



EMPLOYMENT TRIBUNALS

Claimant: Mr G Hussain

Respondent: IKON Aluminium Systems Ltd

Heard: by CVP in Birmingham

On: 13th of October 2025

Before: Employment Judge Codd

Appearances

For the Claimant: In person (assisted by Ms Begum)

For the Respondent: Craig Johnson

JUDGMENT

1. The claim is dismissed as it was issued out of time and accordingly the Tribunal has no Jurisdiction to hear the claim.
2. The claimant's application for a just and equitable extension of time is not well founded and is dismissed.

Employment Judge **Codd**

Approved 13.10.2025

Note

Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party asked for them at the hearing or a party makes a written request within 14 days of the sending of this written record of the decision.

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REASONS

The claim

1. The claimant brings claims of disability discrimination. This is a preliminary hearing to determine whether the claim has been issued in time and if not, then whether the tribunal has jurisdiction to hear the claim.

The Background

2. The claimant was employed as a team leader from the 21st of March 2016 until his dismissal or resignation on the 18th of July 2024.

3. The claimant argues that he was induced to resign by the respondent with an offer of redundancy payment, however, he argues that his employer subsequently changed its position after his resignation.
4. The claimant suffers from Psoriatic arthritis which he argues constitutes a disability under S6 of the Equality Act 2010. In part the facts he relies upon are related to his alleged disability and the impact this was having on his ability to complete his work, due to the ongoing symptoms, and pain.
5. The claimant resigned with immediate effect on 18th of July 2024. He contacted ACAS and engaged in early conciliation between 11th of November 2024 and the 5th of December 2024. The claim was already out of time at the point that he contacted ACAS (using his dismissal date as the last act).
6. He issued his ET1 claim on the 1st of January 2025 some 170 days after his dismissal. However, there appear to have been ongoing discussions with the claimant thereafter and he was paid 8 weeks notice pay. This appeared to have been paid on the 26th of July 2024, and appears to have been negotiated on the 17th of July 2024, prior to the resignation.
7. A Preliminary hearing took place on 18th of June 2025. This case managed the claim, but did not complete a list of issues. The claim was timetabled to this hearing to consider Jurisdiction.

Legal Principles

8. As this is a discrimination claim, S123 of the Equality Act 2010 contains the relevant provision for the presentation of claims. In essence the claim must be presented within three months of the act complained of, plus any extension afforded by early conciliation.
9. Where ACAS early conciliation commences after the elapsed 3 month time estimate, such periods may not be deducted from the time, and the whole period must be counted as if early conciliation had not occurred.
10. Where a claim is presented late, the Tribunal has a discretion to extend time, to allow an out of time claim, if it considers it Just and equitable to do so.
11. In consideration of any just and equitable extension, the Tribunal must have regard for the circumstances of the claim and the reasons the claim was presented late. I must therefore consider the claimant's statement and any evidence he has submitted as to why his claim was late.
12. The claimant is unrepresented. Although the Employment Tribunal Rules of Procedure 2024 contains an overriding objective, designed at reducing formality and encouraging flexibility, this is not a licence not to comply with the rules.

13. The Supreme court in Barton V Wright Hassel, have made it clear that an absence of legal representation, does not afford the litigant in person special dispensation. Flexibility is one thing, but adherence to the rules and law is another. All parties share the same obligations and this is equally clear from the overriding objective.

Preliminary issues

14. There were no preliminary issues. However, the claimant was assisted by his sister-in-law and during the hearing he asked for her to speak for him. I allowed this flexibility, having first checked whether she had been intending to represent him.
15. Throughout the hearing the claimant has been a man of few words. He has no identified learning needs, and I am satisfied that he understood the process

The Evidence

16. The claimant has produced a statement for today's hearing (as directed). This forms a single email to the tribunal of one page. In addition to this I have permitted the claimant to give evidence.
17. I have heard submissions from both parties.

Analysis

18. The claimant in his written evidence has not focussed on the reasons why I should allow an extension of time. He has provided limited information. I attach little weight to that statement accordingly. His oral evidence is such that, it provided far greater clarity.
19. The claimant during cross examination confirmed a number of facts. He confirmed that he had sought assistance of Unite following leaving the respondent. He also had requested a subject access request.
20. The claimant had his occupational health report in August, which he says is the effective time he knew he had a claim. Why that is the case is not at all clear from the evidence.
21. The claimant also highlighted that his sister-in-law had some knowledge and that she was in Bedford at the time and not home near him which caused further delay. He argued he was reliant upon his sister-in-law as he didn't understand.
22. Although these reasons are brief they amount to the sum total as to the reasons for delay. There was little elaboration as to why I should extend time.
23. What is clear is that in July 2024 there were back to work meetings discussing a range of options and then what appears to be an agreement for the claimant to leave, with an ex gratia payment. It was not a compromise of the claims. That perhaps was unfortunate that the parties did not consider that formalisation.
24. However, some agreement took place.

25. I find that on the 18th of July the claimant was fully aware his employment was ending and had agreed the terms of a payment. He was aware that his employer was consenting for him not to return.
26. Having carefully looked at the issues of the SARS request and the payment dates of the 29th July, I cannot see that these in and of themselves form either a separate act of discrimination or the provision of knowledge of the discrimination. The claimant was aware on the 18th of July as to whether and how his role could or could not be adjusted and then he agreed to take a payment to leave. I cannot see that I can use any other date than the 18th of July as the act of discrimination last occurring.
27. Having done so it is therefore clear that the ACAS is out of time and there is a 170 day gap between the claim and the 18th of July. Accordingly the claim is some 70 days out of time.
28. Having listened to the evidence carefully and the submissions I am not satisfied that there are any different or exceptional circumstances in this case, which engage my discretion. The claimant needed support and lacked knowledge. So did those in his family. He had opportunity to research matters which he did. He chose to wait for help. I understand why. But the principles of Barton and Wright Hassell engaged that the claimant should not be afforded special treatment. He has no identifiable reason beyond inexperience and a lack of knowledge and a need for 3rd party support. Those factors are present in the vast majority of claimants who do comply with the time limits.
29. Accordingly I find that the claim was issued out of time and the Tribunal has no jurisdiction to hear the claim and I refuse the application to extend time as it has no reasonable prospect of success. There are simply not sufficient reasons to engage my discretion, or to demonstrate that an extension would be just and equitable.
30. The claim is dismissed as the Tribunal has no jurisdiction to hear the claim.
31. That is my Judgment,