



# EMPLOYMENT TRIBUNALS

**Claimant:** Victoria Oldham

**Respondent:** Lloyds Bank Plc

**HELD at Hull (by video)**

**ON: 6 March 2026**

**BEFORE:** Employment Judge Miller

## REPRESENTATION:

**Claimant:** in person (assisted by her husband)

**Respondent:** Ms M Tutin (counsel)

**JUDGMENT** having been sent to the parties on 11 March 2026 and written reasons having been requested in accordance with Rule 62(3) of the Employment Tribunals Rules of Procedure 2013, the Tribunal find provide the following:

## REASONS

1. The claimant's employment ended on 22 March 2024 after she had given notice. The primary time limit for the claims of unfair dismissal expired on 21 June 2024. The claimant contacted ACAS for early conciliation on 22 August 2024, and ACAS issued the early conciliation certificate on 28 August 2024. The claimant presented her claim form on 5 September 2024.
2. It is very clear from the evidence I have seen, and I find, that at the time that the claimant's employment ended, the claimant was in very poor mental health.
3. I completely accept the claimant's evidence that she was, in my words, basically not functioning. The claimant was having a great deal of difficulty at that time. The mental health difficulties that the claimant was experiencing were difficulties that she had experienced over a long period of time. They were

exacerbated at that particular time by reason of the fact that her employment ending happened to coincide quite closely with the anniversary of her child's death. This was a very significant, if not the, cause of the claimant's difficulties. This anniversary would inevitably and obviously in my view have made things even harder for the claimant at the time.

4. I have been taken through the claimant's medical records, and I can see that the claimant was, when she approached her doctor, or a mental health practitioner, in December 2023 having significant mental health difficulties. I do not need to set out what those medical records state, but the claimant was very obviously not well.
5. I accept the claimant's evidence that that continued for some time, although there was some improvement afterwards. There are numerous reasons why people do not get to their doctors and gaps in the claimant's medical records are not conclusive either way. I accept that there was some improvement, I suspect brought about in part by the claimant's employment ending, some of the pressure would have been taken off. However, the claimant said that she was still continuing to struggle and she remained incapable doing very much in the immediate period after her employment ended. I find that this is why she did not make any enquiries about making a tribunal claim or even think initially that her employer had done anything wrong at that time.
6. The claimant said in her witness statement that she believed that she had the problem, not the respondent, which is why she didn't even think about making any investigations or doing any research.
7. By 22 August 2024 the claimant felt well enough to speak to her husband about what had happened at work in detail. This caused her to reconsider the acts of the respondent and she then very promptly took some steps to investigate what could be done. She contacted ACAS at the same day.
8. I agree with Ms Tutin that this is evidence that once some decides that they need information about holding their employer or former employer to account, the information is available on the internet for most people in most circumstances of how to present a claim to the employment tribunal. That the claimant contacted ACAS so quickly after speaking to her husband shows that the claimant, or her husband, were able to find relevant information straight away.
9. However, the claimant was unable to give any explanation as to why it took her a further week after receiving the early conciliation certificate to submit her claim. She said she and her husband were just getting everything together, but she said she did not really know.
10. In respect of the claims for disability discrimination, it is the respondent's position that the last date on which the respondent could decide whether or not to implement the reasonable adjustments was a meeting on 6 February 2024. I am not entirely sure that I agree with that analysis. It seems entirely possible to me that any large responsible reasonable employer would be considering reasonable adjustments at the hearing at which the claimant might or might not have been dismissed. There is an argument to say that that would have been the final point at which the respondent would decide whether to make the adjustments contended for or not.

