



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 8002746/2025

Held by video conference call in Edinburgh on 5 June 2026

Employment Judge Michelle Sutherland

S Ahmed

**Claimant
In person**

Shared Services Connected Limited

**Respondent
Represented by:
S Proffitt of Counsel
Instructed by:
Pinsent Masons LLP**

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The judgment of the Tribunal is that the claim was not presented within the statutory time limit and is therefore dismissed.

REASONS

Introduction

1. The claimant was employed by the respondent as a desk process officer from 6 November 2023 to 30 May 2025. He has made complaints that he suffered harassment related to his Pakistani race and/or his religion of Islam which complaints are denied by the respondent.

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2. An open preliminary hearing was listed for today to determine:
 - a. Whether the claim form, having been presented outside the three-month time limit in section 123 of the Equality Act 2010 (together with any applicable early conciliation period), was nevertheless presented within a further period that the Tribunal considers just and equitable.
 - b. Whether all or any part of the claim should be struck out under rule 38 of the Employment Tribunals Rules of Procedure 2024 on the basis that it has no reasonable prospect of success.
3. The first Issue (a. time bar) will be determined and then, if necessary, the second issue (b. strike out failing which deposit) will be determined.
4. During the hearing the respondent also made an application for a deposit order on the basis that the complaints had little reasonable prospects of success.
5. For the purposes of this hearing it was agreed that the last act relied upon occurred on 12 May and was notified to the claimant on 22 May 2025.
6. During the hearing the claimant explained that the reason for the delay in submitting his claim until November was not that he was unfit to do so but rather that the ongoing effect of the harassment on his health was not clear to him until then.
7. The hearing was held remotely by CVP (video).
8. The claimant gave evidence and a joint bundle of documents was lodged.

Findings in fact

9. The Tribunal makes the following findings in fact:
10. The claimant's ethnic origin is Pakistani and his religion is Islam.
11. The claimant was employed by the respondent as a desk process officer from 6 November 2023 to 30 May 2025.
12. On 22 May the claimant attended a fact finding meeting with HR at which a number of allegations were read out to him.
13. On 27 May the claimant resigned with effect from 30 May. He was aware of the possibility of bringing a claim by early June.
14. On 3 November the claimant commenced ACAS Early Conciliation which ended on 10 November. The claimant started drafting his claim in November.

15. On 10 November the claimant lodged his Employment Tribunal claim.
16. On 15 December 2025 the claimant secured alternative employment. His current monthly earnings are £1,600 and he had savings of £500. He has no other assets or liabilities (other than a long standing debt in respect of which he pays £20 a month).

Observations on the evidence

17. The standard of proof is on balance of probabilities, which means that if the Tribunal considers that, on the evidence, the occurrence of an event was more likely than not, then the Tribunal is satisfied that the event did occur. Facts may be proven by direct evidence (primary facts) or by reasonable inference drawn from primary facts (secondary facts).
18. The claimant stated in evidence that he considered that he had been badly treated during in his employment but he did not come to the view that this related to his ethnicity or religion until November 2025 and he formed that view because of their out of norms behaviour; these behaviours are not normal – I was speculating as to why they behaved the way they did; he did not want to make a formal complaint at work because he wanted to stay in his job. It was not considered to be credible that he came to this view in November because no additional information came to light then which might have informed that view.
19. A few weeks after he resigned he had a conversation with a friend who suggested going to Citizens' Advice and making a claim. It was considered likely that the claimant was aware of the possibility of bringing a claim by early June.
20. The claimant stated in evidence that he did not notice any effect on his health until the day he resigned; that he experienced anxiety, flashbacks (to faces full of anger), waking up in the night, shaking and trembling; that he suffered delayed PTSD. There was no medical evidence to this effect. The claimant had seen his GP in July regarding physical ailments but did not raise any issues with his mental health until February (under explanation that he found the tribunal process stressful). When asked why he had not previously seen his GP about his mental health, the claimant stated candidly that it had not been his intention to go to tribunal. In the period after resigning the claimant was able to travel to and work from a library where he submitted a number of applications for alternative work. It was considered unlikely that the treatment at work had any significant effect on his health either initially or subsequently and it was considered unlikely that the claimant had PTSD.

21. The claimant stated in evidence that it was a choice not to bring the claim; it wasn't that I couldn't.
22. The claimant accepted in evidence that three of the alleged perpetrators were no longer employed by the respondent and the respondent had no cause to investigate his allegations prior to their departure.

