



EMPLOYMENT TRIBUNALS

Claimant: Mrs G Maddock

Respondent: Boots Management Services Limited

Heard at: Manchester (in public: by video) **On:** 10 April 2026

Before: Employment Judge Dennehy

REPRESENTATION:

Claimant: Mr Ryan, claimant's son and lay representative.

First Respondent: Mr Andrew MacPhail (Counsel)

PRELIMINARY HEARING RESERVED JUDGMENT

1. The claimant's application to amend her claim to include the matters set out in the draft list of issues in the case management orders dated 9 December 2025 is granted.

REASONS

Introduction

1. The claimant was employed by the respondent from 3 March 2020 until 26 November 2024. She presented her claim to the Employment Tribunal on 23 March 2025 and raises claims of age, sex and disability discrimination, failure to make reasonable adjustments, discrimination arising from disability, victimisation and unfair dismissal.
2. This is the second preliminary hearing in this matter, the first being held on 9 December 2025 ("first preliminary hearing"). At that hearing the claimant in her

response to the respondent's request for further and better particulars had included more allegations to her claim and today's hearing was to consider the claimant's application to amend her claim.

Today's hearing

3. The Tribunal had before it a 159 page bundle prepared by the respondent.
4. The amendments that the Tribunal to decide had been set out in the draft list of issues at the first preliminary hearing together with dates and times referred to in the email sent by the claimant on 2 December 2025.
5. The respondent objects to the claimant's application.

The Law

6. When assessing whether or not an application for an amendment to a claim should be granted, the Tribunal should first consider the real practical consequences of allowing or refusing the amendment (**Vaughan v Modality Partnership [2021] IRLR 97**).
7. The injustice and hardship of allowing the amendment must be balanced against the injustice and hardship of refusing it (**Selkent Bus Co Ltd v Moore [1996] IRLR 661**).
8. The hardship and injustice test is a balancing exercise. Lady Smith noted in **Trimble and anor v North Lanarkshire and anor EATS 0048/12** that it is inevitable that each party will point t there being a downside for them if the proposed amendment is allowed or not allowed.
9. A distinction is drawn between amendments that seek to add a new claim that arises out of the same facts as the original claim and those that add a new claim that is entirely unconnected with the original claim.
10. When carrying out this balancing exercise, the Tribunal must take into account all of the circumstances of the case. Tribunals frequently have recourse to the list of relevant factors set out in the Selkent decision, although it must be borne in mind that these factors are a non-exhaustive list that might be relevant in any given case, rather than a rigid checklist that must be applied in every case.
11. I must consider the application under Rule 30 and Rule 3 of the Employment Tribunal Rules of Procedure 2024. I have also given consideration to the recent EAT decision in **CX v Secretary of State for Justice, [2025] EAT 114** and the established decision of **Abercrombie v Aga Rangemaster Ltd [2013] EWCA Civ 1148** and the practical impact of the amendment and in particular the scope of the substantive enquiry and future conduct of the litigation.
12. I also considered the Presidential Guidance on General Case Management for England and Wales.

13. All of the above guidance has been considered in assessing this application. In determining whether to grant an application to amend, the Tribunal must always carry out a careful balancing exercise of all the relevant factors, having regard to the interest of justice and to the relative hardship that would be caused to the parties by granting or refusing the amendment including an analysis of the practical impact of granting or refusing the application.

The identity of the amendments sought

14. The specific amendments requested by the claimant are underlined below, these were highlighted in blue in the case management order and I have used the numbering in the case management order dated 9 December 2025:

“Direct age, sex and disability discrimination (EqA: section 13)

9. Did the Respondent do the alleged acts the Claimant complains of? The Claimant says they were subjected to the following treatment:

- a. Between March 2020 – December 2020, the Claimant was repeatedly removed from dispensary training by Monique Melia;
- b. Between March 2020 – November 2024, the Claimant was repeatedly assigned physically demanding duties by her managers;
- c. The Claimant was sanctioned with a written warning on 28 September 2022;
- d. The Claimant was sanctioned with a written warning on 14 September 2023;
and
- e. The Claimant was summarily dismissed on 26 November 2024.

