



EMPLOYMENT TRIBUNALS

Claimant: Mr D Lewandowski

Respondent: Fishers Services Limited

Heard at: Newcastle Employment Tribunal

On: 2-6 March, 1, 5-8, 22 May 2026

Before: Employment Judge L Robertson
Mr S J Lie
Mrs L Jackson

Representation

Claimant: in person (supported by his mother, Ms I Kolsut)

Respondent: Mrs J Callan, counsel

JUDGMENT

The unanimous judgment of the Tribunal is as follows:

1. The complaints referred to in these proceedings as Complaints 1 to 3, 5, 6, 8 and 15 are struck out because the Tribunal does not have jurisdiction to determine them.
2. None of the claimant's remaining complaints are well founded. Those complaints are dismissed.

SUMMARY REASONS

JUDGMENT with summary reasons was given at the hearing on **22 May 2026** and written summary reasons were requested in accordance with Rule 60 of the Employment Tribunal Procedure Rules 2024 (as amended and as to which, see notes below). The following written summary reasons are therefore provided:

1. We will start by setting out our judgment on the complaints which have been brought within the time limit set out within the Equality Act 2010 ("EqA").
2. Each of these complaints was pursued as a direct race discrimination complaint pursuant to section 13 EqA and a complaint of harassment related to race pursuant

to section 26 EqA. For the direct race discrimination complaints, the claimant relied on a hypothetical comparator and complained that the alleged treatment was because of his Polish nationality. For the harassment complaints, the claimant complained that the alleged treatment was related to his Polish nationality.

Complaint 4 (paragraphs 2.1.4 and 3.1 of the list of issues)

3. This complaint was that, between 2022 and 19 September 2024, Lyndsey Keene blamed the claimant for low packing output, despite this being due to lack of materials.
4. ACAS early conciliation started on 25 September 2024 and ended on 1 November 2024. The claim was presented on 18 November 2024. Although the latter part of this complaint (26 June 2024 to 19 September 2024) was brought in time, the earlier part of this complaint would only be in time if it formed part of a continuing course of unlawful conduct extending over a period ending on or after 26 June 2024. The complaint might therefore be in time in its entirety.
5. The claimant accepted that there was no evidence that Miss Keene had blamed him for low packing output. We have found that: although individuals have theoretical targets of around 1000 items, they work as a team towards a group target; individuals (including the claimant) were not questioned or challenged about their individual performance against targets; and Miss Keene had not blamed the claimant for low packing output. This complaint therefore fails and is dismissed.

Complaint 9 (paragraphs 2.1.9 and 3.1 of the list of issues)

6. The claimant complained that Lyndsey Keene overruled Amanda Bradley's decision to allow the claimant leave on 15 August 2024 to attend a veterinary appointment.
7. The claimant initially approached Miss Keene to ask about leaving work early to attend the appointment, and she told him to speak to Mrs Bradley.
8. During the discussion between the claimant and Mrs Bradley, Mrs Bradley allowed the claimant to leave work. Mrs Bradley told the claimant that she would ask Miss Keene if the time could be treated as paid holiday. However, Mrs Bradley clearly told the claimant that there was no guarantee that he would be paid holiday. Mrs Bradley made a note 'H' on the rota and asked Miss Keene if it was possible to treat the time as paid holiday.
9. We have found that Miss Keene decided not to treat this time as paid holiday, not Mrs Bradley. This meant that the claimant was only paid for the hours he worked on that day.
10. We therefore conclude that Miss Keene did not overrule Mrs Bradley's decision to allow him leave – he was allowed to leave work to attend the vet's appointment. We also conclude that Miss Keene did not overrule Mrs Bradley's decision about whether the leave was paid. That is because Mrs Bradley did not decide that the leave would be paid – the decision not to treat the leave as holiday (and thus as

paid leave) was a decision reached by Miss Keene. Miss Keene did not overrule Mrs Bradley's decision in either respect.

11. This complaint therefore fails.

12. Even if we are wrong on that, we prefer Miss Keene's cogent evidence that, although she could not recall this individual incident, her decision not to treat the time as holiday would have been taken either because the maximum number of people were on holiday already; someone had already been declined holiday who had had to work that day; or the claimant did not have accrued holiday at the time, and not because of or related to the claimant's Polish nationality.

