



EMPLOYMENT TRIBUNALS

Claimant: Miss S Kitson

Respondent: City of Bradford Metropolitan District Council

HELD at Leeds by CVP

ON: 4 February 2025

BEFORE: Employment Judge Shulman

REPRESENTATION:

Claimant: In person

Respondent: Miss F Mewies, Solicitor

JUDGMENT

The claimant was out of time in respect of each of her complaints and all of her complaints are dismissed accordingly.

REASONS

1. The claimant in answer to an Order of the Employment Tribunal of 24 September 2024 provided the particulars of all her claims to each of the claims which were substantially out of time. The effective date of termination of the claimant's employment was 14 April 2023. She did not apply for early conciliation until 22 January 2024 and failed to present her claim form until 14 February 2024.
2. The claimant filed before the Employment Tribunal a witness statement in which she stated that there were three main reasons for the delay in submitting her claim, namely her disability, being ADHD, and the impact on symptoms of lengthy and emotionally draining paperwork, domestic abuse – personal circumstances and prolonged work-related stress/mental health.
3. The question around her disability is not in dispute or challenged.

4. The question of domestic abuse/personal circumstances is such that the claimant had to withstand very serious conduct on the part of her then spouse. This ended in its most serious form in July 2023, although the claimant says she continues to be affected because of what the claimant calls her spouse's controlling behaviour.
5. So far as the work-related stress is concerned, this came to an end effectively when the claimant left the respondent's employment on 14 April 2023, although the claimant says she did continue to have work-related stress until the completion of the grievance process on 23 October 2023. During the hearing I, and Ms Mewies in cross-examination, asked the claimant repeatedly for medical evidence relating to her inability to send her claim in time, which she was unable to provide.
6. Effectively, therefore, the claimant had from 23 October 2023 to issue her claim form. It is true she has her disability, that she says some controlling abuse continued from her spouse and she looks back on her employment with the respondent by way of distaste.
7. Nevertheless I am satisfied that the claimant could and should have issued her claim form from and after 23 October 2023 and did not do so until 14 February 2024.
8. In the hearing bundle the Tribunal went through the further and better particulars which are at pages 62 to 66. It was clear from the further and better particulars that many of the complaints were older than even 14 February 2024.
9. I therefore embarked upon a conversation with the claimant. I carefully took into account that she was not represented. She wanted to add more dates which would make the complaints less out of time. I explained to the claimant that it was not just a matter of filling in a few extra dates but that each date had to be evidentially justified. I further explained to her that once she had done that the Tribunal then had a discretion to consider whether or not to give leave to the claimant to amend, taking into account any representations from the respondent.
10. At this point of the hearing I felt it was important to explain to the claimant, as I have done earlier in the day, that I was not satisfied that she could not have issued at the very least from 23 October 2023. Indeed the claimant had every opportunity in her evidence to explain her position. I was on the point of giving the claimant the option of having a Judgment setting out the position of the Tribunal, when the claimant disappeared from the video. The timing of the claimant's departure was in my judgment no coincidence having regard to my last exchange with her.
11. Whether the claimant had stayed, returned or disappeared the Tribunal would still have reached the inevitable decision that her claims were out of time and in all the circumstances all the claims of the claimant are hereby dismissed.

Approved by Employment Judge Shulman

Date: 11 February 2025

13th February 2025

Sent to the parties on:

13th February 2025

For the Tribunal:

Jack Dunderdale

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.

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