Failure to make reasonable adjustments (EqA: sections 20 and 21)

19. Did the Respondent apply the following provision, criterion or practice (“PCP”) to the Claimant?

- a. Whilst the Claimant worked in the Marple store, there was a requirement to work predominantly on the shop floor with heavy lifting;
- b. Requirement to complete training without protected time;
- c. Requirement to meet standard performance and speed levels; and
- d. Whilst the Claimant worked in the Marple store, there was a requirement to perform physically demanding duties.

22. If so, did the Respondent fail to take steps to avoid any such disadvantage? The Claimant alleges that the Respondent should have taken the following steps (which the Claimant alleges the Respondent did not take):

- a. Allocating protected dispensary training time;
- b. Adjusting performance expectations;
- c. Allowing alternative duties that reduced the need for heavy lifting and prolonged standing; and
- d. Consideration of health conditions before taking any disciplinary action.

Discrimination arising from disability (EqA: section 15)

26. The Claimant alleges that the Respondent treated them unfavourably by:

- a. The Claimant was sanctioned with a written warning on 28 September 2022;
- b. The Claimant was sanctioned with a written warning on 14 September 2023;
- c. The Claimant was summarily dismissed on 26 November 2024.

Victimisation (EqA: section 27)

30. Did the Claimant do something that constituted a protected act?

a. The Claimant relies upon the following as constituting a protected act:

- i. Between [CLAIMANT TO CONFIRM TIME PERIOD], the Claimant raised with Monique Melia that she was unable to access protected time for training.
- ii. Between [CLAIMANT TO CONFIRM TIME PERIOD], the Claimant raised with Monique Melia that she was constantly placed on the shop floor, rather than being allowed to train.
- iii. In a return-to-work meeting on [DATE], the Claimant raised to [NAME AND ROLE] that undertaking physically demanding duties was worsening her health.
- iv. In a meeting on [DATE], the Claimant raised with [NAME AND ROLE] that she was being discriminated against.

b. The Claimant alleges that the above amounts to a protected act because [Claimant to confirm by reference to sections 27(2)(a) to (d) of the EqA 2010].

31. Did the Respondent do the following things:

- a. On [DATE], Bernadette Woodhouse/Davies made complaints against the Claimant.
- b. Monique Melia refusing to continue a return to work meeting on [DATE] after concerns raised by the Claimant
- c. The Claimant was criticised by [NAME AND ROLE] on [DATE] regarding her training progress and sickness absence.
- d. The Claimant was sanctioned with a written warning on 28 September 2022;
- e. The Claimant was sanctioned with a written warning on 14 September 2023;
- f. The Claimant was summarily dismissed on 26 November 2024.”

15. It was stated in the case management order from the first preliminary hearing at paragraph 37 that the amendments sought at point 30 above were clarified and are:

- (i) on 20 September 2022 to Lynda Wilson that the claimant felt bullied;
- (ii) on 12 April 2024 to Ms Eastwood about disability discrimination; and
- (iii) on 8 April 2024 to Aarisa about disability discrimination and sickness absence.

These dates appear to have been taken from the email sent by the claimant dated 2 December 2025 and identified in the bundle at page 104 and clarify the amendments sought at issue 30.

16. Mr Ryan told me that all the dates that had been requested by the respondent had already been provided to the respondent in the information disclosed in the email from him dated 30 November and 2 December 2025, but they had not been transferred into the draft list of issues at the first preliminary hearing.

17. I reminded the claimant that it is their responsibility to formulate and particularise their claim in the ET1. The ET1 was not something that started the ball rolling and infinite amendments could be made. I explained that the respondent must be able to know the allegations that are being made about them and know who and the dates so that it can make its own enquiries.
18. No amendments are being requested to the unfair dismissal claim.

