



EMPLOYMENT TRIBUNALS

Claimant: Youcef Zitouche
Respondent: KSK Logistics Ltd

RECORD OF A PUBLIC PRELIMINARY HEARING

Heard at: Watford Employment Tribunal
On: 1 April 2026
Before: Employment Judge Allcott

Representation

Claimant: In person (with Mr Asad Mohamed, friend)
Respondent: Ms Chloe Lauret (litigation consultant)

JUDGMENT

The judgment of the tribunal is that:

1. The claimant's claims were not presented in time and it would be just and equitable to extend time to 5 January 2025.
2. The claimant was disabled within the meaning of the Equality Act 2010 by reason of ADHD at all material times.

FULL REASONS

Introduction

1. This public preliminary hearing was ordered by Employment Judge Arullendran to deal with the following issues:-
 - 1.1 Would it be just and equitable to extend the time limit for presenting the claim?
 - 1.2 Should the claim or any part of it be struck out because the claimant has no reasonable prospect of establishing that:
 - (a) That there was discriminatory conduct over a period ending on or after 14 August 2024; or

- (b) It would be just and equitable to extend the time limit for bringing the claim?
- 1.3 If not, should the claimant be ordered to pay a deposit of between £1 and £1,000 as a condition of continuing with the claim or any part of it, because they have little reasonable prospect of establishing those things?
- 1.4 Did the claimant have a disability as defined in the Equality Act 2010 when the alleged discrimination happened?
- 1.5 If any of the claims survive the preliminary hearing, the listing of the final hearing and the making of case management orders to assist the parties in the preparation for that hearing.

The time issue

- 2. One of the acts of discrimination that the claimant relies upon is his dismissal with effect on 14 August 2024. The respondent has taken that as the last potential act of disability discrimination.
- 3. The three month primary limitation period based on the EDT of 14 August 2024 would expire on 13 November 2024. The period of early conciliation was from 19 September until 31 October 2024, a period of six weeks. Six weeks from 13 November would expire on 25 December 2024. Being a non-working day, the time limit for presenting his claims would expire on 27 December.
- 4. The claimant presented his claim on 5 January, nine days late
- 5. However, from the response form it is clear that the claimant appealed against his dismissal on 14 August 2024 and mentioned his ADHD. The appeal was scheduled to be heard on 30 August 2024. The claimant did not attend and the appeal was dismissed. As such, it is arguable that the last date of disability discrimination related to the dismissal was 30 August 2024 . If that argument prevails, then the claimant's claim was presented in time.
- 6. Be that as it may, I have approached the issue on the basis that the claimant's claim is out of time based on the dismissal on 14 August 2024.
- 7. The claimant presented his claim on 26 November 2024 but to the Employment Tribunal in Northern Ireland. On 26 November 2024, the Employment Tribunal in Northern Ireland acknowledged his claim. On 18 December 2024, the claimant's claim was rejected by the Employment Tribunal in Northern Ireland on the grounds that it lacked jurisdiction as the claimant neither worked nor lived in Northern Ireland.
- 8. On 20 December 2024, the claimant forwarded his claim form to the Employment Tribunal in East London by email. The claimant sent it to East London as he lived in East London. The method of presentation was not correct. On 23 December 2024, the claimant was informed that he needed to present a new claim.
- 9. All the above events took place during the primary limitation period as extended by early conciliation.

10. Clearly, the claimant endeavoured to present his claim form twice within the primary limitation period. I take into account that the claimant was only nine days late. The claimant points to the fact that his ADHD may have had an influence in him serving his claim initially on the Northern Ireland email address.
11. Taking into account all the circumstances and balancing hardship, in my judgment it would be just and equitable to extend time for the claimant to present his claims to 5 January 2025.

Disability

12. The claimant relies on ADHD.
13. Section 6 of the Equality Act 2010 provides as follows:-

“6 Disability

- (1) A person (P) has a disability if—
 - (a) P has a physical or mental impairment, and
 - (b) the impairment has a substantial and long-term adverse effect on P's ability to carry out normal day-to-day activities.”

14. Schedule 1 to the Equality Act 2010 provides as follows:-

“Long-term effects

- (1) The effect of an impairment is long-term if—
 - (a) it has lasted for at least 12 months,...”

15. In the case management orders following the preliminary hearing heard on 19 November 2025 the claimant was ordered to disclose to the respondent copies of the parts of his GP and other medical records that are relevant to whether **he** had the disability at the time of the events the claim is about.
16. The claimant has failed to comply with that order save in respect of three letters from 2010 when he was 14/15 years old. He is currently 30 years old.
17. Nevertheless, the letters indicate that the claimant had been diagnosed with ADHD by a consultant child psychiatrist. There is a reference in a GP letter as follows:-

“6.11.2002: Attention deficit plus hyperactive”

18. A GP letter dated 20 April 2010 referring the claimant to a consultant child psychiatrist states:-

“You saw Youcef some years back with a diagnosis of ADHD.

...

The hyperactivity, inattention and impulsiveness are still huge problems”

19. A GP letter dated 4 May 2010 states as follows:-

“Youcef has been under the care of the child psychiatrists for some years with a diagnosis of ADHD. His symptoms are severe...”

20. A letter from the consultant child and adolescence psychiatrist dated 14 October 2010 states as follows:-

“Youcef Zitouche has been known to the Brent Child and Family Clinic for many years having a diagnosis of Attention Deficit Hyperactivity Disorder. As well as concentration difficulties and motor overactivity, Youcef has impulsive behaviour which is difficult to control. He has little sense of the consequences of his actions and so frequently gets himself into potentially dangerous situations.”

21. I find that the claimant has been diagnosed with the mental impairment of ADHD. In his impact statement the claimant states that his ADHD is ongoing and has continued into his adulthood. I take judicial notice that ADHD is a lifelong condition.

22. Consequently, I find that the claimant’s mental impairment had lasted more than 12 months.

23. In his witness statement the claimant describes the impact that the ADHD has on his life. These are as follows:-

- “• Severe problems with concentration and focus, especially on written information and paperwork.
- Impulsivity, including acting quickly without fully thinking through the consequences.
- Organisation and time -management difficulties, such as losing track of time, mis-reading dates and deadlines, and struggling to keep on top of forms, emails and administrative processes.
- Becoming overwhelmed and anxious when there is a lot of information or multiple steps to follow, which can then make it even harder to process instructions or complete tasks on time.”

24. The description of the impact on the claimant’s ability to undertake normal day to day activities is quite general and looks somewhat formulaic. The claimant told me that whilst he had assistance from his trade union representative, the statement had not been generated using AI.

25. The respondent pointed to the fact that during his induction the claimant had signed various documents relating to his health and capacity to drive and had made no disclosure of his ADHD.

26. I am prepared to accept the claimant’s evidence in his witness statement that the claimant had difficulties with concentration and focus especially on written information and paperwork and that had a substantial adverse effect on his ability

to undertake day to day normal activities.

27. Consequently, I have concluded that the claimant was disabled within the meaning of the Equality Act 2010 by reason of ADHD at all material times.

Strike out/Deposit order

28. The respondent did not pursue this application.

Approved by:

Employment Judge Alliott

Date: 28 April 2026

JUDGMENT SENT TO THE PARTIES ON

28 April 2026

FOR THE TRIBUNAL OFFICE

Notes

All judgments (apart from judgments under Rule 51) and any full 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/