



# EMPLOYMENT TRIBUNALS

## PUBLIC PRELIMINARY HEARING

**Claimant:** Miss Farzana Kauser  
**Respondent:** Luminate Education Group  
**Heard at:** Leeds Tribunal Hearing Centre (by remote video)  
**On:** 2 April 2026  
**Before:** Employment Judge S Shore

### Appearances

For the claimant: In Person  
For the respondents: Mr S Foster, Solicitor

## JUDGMENT AND SUMMARY REASONS JUDGMENT

The decision of the Employment Tribunal is that:

1. The Claimant's claim of victimisation under section 27 of the Equality Act 2010 is dismissed upon withdrawal by the claimant.
2. The Tribunal determines that the Claimant's remaining claims of failure to make reasonable adjustments under sections 20 and 21 of the Equality Act 2010 were all presented outside the statutory time limit set out in section 123 of the Equality Act

**2010 and that the Tribunal should not use its discretion to extend time on the just and equitable basis. All the claimant's claims are, therefore, struck out as the Tribunal does not have jurisdiction to hear them.**

- 3. Had the Tribunal not determined that the claims should not have been dismissed on the jurisdiction point of time limits, all the claimant's claims would have been struck out on the basis that they had no reasonable prospect of success because the claimant had no reasonable prospect of meeting the burden of proof on her that time should be extended and the claims had little prospect of success of themselves.**

## **SUMMARY REASONS**

### **Introduction**

1. These Reasons address an application for strike out or deposit made by the Respondent in respect the all the claimant's remaining claims, which were of victimisation and failure to make reasonable adjustments.
2. During the hearing, the Claimant confirmed that she did not wish to continue with her claim of victimisation, which is dismissed upon withdrawal.
3. I considered the Tribunal's digital file, which included the bundle prepared for the preliminary hearing before Employment Judge P Morgan on 24 October 2025, the parties' oral submissions, the medical evidence produced by the Claimant and the authorities relied upon.
4. The Claimant was employed by the Respondent as a Teacher Facilitator from 16 October 2023 to 1 March 2024 (Claimant's case) or 31 March 2024 (Respondent's case). ACAS Early Conciliation started on 17 June 2025 and ended on 24 June 2025. The claimant presented her ET1 on 24 June 2025.
5. After withdrawing some of her original claims earlier in the proceedings, the Claimant advanced nine allegations of failure to make reasonable adjustments.
6. The Respondent applied to strike out those claims pursuant to Rule 38 of the Employment Tribunal Procedure Rules 2024 on the basis that the claims were made out of time and the discretion to extend time on the just and equitable basis should not be exercised and/or they had no reasonable prospect of success, or, in the alternative, applied for deposit orders.
7. The Claimant failed to meet the burden of proof on her to show that it was just and equitable to extend time because:
  - 8.1. Her medical evidence did not show that she was unable to lodge the claims in time because of a frozen shoulder for the whole of the period between the last of the claims alleged and the date that the Claimant presented her claim, although it was conceded that the claimant met the definition of disability because of other conditions at the time.

- 8.2. The Claimant raised a grievance at the end of her employment, so was aware of the possibility of a claim.
  - 8.3. The Claimant had trade union support.
  - 8.4. The Claimant had assistance from a family member in these proceedings, so I must assume that assistance was available to her throughout the period after her employment ended.
  - 8.5. I must consider the length and reason for delay and look at the entirety of the period from the date of the alleged acts of discrimination and the date that the claims were presented and find that the Claimant has not shown that she could not have issued the proceedings earlier than she did.
  - 8.6. The claims were presented more than a year out of time (**Adedeji v University Hospitals Birmingham NHS Foundation Trust**).
  - 8.7. There can be no presumption of an extension being given.
  - 8.8. I am not required to follow a checklist in making my decision (**British Coal Corp v Keeble**).
  - 8.9. The Claimant cannot rely on her lack of knowledge as an excuse.
  - 8.10. The Respondent would be put to more prejudice if required to defend the claim than the Claimant would be by refusing to exercise the just and equitable discretion to extend time.
8. The Claimant's claims of failure to make reasonable adjustments Rule 38(1)(a) are all struck out.
9. If I had not struck them out on the jurisdictional time point, I would have struck them out on the no reasonable prospect of success ground, as the Claimant would have no reasonable prospect of convincing a Tribunal that the just and equitable extension should apply and her claims had little reasonable prospect of success in themselves.

Approved by  
Employment Judge Shore  
2 April 2026

### **Recordings and Transcription**

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. 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:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>

### **Summary Reasons**

These summary reasons were given pursuant to Rules 60(4A) and (4B) of the Employment Tribunal Procedure Rules 2024. Full written reasons will not be provided unless requested by any party at the hearing or by a written request received by the Tribunal within 14 days of the sending of the written record of the decision.