The claimant's submissions

19. Mr Ryan told me that the claimant's case is that the claimant has suffered discrimination from the respondent over a period of four years and that the claimant has lots of evidence to support this, but he was prevented from including everything in the ET1 because of a word restriction. He did not think about attaching a document with further claims or examples, although that function is available.
20. He told me that he completed the form online on behalf of the claimant, his mother, as neither he nor the claimant could afford professional legal advice. He had no legal knowledge. He was representing his mother as he had seen how she had been affected by how she had been treated at work.
21. Mr Ryan says that he relied on advice from ACAS whom he says told him he could provide further evidence at a later date, so he believed that he could add any additional information to the claim at any time.
22. When I questioned Mr Ryan on time limits, he told me that he was unaware of the issue around time limits until the first preliminary hearing on 9 December 2025. He had googled information about making a claim and used AI but he did not specifically search time limits, he told me that "*it did not occur to me*".
23. Mr Ryan mentioned to me that the respondent's solicitor appeared to be unaware at the previous preliminary hearing that the claimant had previously worked for the respondent from approximately 2009- 2017 before commencing employment with the respondent in March 2020. He is still awaiting a response from the respondent on this point.
24. Mr Ryan is now aware that any allegations re events that happened prior to 22 October 2024 are out of time. He says that some of the amendments now being requested are events prior to 22 October 2024 and he says should be included as they show the continual course of conduct by the respondent towards the claimant over a four year period of discrimination. In particular one person has been continually involved, Gerry Evans and he says Mr Ryan had a personal vendetta against the claimant.
25. With regard to the victimisation claim, he acknowledged that the word victimisation was not used in the ET1 but he had referred to vendetta, which he says has the same meaning to non lawyers.

26. Mr Ryan says that he has provided all information requested to the respondent's solicitor Ms Samatha Sergeant within the timescales requested, bar one request which was late and has repeatedly asked her if she needed anything else. He says the claimant has "tons" of evidence, including diaries and was adamant that he has now sent all details about the alleged events to Ms Sergeant.
27. Mr Ryan initially told me that he had sent all the details requested after the first preliminary hearing in an email on 30 December 2025. However, it later transpired during the hearing that the email he was referring to had in fact been sent to the respondent on 30 November 2025 and 2 December 2025. Mr Ryan apologised for this error.
28. In regard of the prejudice that the claimant would suffer Mr Ryan told me that it would be unfair if these amendments were not allowed because he says they show the continuous pattern of discriminatory treatment over four years of the claimant. She should be allowed to have these allegations included and challenged by the respondent at the final hearing. The claimant does not want anyone else to suffer the way she has and continues to suffer.

The respondent's submissions

29. Mr MacPhail objects to the claimant's application. He says that the claimant at no time refers to victimisation in her ET1. He acknowledges that at the previous preliminary hearing it appears to have been accepted that this new head of claim has already been allowed in as an amendment.
30. Mr MacPhail acknowledges that the claimant is a litigant in person, but is not persuaded by the argument that the claimant was bound by a word limit when completing the ET1 online. There is no reference in the ET1 by the claimant that she has more to say but cannot include in the ET1 because of the word limit. Mr MacPhail says that even if there was a word restriction the claimant could have attached an additional document with further details but chose not to.
31. The respondent is not persuaded that the claimant was not aware of the time limit point until 9 December 2025 as it is raised on 18 June 2025 in the respondent's grounds of resistance.
32. The respondent says that the claimant could have made an application at any time to amend their claim but chose not to, even after the respondent had made a request for further and better particulars about the claimant's claim.
33. The application to amend says Mr MacPhail was not made until 30 November 2025 when Mr Ryan sent the email to Ms Sergeant, at which point all the allegations mentioned refer to events that are prior to 22 October 2024 and are out of time.
34. Mr MacPhail told me that the respondent is prejudiced as they have lost three of the witnesses; Ruth Goss, Chelsea Molherne and Gerry Evans and will have to incur additional cost in investigating these new allegations.