11. In any event however, I am not making a decision about that. It is for the Tribunal to decide if they need to at the final hearing, but in my view the claimant's mental health difficulties were such that from that period 6 February when she was still going through the wellness meetings with her line manager the claimant was clearly unwell and the impact on her ability to bring those claims continued from that period right up until 22 August 2024.
12. Under section 123 Equality Act 2010 I can extend time for the claimant to bring a claim of discrimination for such period as I think is just and equitable.
13. My discretion in deciding whether to extend time on the just and equitable basis is wide, although it is for the claimant to prove that there is a basis for me to do that. In my judgment, the claimant has proved that it is just and equitable to extend time. The reasons for and nature of the delay I have already set out. It is not necessary to go through the other commonly referred to criteria in the well-known case of *British Coal Corporation v Keeble* [1997] IRLR 33.
14. The delay in the grand scheme of things is relatively minor and of itself will not have had any significant impact on the cogency of any of the evidence.
15. It is just and equitable to extend time in respect of the claims of discrimination that the claimant made in her claim form at the time she presented her claim.
16. I do not extend time for the claim of failure to make reasonable adjustments in respect of the application of the attendance management policy as set out in paragraph 3.2.2 of Judge Ayre's case management orders. That claim was not in the claimant's claim form.
17. I have considered *Selkent Bus Co Ltd v Moore* [1996] I.C.R. 836 (02 May 1996) which sets out the circumstances in which time limits are relevant for amendment applications. I have also looked at *Mr L Galilee v The Commissioner of Police of the Metropolis*: UKEAT/0207/16/RN that Ms Tutin referred to. I have also gone back to the Equality Act 2010 and it is clear to me that you can bring a claim under the Equality Act 2010 for a failure to make reasonable adjustments and any failure to make reasonable adjustments refers to the application of a PCP and the impact thereof on the claimant.
18. This means, in my judgment, that the introduction of a new PCP by amendment would amount to a new claim so I have to consider the time limits afresh in respect of that complaint. In *Galilee*, the EAT said that time must be calculated from the date on which the application to amend is decided.
19. That may seem harsh in circumstances where a claimant makes an application and then it is up to the Tribunal to decide how long it takes to decide. However, even considering the date when the application was made which I think must be when the claimant sent in her further information which was 24 October 2025, even if I disregard the period when the delay was outside the control of the parties from October 2025 to February 2026, the claim was still the best part of two years' and certainly well over a year out of time at that point.
20. It is not just and equitable in my view to extend time for that length of time. The claimant has not given any good reason why. Mr Oldham's submissions were that the complaint was in fact in the claim form. I do not agree – there is nothing in the claim form that could be fairly read as the additional reasonable adjustments complaint as now amended.

21. I think that that was probably because the claimant's main issue with Lloyds at the time was that she kept being put on the phones and that was causing her problems. That is reflected in the fact that that complaint was clearly set out in the claim form, and it was only much later having discussed the case that Mrs Oldham decided to put in her application to amend the claim.
22. For those reasons that claim is dismissed on the grounds that it is out of time and it is not just and equitable to extend time for the presentation of the claim.
23. Turning finally then to the unfair dismissal claim.
24. Section 111(2) of the Employment Rights Act 1996 says
  - (2) Subject to the following provisions of this section, an employment tribunal shall not consider a complaint under this section unless it is presented to the tribunal—
    - (a) before the end of the period of three months beginning with the effective date of termination, or
    - (b) within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of that period of three months
25. There have been numerous cases that seek to explain the meaning of not reasonably practicable. In summary, it means that there is some kind of barrier that prevents or severely inhibits someone from making a claim. This could include difficulties arising from the potential claimant's health including mental health.
26. For similar reasons that I have already discussed in respect of the disability discrimination claim, in my view it was not reasonably practicable for the claimant to bring her claim before 22 August 2024. The claimant's evidence about the impact on her mental health is compelling and I understand the reality of her situation. The claimant was not in a well enough state of mind to make a claim prior to 22 August 2024.
27. The second part of the test is whether the claim was brought in such further period as I consider reasonable. This is a question of fact for the tribunal.
28. I am confident in concluding that until 22 August 2024 the claimant was unable effectively to bring her claim. At that point, however, the claimant spoke to her husband about what had happened at work. They decided to take action, and they did so quickly, undertaking research and contacting ACAS.
29. The caselaw in respect of a reasonable period says that I need to take into account all of the reasons and the surrounding circumstances in deciding whether any delay from the point that it stopped being not reasonably practicable for the claimant to submit her claim was reasonable. There is no cut off period – it depends on the particular circumstances.
30. Some cases have been as harsh as saying a couple of minutes was not reasonable. Others have said that a few weeks or even months is reasonable.
31. In this case, I conclude that I have no choice but to say that the claimant did not bring her claim in a reasonable period after 22 August 2024 because the claimant has not been able to explain the delay.

32. The period after the issue of the ACAS certificate to the submission of the claim was about a week but I find that Mrs Oldham, or Mr Oldham on her behalf, did have a conversation with ACAS at which point time limits were discussed. Mrs Oldham will therefore have known by 22 August that the time limit had elapsed. Even a small amount of research would have come up with the conclusion that the law requires prompt action for the submission of a claim once it becomes reasonably practicable to do so. So even though the delay after the certificate was issued was only a week, there was an additional week during that conciliation period when the claimant could have conducted some research and started drafting her claim which is, in any event, clear but succinct.
33. In my view, therefore, the circumstances that I can take account of in deciding whether the claim was submitted in a reasonable period after 22 August 2024 are limited because Mrs Oldham's was unable to explain the reason for the further delay. The test for unfair dismissal is strict, and I cannot take into account evidence that I have not heard. For those reasons the claim for unfair dismissal was not brought within a reasonable period is struck out.

Approved by Employment Judge Miller

Date 25 March 2026

Reasons sent to the parties on:

For the tribunal office

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