



EMPLOYMENT TRIBUNALS

Claimant: Mr J Shiri

Respondent: West Berkshire Council

Heard at: Reading **On:** 12 November 2025

Before: Employment Judge Shastri-Hurst

Representation

Claimant: Non-attendance

Respondent: Mr Webster (counsel)

RESERVED JUDGMENT

1. The equal pay claim is struck out;
2. The discrimination/harassment/victimisation claims are not struck out and survive;
3. The claim for failure to provide written particulars is not struck out and survives.

FULL REASONS

Introduction

- 1 The claimant was employed by the respondent, a local authority, from 22 January 2018 to 31 October 2023, following his resignation tendered with notice on 28 September 2023. By the time of his departure from the respondent's employment, he held the position of Senior Environmental Control Officer.
- 2 Early conciliation started on 1 November 2024 and ended on 4 November 2024. The claim form was presented also on 4 November 2024. The claim form appeared to present the following claims:

2.1 Constructive unfair dismissal;

- 2.2 Race discrimination;
- 2.3 Religion/belief discrimination;
- 2.4 Equal pay;
- 2.5 Other pay claims;
- 2.6 Failure to provide written statement under s1 Employment Rights Act 1996.

- 3 This case came before me on 8 October 2025 for a preliminary hearing at which the heads of claim were clarified. The claimant explained that he was not seeking to pursue a claim of religion or belief discrimination, or other pay claims. As such, those matters were subject of a dismissal judgment sent to the parties on 18 October 2025. From our discussions around the claimant's complaints, it appeared to me that he may also be seeking to include a claim of victimisation.
- 4 The respondent had applied by email of 16 December 2024 to strike out the claims in their entirety on the basis that the claims were presented out of time and, as such, the Tribunal does not have jurisdiction to hear the claimant's claims. The Tribunal however listed the 8 October 2025 preliminary hearing solely to deal with the claim of unfair dismissal (as opposed to all the claims). I determined that, in light of the Tribunal's Notice of Hearing only identifying the time limit point in relation to unfair dismissal, it would not be right to deal with any other jurisdictional matters at that hearing.
- 5 By way of Reserved Judgment sent to the parties on 18 October 2025, I struck out the unfair dismissal claim.
- 6 The matter was then listed again before me on 12 November 2025 to determine the remaining matters included in the respondent's application to strike out of 16 December 2024. I therefore listed the second public preliminary hearing to determine:

1.1 The claims and issues in the case;

1.2 **Regarding the Equality Act 2010 claims** – should the claim or any part of it be struck out because the claimant has no reasonable prospect of establishing that 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 £1000 as a condition of continuing with the claim or any part of it, because they have little reasonable prospect of establishing the same?

1.4 **Regarding the Employment Rights Act 1996 claims** (other than the unfair dismissal claim) – should the claim or any part of it be struck out because the claimant has no reasonable prospect of establishing that:

1.4.1 it was not reasonably practicable to present the claim within the time limit;
and

1.4.2 the claim was presented within a reasonable period?