35. I have summarised Mr MacPhail objections as follows: there is still a lack of detail missing eg specific dates for 9b,30 and 31; the amended allegations are out of time; the claimant is not prejudiced as she already has existing claims, eg at 26 a&b an additional two further warnings are requested as amendments; the claimant did not appeal or raise a grievance at the time; the claimant can raise the allegations as background in their witness statement; the claimant has not put forward a persuasive argument for continuing conduct as warnings issued by different people; there was inconsistent wording with the wording of the allegations in 30 against paragraph 37 of the case management order dated 9 December 2025.

Conclusions

36. I firstly considered the *nature of the amendments sought*. I find that the amendments sought are not of clerical or typographical nature, rather they are changes to the existing heads of claim already pleaded for:
direct age, sex and disability discrimination, (issue 9b, 9c and 9d);
failure to make reasonable adjustments (issue 19a and 19d and 22b, 22c and 22d);
discrimination arising from disability (issue 26a and 26b) ;and
victimisation (issue 30ii, 30iii and 30iv and issue 31a,31b,31c,31d, and 31e).
37. Whilst the amendments are not minor, they do not disclose a new head of claim, rather they are further examples of what has already been pleaded, namely, discrimination. However, the amendments are additional facts concerning events upon which further factual evidence would need to be provided to substantiate the claims.
38. The majority of amendments sought are to victimisation. The claimant has ticked the following boxes on her ET1, unfair dismissal, age, disability and sex discrimination. There is no box for harassment or victimisation, so the claimant was not aware that this is a distinct head of claim. I noted that claimant does refer to a "*vendetta*" at box 8.2. and I accept his explanation that vendetta to the claimant meant the same as victimisation. The respondent first mentions victimisation in its further and better particulars and had asked the claimant to provide particulars of the same and appears to have already accepted victimisation as a head of claim under discrimination at the first preliminary hearing.
39. Whilst the ticking of a box on the ET1 is one feature, I must consider the claim form as a whole. The claimant has ticked the boxes for three types of discrimination. Mr Ryan who completed the form on behalf of his mother, the claimant, says that he was constrained by the word limit count when completing the form online and did not realise that he could attach an additional document if required. Although Mr MacPhail was not persuaded I can confirm that there is a word count limit when completing the online ET1 form, and I accept that the claimant is a litigant in person and her son is not legally qualified. I find that the ET1 sets out the essential case in that it is about disability, sex and age discrimination and unfair dismissal.

40. I considered that the claimant's proposed amendments may require the respondent to disclose and rely on more documentation and one or two more witnesses. It is evident that this will impose some disadvantage on the respondent with regards to disclosure, the scope of witness evidence and dealing with these issues.
41. Regarding witnesses the respondent identified five witnesses at the first preliminary hearing. The amends to issues 9 and 26, 31 refer to the same two written warnings. Monique Melia and Lynda Wilson are mentioned as witness's. Both have already been identified as a witness by the respondent in the agenda at the first preliminary hearing. Monique Melia has managed the claimant in the eight years prior to the claimant working for respondent again in 2020. The additional witnesses now named are: Bernadette Woodhouse/Davies, Jane Eastwood, Mahgol & Aanisa. Mr MacPhail told me that the respondent had already lost three witness: Gerry Evans, Ruth Goss and Chelsea Molherne, but only Gerry Evans is named in the agenda, so the position regarding the number and identity witnesses is unclear.
42. Mr Ryan told me that Gerry Evans was involved throughout all of the events the claimant suffered over four years and that there was a personal vendetta towards the claimant.
43. The hearing is currently listed for eight days and is a full year away. The case management orders made at the first preliminary hearing have been made with allowance for this application to be decided at today's hearing. This means that if I allow the application, it should not prejudice the final hearing. Having said that because the position regarding the number and identity of witnesses is unclear the parties will need to notify the Tribunal if a longer final hearing is needed.
44. I considered the effect on case management and noted that case management orders have not yet been given for disclosure of evidence, witness statements, and documents for the final hearing Although orders for evidence on disability were given at the first preliminary hearing.
45. I then went on to consider the *applicability of time limits*. Mr MacPhail says that the amended allegations which show a date, pre date 22 October 2024 and are out of time and others which have no date attached to them. As the amendments are out of time, I must consider section 123 of the Equality Act 2010 and whether it is just and equitable to extend time.
46. The claimant's explanation for the delay is that neither she nor her lay representative were aware of time limits for the discrimination claims. Mr Ryan told me that he understood the advice from ACAS that he could submit further evidence after the ET1 had been submitted as meaning that he could submit further allegations that demonstrate the discrimination suffered by the claimant at any time.
47. Mr Ryan told me that he was not aware of the issue of time limits until the preliminary hearing on 9 December 2025, but as Mr MacPhail pointed out this

