



EMPLOYMENT TRIBUNALS

Claimant: Mr W Murray

Respondent: Network Rail Infrastructure Limited

Heard at: Midlands West (in public; by video)

On: 29 and 30 September 2025

Before: Employment Judge C Knowles

Representation

Claimant: In person.

Respondent: Miss Minto (Counsel).

JUDGMENT

Complaints that are dismissed.

1. The complaint of unfair dismissal (Sections 94 and 98 of the Employment Rights Act 1996) was not presented within the applicable time limit. It was reasonably practicable to do so. The complaint of unfair dismissal is therefore dismissed.
2. The complaint of automatically unfair dismissal on grounds of having made a protected disclosure (Section 103A of the Employment Rights Act 1996) was not presented within the applicable time limit. It was reasonably practicable to do so. The complaint of automatically unfair dismissal is therefore dismissed.
3. The following complaints that the respondent failed to make reasonable adjustments (Sections 20 and 21 of the Equality Act 2010) were presented out of time:
 - (a) not moving the claimant to an alternative work location / alternative shifts by early 2024; and
 - (b) not allowing the claimant time off for therapy appointments

It is not just and equitable to extend the time limit and these two complaints of failure to make reasonable adjustments are therefore dismissed.

Complaints that can proceed.

4. The claimant presented his complaint that his dismissal on 31 October 2024 was discrimination because of something arising in consequence of disability (Section 15 of the Equality Act 2010) outside the relevant time limit, but it is just and equitable to extend time. The complaint of discrimination because of something arising in consequence of disability will therefore proceed. Whether earlier alleged unfavourable treatment prior to 31 October 2024 formed part of an act continuing to 31 October 2024 will be determined at a final hearing.
5. The claimant presented his complaint that he was subjected to harassment related to disability on 31 October 2024 (Section 26 of the Equality Act 2010) outside the relevant time limit, but it is just and equitable to extend time. The complaint of harassment related to disability will therefore proceed. Whether earlier alleged harassment related to disability formed part of an act continuing to 31 October 2024 will be determined at a final hearing.
6. Following a successful amendment application (granted on 29 September 2025), the claimant's complaint of victimisation (Section 27 of the Equality Act 2010) relating to the last alleged act on 7 July 2025 was presented in time. The complaints of victimisation will proceed. Whether there was any continuing act of victimisation will be determined at a final hearing, but to the extent necessary, the Tribunal would have found that it was just and equitable to extend time in relation to the complaint that the dismissal on 31 October 2024 was an act of victimisation.
7. Following a successful amendment application (granted on 29 September 2025), the claimant's complaint of a failure to make reasonable adjustments on 7 July 2025 by not allowing a support worker (Sections 20-21 of the Equality Act 2010) was presented in time. The complaint of failure to make reasonable adjustments by not allowing a support worker at the disciplinary and appeal hearings will therefore proceed. Whether there was any continuing failure to make reasonable adjustments will be determined at a final hearing.

8. The complaint of indirect discrimination relating to the failure to allow a support worker (brought in the alternative to the complaint of failure to make reasonable adjustments) was presented in time in relation to the alleged failure on 7 July 2025. The claim of indirect discrimination will therefore proceed. Whether there was any continuing act of discrimination will be determined at a final hearing.
9. Following a successful amendment application (granted on 29 September 2025), the claimant's complaint that the respondent subjected him to a detriment on 7 July 2025 on grounds that he had made a protected disclosure (Section 48 of the Employment Rights Act 1996) was presented in time. Whether any earlier alleged detriment was part of a series ending with a detriment on 7 July 2025 will be determined at a final hearing.

Approved by:

Employment Judge C Knowles

1 October 2025

Notes

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. If written reasons are provided they will be placed online.

All judgments (apart from judgments under Rule 51) and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.

If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings and accompanying Guidance, which can be found here:

www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/