- 1.5 If not, should the claimant be ordered to pay a deposit of between £1 and £1000 as a condition of continuing with the claim or any part of it, because they have little reasonable prospect of establishing those things?
- 1.6 Any further case management;
- 1.7 Listing any further hearings as necessary.
- 7 A summary of the events prior to and at the hearing on 12 November 2025 are recorded in my Case Management Summary sent to the parties on 12 December 2025. It appears to have been emailed to the respondent's solicitors, but sent to the claimant on the Tribunal Portal. I do not seek to repeat that chronology of events here.
- 8 In short, the claimant did not attend that hearing and, for reasons set out in the Case Management Summary, I decided to allow the respondent to make its submissions on the issues at paragraph 1.2-1.5 above at the hearing, then provide the claimant with time to respond in writing, providing him with a summary of the respondent's submissions made at the hearing and referring him back to the legal framework I had set out in my Case Management Summary from 8 October 2025. The claimant was given a deadline of 28 days from the date the Case Management Summary and Order was sent to the parties to provide any written submissions. I was then to provide a Reserved Judgment on the matter.
- 9 Following the hearing on 12 November 2025, on 7 April 2026, the respondent's solicitors emailed the Tribunal stating that the claimant had not sent in any written submissions as per the order, and requested that I go ahead and make a decision on the strike out issues accordingly.
- 10 On 10 April 2026, the claimant responded, stating that he had not received the orders sent out on 12 December 2025. The claimant repeated his concerns regarding an alleged conflict of interest (really an allegation of bias) he considered that I had in proceeding with the case. As I had dealt with that application of bias at the 12 November 2025 hearing, I do not revisit that now: see paragraphs 16-21 of the Case Management Summary and Order sent to the parties on 12 December 2025. On 20 April, the respondent's solicitors responded, asking me once again to make a decision. On 22 April, the claimant emailed to say he was not aware of any documents being on the Tribunal's Portal system. The claimant did however send to the Tribunal substantive submissions in line with the Order sent out on 12 December 2025, entitled "Claimant's Further Submissions on Limitation". I have read those and taken them into account in my decision-making. Unfortunately, none of the correspondence referenced in this paragraph was brought to my attention until the respondent's emailed the Tribunal again on 1 June 2026, asking for the case to be referred to me. It was referred that same day.
- 11 In making my decision, I have the benefit of the same two bundles I had at the 8 October hearing. The nomenclature is [C/X] for page X of the claimant's bundle and [R/Y] for page Y of the respondent's bundle. I also remind myself

of the evidence that the claimant gave at the 8 October hearing, and the evidence contained within his witness statement at [R/68]. I remind myself of Mr Webster's submissions (summarised in my Case Management Summary and Order sent to the parties on 12 December 2025). I have also read the submissions the claimant sent in response to that Order.

Issues

12 The issues for me to deal with regarding the substantive issues before me are as follows:

1.1 Regarding the Equality Act 2010 claim (equal pay and race discrimination/harassment/victimisation)

1.1.1 should the claim or any part of it be struck out because the claimant has no reasonable prospect of establishing that it would be just and equitable to extend the time limit for bringing the claim?

1.1.2 If not, should the claimant be ordered to pay a deposit of between £1 and £1000 as a condition of continuing with the claim or any part of it, because they have little reasonable prospect of establishing the same?

13 In fact, although I listed the matter to consider the test for extending time under the Employment Rights Act 1996, the only claim that survives under that statute is the parasitic claim under s38 Employment Act 2002 (failure to provide written particulars). Due to the fact that this claim is not free-standing and instead must piggy-back upon another claim, it does not have its own free-standing time limit but adopts that of the substantive claim upon which it is based. Given that the only substantive claims that remain are those under the Equality Act 2010, the only legal framework regarding extension of time that is of relevance is the above test under s123 EqA.

Findings of fact

14 Many of my findings regarding my judgment sent to the parties on 18 October 2025 are relevant to the issues before me in the index matter. I therefore repeat those that are pertinent below.

Policies

15 The respondent has many written policies applicable to its employees. Within the respondent's bundle, I have seen the grievance procedure at [R/89]. At [R/91], that procedure states, at paragraph 2.2, that:

“[t]his procedure applies to all current employees of West Berkshire Council except:

- staff employed in schools; and other employees whose individual contracts specifically exempt them from this procedure. Separate procedures apply for these staff”.

16 I have seen no evidence that suggests that the claimant is one of the excluded employees. Therefore, I find that, during his employment, the appropriate and correct policy for him to follow in order to raise a grievance with his employer was the grievance procedure at [R/89].

17 The claimant included within his bundle three other policy documents provided by the respondent:

17.1 A document entitled “A Guide to Help You...Make a Complaint” – [C/134];

17.2 A document entitled “Complaints” – [C/138];

17.3 A document entitled “Draft Corporate Complaints Policy” – [C/141].

18 I take each of these policies in turn. The “Guide to Help You” commences on its first page ([C/135]) with the following paragraph:

“Before you make a complaint there may be another way we can help you. You might want to report a problem that you’d like us to fix or report a missed bin collection. You can report these issues by using the links on the Council’s website.