13. We are satisfied that the claimant was treated the same as others of different nationalities and conclude that he was not treated less favourably. We are also positively satisfied that Miss Keene's decision not to treat the time as holiday was not because of the claimant's Polish nationality. Although Miss Keene's decision not to treat the time as holiday was unwanted conduct, it was not related to the claimant's Polish nationality. Her decision had nothing to do with his Polish nationality and was for the non-discriminatory reasons we have set out.

14. This complaint therefore fails.

Complaint 10 (paragraphs 2.1.10 and 3.1 of the list of issues)

15. This allegation was that, between 28 and 31 August 2024, Lyndsey Keene transferred the claimant from packing cages to packing bags as a punishment for speaking to Richard Huskinsson (Assistant Transport Manager).

16. The claimant had spoken to Richard Huskinsson. Although there was a dispute about how long that conversation lasted, to have been noticed and worthy of comment by Miss Keene it must have been more than an exchange of a few words and they must have been standing chatting. The conversation either took place outside or in the doorway to the outside and not in the packing area.

17. Miss Keene was on the factory floor at the time and noticed this. Miss Keene spoke to Miss McGrevy about the claimant standing chatting; that was part of the reason why Miss McGrevy subsequently spoke to the claimant about two managers seeing him chatting (which we deal with later).

18. At some point after that, the claimant was moved from packing cages to bags. It was Miss McGrevy's responsibility to decide where individual packers worked and Miss McGrevy made this decision. Although Miss Keene might suggest to supervisors that it might be better to have an extra person on a particular area or machine, Miss Keene did not decide where individual packers worked. We conclude that it was Miss McGrevy, not Miss Keene, that decided to transfer the claimant from packing cages to packing bags. This complaint therefore fails.

19. In any event, this period of time (28-31 August) was peak holiday season and it was busy. During this period, the packing team was made up of Miss McGrevy – an English supervisor; Miss Paterson – a UK national, Scottish; Gabi – a UK

national; and the claimant, Gosia and Dorota who were all Polish. Miss McGrevy ensured that everyone took a turn on busy packing days and her decision to move packers between cages and bags depended on business need and not nationality. Supervisors had also been told that, on Thursdays (which were busy bag days), they must automatically move a packer from cages onto bags. This explained the message exchange that, “she had been told she had to do it like that.”

20. We are satisfied that the claimant was treated the same as others of different nationalities and he was not treated less favourably. This conclusion is supported by the message from Gabi, a UK national, to the claimant on 31 August 2024, which reads “probably it’ll be me next week bc you and Doti are both off right?” We are positively satisfied that Miss McGrevy’s decision to transfer the claimant to packing bags was not because of the claimant’s Polish nationality. Although her decision was unwanted conduct, it was not related to the claimant’s Polish nationality. Her decision had nothing to do with his Polish nationality and was for the non-discriminatory reasons we have set out. This complaint therefore fails.

Complaint 11 (paragraphs 2.1.11 and 3.1 of the list of issues)

21. This complaint was that, between 28 and 31 August 2024, Cheryl McGrevy and Katarzyna Bladziak, on the instruction of Lyndsey Keene, told the claimant to “hurry up”.
22. We have found that Miss McGrevy had asked the claimant and others in the team, including Miss Paterson who is a UK national, to hurry up if they had been standing talking for too long or they were not packing enough.
23. We have found that Miss Bladziak did not ask the claimant to hurry up; as Production Manager she would only step in if approached by the Production Supervisor. She spoke to the claimant on one occasion after Miss McGrevy had informed her that the claimant had been speaking to other colleagues and not concentrating on his job. Miss Bladziak’s approach – in common with other situations – was to ask if he had any problems and the claimant told her that he was looking for more work.
24. We have found that Miss McGrevy and Miss Bladziak had never been asked by Miss Keene to tell the claimant to hurry up. This complaint therefore fails.
25. Even if we are wrong on that, we are positively satisfied that the claimant was treated the same as others of different nationalities and he was not treated less favourably. We are satisfied that Miss McGrevy’s instruction to ‘hurry up’ was not because of the claimant’s Polish nationality. Although her instruction would amount to unwanted conduct, it was not related to the claimant’s Polish nationality. Her instruction had nothing to do with his Polish nationality and was for the non-discriminatory reasons we have set out. This complaint therefore fails.

