



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss M Craig

**Respondent:** Royal Mail Group Limited

**Heard at:** Leeds by CVP

**On:** 17 July 2025

**Before:** Employment Judge JM Wade

## Appearances

For the claimant: Mr Wishart, paralegal

For the respondent: Mr D Jackson, CWU representative

## ORDERS

1. The claimant's application to amend within her agenda for today is refused.
2. The claimant's claim will be struck out unless by 15 August 2025 she has set out written representations addressing why the claim should not be struck out, or requested a hearing at which such representations can be made.

## REASONS

3. The claimant presented her claim with union assistance on 15 May 2025. The facts contain a single allegation of detrimental or adverse treatment by Mr West, namely in November/December 2023 the claimant was removed from working in the priority locker because she made a mistake mis-sorting a bag of mail. She was told in an informal chat that the reason was the financial implications of the mistake - £1000 and she was not formally "conducted" or offered coaching. That allegation was said to be "less favourable treatment directly and indirectly because of 2 protected characteristics contrary to s14 of the Equality Act 2010."
4. In February 2025 it is said that the claimant was made aware that a colleague, a Ms Thompson, had made a mis-sorting mistake, with no informal chat, and no removal; the cost to the business was £250. The claimant then raised this apparent inconsistency with HR. ACAS conciliation was 24 March 2025 to 24 April 2025.

5. The claim particulars do not tell the reader that the decision maker was Mr West in both cases. Mr Jackson has told me that today. Nor do they tell the reader of any evidential basis to suggest that Mr West was influenced by race or disability in his decisions (one made in late 2023 and one made seemingly in 2025 but that is not entirely clear).
6. The simple position is that reliance on a section which is not yet in force means the allegation has no reasonable prospect of success.
7. As to the application to amend, it was not made expressly in an agenda submitted on behalf of the claimant on 14 July. In the section – 3.5 - is the claimant applying to amend? The answer is surprisingly, “no”. Instead, there is listed under 3.3 – what are the complaints in the claim form – a list of allegations – Section 13, Section 19 and Section 20: direct discrimination race and disability, indirect discrimination, and failure to make reasonable adjustments. There are no further details of those complaints other than a list of issues giving some indication of the potential allegations.
8. Today we identified that any change to the claim form particulars, but particularly one which adds new causes of action, is an application to amend. When I come to consider the same, the timing, manner and substance of the application are relevant factors, but ultimately the prejudice to the claimant in not being able to pursue the allegations in the amendment, versus the prejudice to the respondent, has to be weighed to determine the exercise of my discretion.
9. The timing and manner of the Section 19 and Section 20 allegations are very relevant – the allegations cannot be understood and they therefore have no prospects. There is no prejudice in refusing them.
10. As to the Section 13 allegations, which could be said to be a relabelling to correct the mistake made (I am told because there was a belief Section 14 would be in force by the time the claim was submitted), I again come back to the balance of prejudice.
11. The facts to which the new legal label is sought to be added are not facts from which a Tribunal could conclude a contravention. Mr Jackson could not explain to me how Ms West’s treatment of the claimant in 2023 was detrimental – that is how not working in the priority locker was in any way detrimental, or why an informal dealing with things (rather than through a conduct procedure or coaching) was detrimental. Or why the failure to give coaching (bearing in mind on the claimant’s case this was re-training anyway) was detrimental.
12. Even if the treatment could be shown to be detrimental, the main reason why is clear – a costly mistake. How is the claimant going to establish any facts from which the Tribunal could conclude less favourable treatment in these circumstances, at this distance in time between the two events and with the other obvious differences? If the Tribunal asked itself a hypothetical question - in late 2023, had the claimant been a white colleague who was not disabled but had made a £1000 mistake, would Mr West have treated her more favourably (said to be by a conduct procedure and or coaching)? The 2025 knowledge is unlikely to help with the answer to that question and there is no other material to suggest there would have been more favourable treatment, objectively.

13. As to time limits, the claimant will have known of her own treatment in 2023 – if it felt adverse then, she would no doubt have raised it – but there is no suggestion she did. The reason for a just and equitable extension being sought is that the alleged differential treatment has only been learnt about in February 2025. The claimant was advised by her union in the knowledge of that time limit problem, but the claim was still not presented until May. It then took until July to identify the mistake and seek to remedy it (not in a transparent way by an application to amend) but through the agenda seeking to mischaracterise what was in the claim.
14. Today there has been no good explanation of detriment or how the evidential problems will be overcome. There is far less prejudice to the claimant in refusing an application to permit her to pursue a weak complaint, than in refusing an application which on the face of it has reasonable prospects. The prejudice to the respondent of course is the cost of defence, but also, the impact of the strain on the person accused of discriminatory conduct, which may also impact them at work. In those circumstances the balance lies against the claimant and the application is refused. The consequence is that there remains a complaint which cannot be pursued and the order above addresses that.

*JM Wade*

17 July 2025