cannot be right, as it is mentioned in the respondent's ground of resistance dated 18 June 2025. I noted that, looking at the court file I can see that the Tribunal did not accept the ET3 until 17 October 2025.

48. I accept that the claimant is a litigant in person and her son has no legal knowledge. The claimant says that at all times they have provided all of the information requested by Ms Sargeant and have co operated with all requests for evidence. The claimant's case is that the amendments are important to her claim because they show the continual discriminatory treatment she suffered whilst employed by the respondent. Mr Ryan told me that there is a link between the out of date incidents which all go to show the treatment the claimant has suffered. In the circumstances, I consider it is just and equitable to extend the time.
49. I then considered *the timing and manner of* the claimant's application. The ET1 was submitted on 23 March 2025. The claimant in responding via email to the respondent's requests for further and better particulars during November 2025 provided the information that resulted in the draft list of issues at the first preliminary hearing, upon which the claimant's application is made. The respondent helpfully identified the amendments by highlighting them in blue in the draft list of issues submitted at the first preliminary hearing where a date was set for the claimant's application to be dealt with at today's hearing. Taking 30 November 2025 as the date the application was made it is some eight months after the ET1.
50. The respondent's case is that the claimant could have made an application at any time, and I recognise that the respondent has incurred costs because of the application, but I also recognise that amendments may be made at any stage of the proceedings. An application should not be refused solely because there has been a delay in making it. Delay in making the application is however a discretionary factor. It is relevant to consider why the application was not made earlier and why it is now being made.
51. As previously noted, the claimant has a lack of legal knowledge and is a litigant in person. Her son is assisting her, but he has no legal knowledge. The claimant is not familiar with the Tribunal procedure or formal legal language. At all times the claimant has cooperated with the respondent for requests for more information about her claim.

Balance of hardship and injustice

52. In terms of hardship to the respondent, the prejudice to the respondent if I allow the application is that the respondent will need to conduct further enquiries, and due to the passage of time evidence may have been lost. It will incur additional costs in having to answer new allegations that would otherwise have been out of time.
53. The prejudice to the claimant is that she will not be able to bring further allegations that she says are necessary to show a continuous pattern of discriminatory treatment that she has suffered. The amendments fall under

existing heads of claim, namely age, sex and disability discrimination, including victimisation.

54. Therefore taking into account all of the factors set out above, I find that balancing the injustice and hardship of allowing the amendments against the injustice of refusing it, that the balance is in favour of allowing the amendments as set out in the draft list of issues and case management order from the first preliminary hearing.

55. I grant leave to the respondent to amend its ground of resistance within 28 days of this Judgment been sent to the parties, if it wishes to do so.

Approved by: Employment Judge Dennehy

Date 10 April 2026

JUDGMENT SENT TO THE PARTIES ON
11 May 2026

FOR THE TRIBUNAL OFFICE

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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