Complaint 12 (paragraphs 2.1.12 and 3.1 of the list of issues)

26. This complaint was that, between 28 and 31 August 2024, unidentified individuals, on the instruction of Lyndsey Keene, did not scan tickets under the claimant's name to set him up for accusations that he was doing no work.
27. The claimant was not singled out and deprived of scanning tickets to make it look like he was doing no work during this period. Sometimes, when it was busy, to get through the work, Miss McGrevy scanned tickets and moved the cages while the rest of the team packed bags and cages. Miss McGrevy decided to do this with the claimant for some of the period in question. Employees were not supposed to share numbers with anyone else, which explained why Miss McGrevy was scanning tickets packed by the claimant on her number. Those tickets would have showed on the system as having been packed by Miss McGrevy and not the claimant (or anyone else).
28. The team had a group target (and were not assessed against individual targets). So, if individual employees had fewer tickets scanned against their name, this had no negative impact on individual employees.
29. It was Miss McGrevy's decision to scan the claimant's tickets herself and Miss Keene did not instruct her to do so. The complaint therefore fails.
30. In any event, we have found that the claimant was treated the same as others of different nationalities and he was not treated less favourably. Miss McGrevy had treated others in the team in the same way at different times. We are also satisfied that Miss McGrevy's decision to scan the claimant's tickets was not because of the claimant's Polish nationality. Rather, it was for a business reason – to help and to speed things up. Although her decision would amount to unwanted conduct, it was not related to the claimant's Polish nationality. It had nothing to do with his Polish nationality and was for the non-discriminatory reasons we have set out. This complaint therefore fails.

Complaint 13 (paragraphs 2.1.13 and 3.1 of the list of issues)

31. This complaint is that, between 28 and 31 August 2024, Cheryl McGrevy told the claimant that he was not allowed to speak with colleagues.
32. As long as the team target was being met, Miss McGrevy as supervisor had no issue with Production Operatives talking. She recognised that they work as a team. She had told everyone in the team, including the claimant and Miss Paterson who is not Polish, to stop talking and get back to work at different times: this was because they had been talking too much and not packing enough.
33. Everyone in the team had been told to stop talking and get on with work when they were not doing so. We have concluded that the claimant was treated the same as others of different nationalities were treated and he was not treated less favourably. We are also satisfied that Miss McGrevy's instruction to stop talking to colleagues was not because of the claimant's Polish nationality. Rather, it was because he had been talking too much and not packing enough. Although her instruction was unwanted conduct, it was not related to the claimant's Polish nationality. It had

nothing to do with his Polish nationality and was for the non-discriminatory reasons we have set out. This complaint therefore fails.

Complaint 14 (paragraphs 2.1.14 and 3.1 of the list of issues)

34. This complaint was that, between 28 and 31 August 2024, colleagues were prevented from assisting the claimant with his packing duties.
35. The claimant's evidence was that Cheryl McGrevy and Katarzyna Bladziak told other employees that the work had to be done by the claimant and to walk away when they approached him with a view to helping him.
36. We have found each member of the team has a job to do, and they each take a turn doing different tasks. However, team members did help each other at times. In particular, towards the end of shifts, team members did step in to help out if someone still had tickets which needed to be packed. Miss Paterson had never been told not to help other team members. We have found that Miss McGrevy and Miss Bladziak did not prevent people from helping the claimant. This complaint therefore fails.
37. Even if we are wrong on that, we have found that the claimant was treated the same as others of different nationalities and he was not treated less favourably. We are also satisfied that the decisions about the work that the claimant did and the help he received were not because of the claimant's Polish nationality. Although the decisions were unwanted conduct, they were not related to the claimant's Polish nationality. They had nothing to do with his Polish nationality and were for the non-discriminatory reasons we have set out. This complaint therefore fails.
38. In reaching our judgment, we were not satisfied that the respondent allowed the CCTV footage to be deleted so as to prevent it from being used as evidence and we draw no adverse inference from that. We have also considered the claimant's case that other Polish workers had experienced poor treatment. As to his mother's ET claim, this was settled and there was no judgment. Beata, a Polish employee, left for childcare reasons. Three Polish employees had been dismissed for health and safety reasons, as had three English employees. There was no credible evidence of a pattern of discrimination against Polish workers.

Complaints with potential time issues

39. We will now move on to the complaints about matters which were alleged to have taken place earlier, those being Complaints 1 to 3, 5, 6, 8 (paragraphs 2.1.1 - 2.1.3, 2.1.5 – 2.1.6, 2.1.8 respectively, and paragraph 3.1, of the list of issues) and 15 (paragraph 4 of the list of issues). We will refer to these as "the Earlier Complaints."
40. For completeness, the claimant confirmed that he was not pursuing Complaint 7 (paragraph 2.1.7 and 3.1 of the list of issues).

