



EMPLOYMENT TRIBUNALS

Claimant: Ms N Ma

Respondent: University of South Wales

Heard at: Cardiff **On:** 17 February 2026

Before: Employment Judge C Sharp (sitting alone)

Representation:

Claimant: In person

Respondent: Ms A Johns (Counsel)

Interpreter: Mr J Xu (Mandarin)

JUDGMENT having been sent to the parties on 27 February 2026 and reasons having been requested by the claimant in accordance with Rule 62(3) of the Rules of Procedure 2013:

REASONS

1. The decision I have been asked to make is whether particular allegations or claims should be struck out on the basis that either the Claimant has no reasonable prospect of establishing that there is a continuing course of conduct which would relate to an act that is in time, or that it is just and equitable to extend time.

2. In that regard, I was mindful of the case law in this area, notably that of Bexley Community Centre v Robertson [2003] IRLR 434 (including the rarely cited paragraph 24) and Abertawe Bro Morgannwg University Local Health Board v Morgan [2018] ICR 1194. Another way to consider it is whether there was an ongoing situation or a state of affairs or a series of isolated or specific acts from which time would run (Hendricks v Commissioner of Police for the Metropolis [2003] IRLR 96, [2002] EWCA Civ 1686).
3. At the outset that the Claimant accepted that the majority of the claims that are out of time should be struck out. Using the List of Issues that was produced on 28 October 2025, the Claimant has conceded that paragraphs 4.1.7, 4.1.8, 4.1.13, 5.2.7, 5.2.8, 5.2.13 and the entirety of paragraph 6 should be struck out and I so direct.
4. That leaves effectively two allegations which are at 4.1.10 and 4.1.12 and repeated at 5.2.10 and 5.2.12. The first allegation is that the Claimant complains about being invited to a return to work interview when she was off for one day when others were not. She asserts that it was an opportunity to distress and stress her out and have fun. In her further and better particulars, the Claimant cites a number of these meetings that she alleges were discriminatory, they start from 19 January 2021 and end on 10 June 2024.
5. The other allegation is that Wayne Morris requested numerous one-to-one meetings mainly to talk about the Claimant's annual leave or sick leave record. The Claimant talks about a specific allegation on 18 September 2022 and she also complains that she requested a female colleague to attend - the Claimant provided a list of dates which range from 28 July 2020 to October 2023 when these meetings took place and there was no female colleague present.
6. There is no dispute that these claims pre-date 24 February 2025 and are out of time. By out of time, I refer to the statutory time limit that a Claimant must bring a claim within 3 months minus one day subject to extension through ACAS Early Conciliation.
7. The Claimant did not provide any evidence or discussion in her witness statement about time limits; I asked her to talk to me about it today and she has done so.
8. The Claimant accepts that all of the dates that she relies on in her further and better particulars pre-date 24 February 2025. She argued that there was a series of continuing acts because as far as she was concerned, the issue of her sick leave was her top priority. I would say that this echoed her attitude at the previous hearing and at this hearing. The difficulty as I

explained to the Claimant is that there was not a single act that was in time that related to either return to work meetings or meetings to discuss annual leave or her sick leave record, which meant time could not be extended as a series of continuing acts, the last of which was in time, as there was no act in time.

9. The Claimant's response was "*I wanted to understand from the Respondent why they stopped having such discriminatory meetings so that there isn't an act in time*". This is not a relevant question and it was unusual for someone to complain that the alleged discriminatory behaviour had stopped.
10. The Claimant said "*oh well, my witness statement, particularly paragraph 10, discusses these matters and it is important that I am able to bring this claim, I say it is a continuing series of acts*". I do not accept that position. As I explained to the Claimant her witness statement is exactly that; it is not a statement of case and as made clear in the many Employment Appeal Tribunal decisions, a Claimant cannot try to change their case through a witness statement and argue a matter not pleaded. The Claimant did not address time limits or series of continuing acts in her statement.
11. The Claimant at the previous hearing was given an opportunity to work through her various statements of case, a List of Issues was agreed, it was sent out, the Claimant received it, the Claimant did not raise any concerns about the drafting, and the Claimant was given an opportunity to make an amendment application and did not do so. I am therefore satisfied that within the List of Issues there is nothing that relates to sick leave, annual leave or indeed anything of that nature such as a return to work meeting, which is in time.
12. I considered then the issue about a continuing series of acts more widely, because I wished to be fair. I reminded myself of the case of *Hendricks* when considering what is a continuing series of acts. A continuing series of acts is a continuing state of affairs; the fact that it involves the same Claimant and the same Respondent does not make it a continuing series of acts. When I look at the claims before me that are in time, the redundancy situation is entirely freestanding, though I have reached the conclusion that the reason the Claimant has issued all these claims is because she has been made redundant and she is unhappy about that. I do not see anything relating to the claims that have been brought out of time connected to the claims brought within time such as the Claimant's grievance, her meetings with HR, the redundancy generally or the offering of her role to someone else, having to work part of her notice, her concerns about her notice period, or being asked if she was fit for work on 1 April. I see nothing that links to the Claimant's concerns about Wayne Morris and her various invites to return to work meetings or meetings generally with him to the claims that are in time that would comprise a continuing state of affairs. I therefore find

the Claimant has no reasonable prospect of establishing that there is a continuing series of acts in relation to allegations 4.1.10, 4.1.12, 5.2.10 and 5.2.12.

13. I then turned to the other limb to extend time. Is it just and equitable to extend time? Does the Claimant have a reasonable prospect of persuading the Tribunal to extend time? There is an onus on the Claimant to explain why it is just and equitable and extend time. There is nothing in her witness statement dealing with this.
14. The Claimant's oral argument was that she thought that time should be extended in because the sick leave claims were her "*big one*" and her priority. However, there was no link between sick leave and the remaining claims. The claims are considerably out of time.
15. As Ms Johns pointed out, the Claimant had the opportunity to bring these claims and she did not. The Claimant failed to explain why she did not take action earlier, particularly if they were a top priority. She is a librarian and able to research these matters. She has not argued that she was reasonably ignorant. The Claimant has not persuaded the tribunal that it would be just and equitable to extend time in these circumstances and therefore I will not.
16. The claims set out in the list of issues at paragraphs 4.1.10, 4.1.12, 5.2.10 and 5.2.12 are struck out on the basis they are out of time. The Claimant has no reasonable prospect of establishing a continuing series of acts and has not persuaded me that it is just and equitable to extend the statutory time limit.

Employment Judge C Sharp
Dated: 9 March 2026

REASONS SENT TO THE PARTIES ON

19 March 2026

Miriam Drake
FOR THE SECRETARY OF EMPLOYMENT TRIBUNALS