matters. Firstly, there were serious issues in relation to time because they were outside the time limit. Secondly, they added very little to what is already a complex claim. If the claimant succeeds in the detriments I have just identified she will receive compensation for them. The other additional allegations are peripheral to those 2 allegations and will elongate the final hearing, require disclosure of additional documents, require further evidence from witnesses and require further findings of fact from the Tribunal for no real purpose. There is no hardship to the claimant in denying these additional amendments because she already has an extensive public interest disclosure claim which covers post termination victimisation.
5. There was an additional issue in relation to the subject access request. The Tribunal does not have power to deal with issues relating to subject access requests and complaints in relation to those matters should be taken to another forum.
6. The claimant was permitted to amend her claim to bring a claim for "ordinary" constructive dismissal in relation to the Tribunal finding that her employment ended when she resigned on 13 June 2023. However, I did not permit the claimant to rely on the extended grounds as set out in her application to the Tribunal of September 2024. Having two narratives covering the same set of facts would be extremely confusing for the Tribunal determining the final hearing. It was therefore in the interests of justice to deny the inclusion of the extended grounds. Instead, the claimant was permitted to amend her claim to include a constructive dismissal claim and we spent time at the case management hearing identifying the breaches of trust and confidence based on the information provide in her original claim form to the point where she resigned, and these are now included in the List of Issues.

Employment Judge K M Ross

Date:25 November 2024

JUDGMENT SENT TO THE PARTIES ON
29 November 2024

FOR THE TRIBUNAL OFFICE

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<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>