41. The Earlier Complaints were alleged to have taken place between October 2021 and 10 May 2024. ACAS early conciliation started on 25 September 2024 and ended on 1 November 2024. The claim was presented on 18 November 2024.
42. We have not upheld any of Complaints 4 or 9 to 14 as contraventions of the Equality Act 2010. Therefore, those matters do not form part of a continuing course of unlawful conduct and cannot bring the Earlier Complaints within the time limit. The time limit for presenting the claim for the last complaint in time therefore expired on 9 August 2024. ACAS early conciliation was not commenced within the primary time limit and therefore does not extend the time limit. Therefore, even if all of the Earlier Complaints were to be upheld and found to be conduct extending over a period, the complaints have still been made over 3 months after the primary three month time limit expired for the last complaint in time.
43. We must decide whether the claim was brought within 'such other period as the employment tribunal thinks just and equitable'. In other words, we must decide whether it is just and equitable to extend the time for bringing these claims.
44. With regard to the reason for the delay in bringing these claims, this is not a case involving someone who was unfamiliar with their employment rights or employment tribunal procedures. The claimant's mother brought an ET claim in 2022, in which the claimant gave evidence at the final hearing in January 2024. By the time that his mother's ET claim was presented, he was aware of his rights to bring discrimination claims to the ET. If he was not aware of the specific time limits, he was therefore on notice to find out what these were.
45. The claimant's explanation for not bringing his claim sooner was that he did not want to lose his employment but, after the last week of August (2024), he was not able to continue. He told us that the reason he brought the claim when he did was because: that was the moment when the company broke him mentally and he knew that he had no future in the company at all. He told us that everything he had experienced over the years made him bring the claim and all of the earlier allegations were to do with the same person, Miss Keene. He did not accept that he was well enough to bring his claim sooner.
46. Although we accept that the claimant was experiencing health problems by August or September 2024, we have found that the claimant was capable of starting ACAS early conciliation and drafting and presenting his claim within the time limit. The claimant worked as normal from the conclusion of his mother's ET claim in January 2024 up to and including 31 August 2024.
47. During his annual leave, he was able to raise a formal grievance on 12 September 2024 setting out, in some detail, several matters about which he wished to complain. An occupational health assessment on 20 November 2024 concluded that the claimant was fit to participate in the grievance process with various adjustments. Although the claimant was unfit for work at this time, we are satisfied that the claimant was capable of bringing his complaint within the time limit. Had he wanted to bring a claim, he could have done so within the time limit - that is in fact what he did in November 2024.

48. We have found that the claimant decided not to bring a Tribunal claim sooner because he decided that it was in his best interests not to do so. The claimant subsequently changed his mind. There was no credible evidence that, had he brought a claim, his job would have been at risk.
49. It is for the claimant to satisfy the Tribunal that the complaint was brought within such other period as was just and equitable. He had ample opportunity to do so. We are entitled to take into account all of the circumstances in reaching this decision, including the length of and reasons for the delay. There is no requirement that the Tribunal must be satisfied that there was a good reason for the delay or that time could not be extended without an explanation for the delay.
50. As for the length of delay, and the impact of delay, the complaints span a wide period. We address this further as follows.

Complaints 3 and 6

51. Complaint 3 was that Amanda Bradley, on the instruction of Lyndsey Keene, assigned heavy duties to the claimant following an incident concerning fractured fingers in August 2022 – over two years before the claim was brought and over three years before the final hearing. Complaint 6 was that he suffered direct race discrimination and race related harassment in January 2024 because an unidentified individual spread a false story that the claimant had called Jade Paterson ‘racist’ during the claimant’s mother’s employment tribunal proceedings the same month – over 10 months before the claim was brought.
52. It was inevitable that memories will have degraded in the interim. By the time of the hearing in early 2026, the witnesses’ recall of the events in question was, at times, poor. The variations in accounts of those giving evidence about these complaints showed that the evidence of what happened was likely to be less good than if the claim had been brought nearer the time. In terms of the alleged rumour, it was not clear who this person was and we did not hear evidence from them. There was no evidence about whether the unidentified individual had decided to ‘spread a false story’, as alleged, or whether they were merely describing their genuinely held belief about what the claimant had said in his evidence. Although the context was a race discrimination complaint, the claimant’s case was that this unidentified individual spread a false story so that he and Miss Paterson would fall out - which does not have any overt link to his Polish nationality. It was not possible to enquire into the mind of such individual, or hear evidence from them about whether their conduct was because of, or related to, the claimant’s Polish nationality.
53. The delay in bringing this claim has affected the cogency of the evidence and this weighs against granting an extension of time for Complaints 3 and 6, as does the public interest in the enforcement of time limits.
54. We recognise that there will be prejudice to the claimant if we do not exercise our discretion to extend time in that the claimant will not have these matters determined and, if we were to decide the claims are well founded, would not have a remedy