The Law (time bar)

23. Section 123 of the Equality Act 2010 states that a complaint under that Act must be made to the employment tribunal before the end of three months starting with the date of the act of discrimination, or such other period as the employment tribunal thinks just and equitable.
24. The discretion to extend time is broader than under the "not reasonably practicable" formula (*DPP v Mills* 1998 IRLR 494), and the court's power to extend time on the basis of what is just and equitable entitles the tribunal to take into account anything which it judges to be relevant (*Hutchison v Westward Television Ltd* 1977 IRLR 69).
25. The onus is on the claimant to persuade the tribunal that it is just and equitable to extend time. The exercise of discretion is the exception rather than the rule (*Robertson v Bexley Community Centre* 2003 IRLR 434).
26. Whilst not mandatory, the following is a useful checklist of relevant factors (*British Coal Corporation v Keeble* 1997 IRLR 336), namely: prejudice; the length of, and reasons for the delay; the extent to which the cogency of evidence is likely to be affected by the delay; the extent to which the party sued has co-operated with requests for information; the promptness with which the claimant acted once he knew the facts giving rise to the cause of action; and the steps taken by the claimant to obtain appropriate advice once he knew of the possibility of taking action.
27. The Court of Appeal in *Southwark London Borough Council v Afolabi* 2003 ICR 800 confirmed that, while that list provides a useful guide for tribunals, it need not be adhered to slavishly. There are two factors which are almost always relevant when considering the exercise of any discretion whether to extend time: the length of, and reasons for, the delay; and whether the delay has prejudiced the respondent.

Parties' submissions

28. The claimant who is a litigant in person elected not to make any submissions.
29. The respondent made submission which were in summary as follows –

- a. The stop the clock provisions do not extend time where the primary time limit has already expired.
- b. Subsequent discovery of discrimination does not alter the date of the act but is relevant to extension of time.
- c. Time limits are exercised strictly and extension is the exception rather than the rule.
- d. In considering whether to exercise discretion the tribunal must consider all relevant factors and balance prejudice accordingly (*Adedeji v University Hospitals Birmingham NHS Foundation Trust [2021] EWCA Civ 23*).
- e. A complaint of discrimination may be struck out at a preliminary stage notwithstanding a dispute of fact if the tribunal is nevertheless satisfied that when taking C's case at its highest it has no reasonable prospects of success (*Ahir v British Airways plc [2017] EWCA Civ 1392*).
- f. The claim was lodged 90 days out of time. 10 days may be attributable to a lack of knowledge.
- g. The claimant asserts isolated and unconnected acts by different people and different places over a long period.
- h. All of the allegations are verbal/behavioural and will therefore turn on subjective recollections and memory; the claimant never submitted complaints during his employment and accordingly the complaints were never investigated at the time.
- i. The complaints are not stateable – there is no reasonable basis upon which it could be inferred that the treatment related to his race or religion with one possible exception. The balance of prejudice is with the respondent who will face allegations some of which happened over 2½ years ago.
- j. The claimant simply changed his mind about whether to bring a complaint – there was no physical or mental impediment.

Discussion and decision

30. The claim was presented 6 months after the last act of alleged discrimination arising in May 2025. The initial 10 day delay arose because the claimant was initially not aware of that act. Thereafter the claimant was aware of the possibility of bringing a claim and was fit to do so but elected not to bring a claim until November 2025 when he changed his mind.

31. The complaints are dependent upon oral testimony of the claimant and a significant number of alleged perpetrators some of whom have now left the respondent employment. In the absence of prior complaints at work the respondent did not have cause to investigate his allegations and it will be more difficult to do so now.
32. Taking the claimant's pleadings at their highest the complaints are not currently stateable – whilst the claimant believed or suspected that the behaviours were directed at him due to his ethnicity and religion, none of behaviours were on the face of it related to his race or religion and the claimant did not offer to prove facts (either in his pleadings or submissions) from which this could reasonably be inferred. The only possible exception was the vague allegation made against his manager which was wholly lacking in specification.
33. The balance of prejudice favours the respondent in circumstances where the claimant would be denied the opportunity to pursue complaints which appear to have little if any reasonable prospect of success and where the respondent would be inhibited from investigating those complaints by the passage of time.
34. Taking into consideration all the circumstances, including the length and reason for the delay and the balance of prejudice, it is not considered just and equitable to extend time.

Conclusion

35. The judgment of the Tribunal is that the claim was not presented within the statutory time limit and the claim is therefore dismissed.

Date sent to parties

18 June 2026