for unlawful acts. However, that was a risk the claimant took when he decided against pursuing these complaints in the tribunal in a timely manner.

55. Weighing the relevant factors in the balance, the claimant has not persuaded us that it is just and equitable to exercise our discretion to extend time and allow Complaints 3 and 6 to be determined.

Complaints 1, 2, 5, 8 and 15

56. Although the respondent was able to lead evidence on these matters at the hearing, the witnesses' recall of the events in question was, at times, poor. We consider that the delay caused some prejudice to its ability to defend the claims. The issues at the centre of these claims were the motivations of various individuals for doing the acts said to be unlawful, whether those acts were related to the protected characteristic and, in some cases, whether the alleged act occurred at all, or happened in the way alleged. Whilst some facts that may have a bearing on those issues could be established by reference to documents, others were dependent on the recollections of individuals. Evidence of various factual issues was less good than if a claim about it had been brought nearer the time and even where witnesses believed their evidence to be accurate, the passage of time left their evidence more vulnerable to being considered unreliable.

57. Deciding the claims on evidence that is less good than it would have been if a claim was brought sooner would also be prejudicial to the individuals who are said to have committed the unlawful acts. None of those individuals are respondents: therefore, they do not face the risk of having a judgment made against them personally and being liable to pay any compensation. Nevertheless, if we were to determine these claims we would be reaching conclusions about the lawfulness of their conduct, in a public forum and in a public judgment, with potential implications for their professional reputations. Even if there were no forensic prejudice, His Honour Judge Auerbach recognised in the case of *Wells Cathedral School Ltd and anor v Souter and anor* EAT 0836/20, that they are still 'on the receiving end' of this litigation and there is a public policy in them, not just the respondent, 'benefitting, so far as possible, from the certainty and finality which the enforcement of time limits potentially gives them'.

58. We recognise that if we do not extend time for these claims, the claimant will experience prejudice in that he will not have these matters determined and, if the Tribunal were to decide the claims are well founded, would not have a remedy for unlawful acts. However, that was a risk the claimant took when he decided against pursuing these complaints in the Tribunal in a timely manner.

59. Furthermore, in weighing that prejudice to the claimant we have regard to the merits of the claims. In this regard we have concluded that, if we were to extend time, these complaints would not succeed, for the reasons that follow.

60. **Complaint 1:** The claimant's complaint that he was harassed and directly discriminated against by being refused one week's holiday pay in October 2021 would not succeed if time were extended. The reason why he was not paid holiday pay for the second week of leave was that his employment had started part of the

way through the holiday year and, in line with the contract of employment, he had not accrued enough holiday to be paid for the second week. It had nothing to do with the claimant's Polish nationality.

61. **Complaint 2:** The claimant's complaint that he was denied promotion in July 2022, November/December 2022 and/or February 2023 would not succeed if time were extended.
62. In July 2022, Mrs Bradley decided to promote Miss Paterson to the supervisor role. This was, in essence, because Miss Paterson was already doing the job well. The claimant did not tell Mrs Bradley at that time that he was interested in the role and so he was not considered for promotion.
63. In November or December 2022, the claimant expressed an interest in being promoted. He did a two-day trial period in the role, and Jane Johnson did a two-day trial period after the claimant. The claimant's trial period had not gone well. Mrs Bradley did not believe that he was ready for the supervisor role and the claimant agreed at the time. Mrs Bradley made the decision to promote Miss Johnson as her trial period had gone well.
64. In February 2023, Miss McGrevy was promoted. She had been team leader (a similar role) for Shift 1 and covered the absence of the production supervisor in the claimant's shift (Shift 2); she had done well in the role and the team was doing well. She was asked by Mrs Bradley to stay on. Mrs Bradley had not considered the claimant for promotion as he had not expressed an interest in promotion after the unsuccessful trial period, his previously excellent packing performance had declined by this time and he had not tried to learn the things he had struggled with on the trial.
65. Mrs Bradley made all of these decisions. Although there was no structured advertisement and recruitment process on any of these three occasions, none of these decisions had anything to do with nationality. The respondent had supervisors and managers of different nationalities, including Polish.
66. **Complaint 5:** The claimant's complaint that Lyndsey Keene falsely alleged that the claimant had left work without notifying a manager on 9 July 2023 and required the claimant to sign a return to work form on 12 July 2023 would not succeed if time were extended. There was no credible evidence that Miss Keene had falsely alleged that the claimant had left work without notifying a manager on 9 July 2023. On 9 July, Jack, the claimant's night shift supervisor authorised the claimant to leave early. Unfortunately, there was then a breakdown in communication as Jack did not inform the day shift managers about this. That is why Miss Keene had asked Mrs Bradley to complete a return to work form with the claimant on the next shift, which she did. Completing a return to work form was the respondent's usual practice in these circumstances and had nothing to do with the claimant's nationality.
67. **Complaint 8:** The claimant's direct race discrimination and race related harassment complaints that the respondent required the claimant to sign a return-to-work form on 10 May 2024 following bereavement leave and failed to advise

him of his total entitlement to bereavement leave would not succeed if time were extended. Requiring a return to work form to be completed was the respondent's usual practice in these circumstances and had nothing to do with the claimant's nationality. Mrs Bradley did not inform the claimant of his total bereavement leave when this was first discussed because she did not know this herself. Neither matter had anything to do with the claimant's nationality.

68. **Complaint 15:** The claimant's victimisation complaint was that, because the claimant gave evidence in his mother's ET claim, Miss Paterson had refused to speak to the claimant because an unidentified individual had told her that the claimant had called her 'racist' during his mother's ET proceedings. This complaint would not succeed if time were extended. The claimant did not suffer a detriment. Miss Paterson did not refuse to speak to the claimant. She was quiet with everyone in the team, but discussions about work continued as necessary to get the work done. Even if we are wrong on that, we will deal with the reason. Although the claimant's evidence in the race discrimination complaint provided the context, this is not a 'but for' test – that is, but for the claimant having given evidence, would the claimant have been subjected to a detriment? Rather, the test was what, consciously or subconsciously, was Miss Paterson's motivation for subjecting the claimant to the alleged detriment? Did the protected act have a significant influence? Miss Paterson was not quiet because the claimant had given evidence. She became quiet because of the way Gosia and Dorota had made her feel, after they had allegedly been told about evidence which the claimant did not give. This is separable from the protected act itself.

69. The respondent would face the greater prejudice if these complaints were allowed to proceed. This was a lengthy delay (the shortest delay was over three months, and the longest was just over three years), the claimant was aware of his right to bring ET claims, and the reason for the delay was, in essence, that the claimant had changed his mind about wanting to pursue a claim. All of those factors above weigh against granting an extension of time as does the public interest in the enforcement of time limits. Having weighed these factors in the balance we conclude that the complaint was not brought within such other period as was just and equitable. It would amount, in essence, to allowing the claimant to change his mind after several months or years had passed, long after the expiry of the primary time limit and it is not just and equitable to allow him to do so.

70. Weighing all of the relevant factors the claimant has not persuaded us that it is just and equitable to extend time for any of the remaining complaints. It follows that the Tribunal does not have jurisdiction to determine Complaints 1, 2, 5, 8 and 15.

Conclusion

71. The Earlier Complaints are struck out because the Tribunal does not have jurisdiction to determine them.

72. None of the claimant's remaining complaints are well founded. The complaints are dismissed.

Approved by:

Employment Judge L Robertson

18 June 2026

Notes

The claimant requested full written reasons pursuant to the Employment Tribunal Rules of Procedure 2013. Those Rules have been replaced by the Employment Tribunal Procedure Rules 2024. As noted when handing down summary oral reasons at the hearing, because the Tribunal provided summary oral reasons, the parties are entitled to request summary written reasons. That request must be made either 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. The claimant's request has therefore been treated as a request for summary written reasons pursuant to Rule 60 of the extant Rules.

These written summary reasons having been provided, written full reasons will not be provided unless requested by any party by a written request received by the Tribunal within 14 days of the sending of the written summary reasons. The claimant will no doubt reflect on whether he wishes to make such a request having now been provided with these summary written reasons.

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