If you still want to make a complaint, it is helpful if you explain why you are unhappy and what you think should be done to resolve the problem. More information on the Corporate Complaints Process can be found below and on the council’s website: [website].

If your complaint is about Social Care Services you receive, there is a different complaints process. Contact details for the services are; [contact details]”.

19 The Complaints document opens at [138] with the following paragraph:

“A complaint is an expression of a dissatisfaction about the standard of service and/or its delivery, lack of action by the council, its staff or those acting on our behalf, council policy or attitude/behaviour of council staff, affecting an individual or group of individuals”.

20 The Draft Corporate Complaints Policy at [141] does appear to be a draft, reflecting the current policy and the proposed changes to be made to it. This is therefore actually not the respondent’s Corporate Complaints Policy that was in place at the time of the claimant’s employment but a draft in order to update the existing policy. In any event, on the first page of the draft, the following is set out:

“Our current Corporate Complaints Procedure, which was published in 2020 and is due to be reviewed, has three stages:

- Stage 1 response: usually managed by the relevant service unit
- Stage 2 response: if the complainant is dissatisfied by the Stage 1 response, the complaint is reviewed by a senior officer in another service; historically this has been the Corporate Complaints Manager, and is currently being undertaken by members of legal services

- Stage 3: a right to refer to the LGSCO [Local Government and Social Care Ombudsman] for independent review”.

- 21 I find that it is clear on any reading of these three policies that these apply to service users of the respondent and not to current employees. The examples given in the “Guide to Help You” of missed bin collections, and then linking it to the Corporate Complaints Policy, clearly indicates that both documents are envisaged to be used by service users of the respondent. I also note there is no reference to employee or employer within the three documents: this clearly suggests that these documents are not for use by someone in an employment relationship with the respondent.
- 22 Although the claimant seeks to rely on these documents, I repeat my finding: the relevant document for the claimant to use during his employment in order to raise a grievance would be that at [R/89].
- 23 In any event, I have not been taken to any reference to the Employment Tribunal, or the process for presenting an Employment Tribunal claim, within any four of the aforementioned policies.

Claimant’s complaints

- 24 The claimant commenced his employment with the respondent on 29 January 2018. During the course of his employment, he raised various complaints:
- 24.1 on 13 December 2019 (equal pay complaint) – [R/86];
- 24.2 on 24 July 2020 (although the claimant does not mention discrimination, he does say “None of the other PPP Senior Officers had gone through the above issues as much as I have, yet they are not subject to demotion”) – [R/85-86];
- 24.3 on 4 August 2022 (equal pay, victimisation/race discrimination/harassment – [R/82].
- 25 The claimant did not use the required form for raising a grievance under the respondent’s grievance procedure in relation to any of the above three complaints. The suggested format for registering a grievance under the grievance procedure is attached to that procedure at appendix 2, and can be seen at [R/98].
- 26 Of particular relevance is the claimant’s statement in the third complaint listed above at [R/82]. On [R/83], the claimant states as follows:

“This is the last opportunity for you and Assistant Director to put things right before I consider [whether] to take my case to [the] Employment Tribunal”.

- 27 The claimant told me in evidence at the hearing on 8 October 2025 that:

“Unless the respondent had taken those [complaints] seriously, at the back of my mind was the option to go to the Tribunal”.

- 28 I therefore find that, as at 4 August 2022, the claimant had the possibility of a Tribunal claim in his mind.
- 29 The claimant sent the email of 4 August 2022 to Damien James at Bracknell Forest Council. Mr James responded the following day stating that, as the claimant was not an employee of Bracknell Forest Council, but of the respondent, he would need to enter the formal complaint processes of the respondent using their HR policies – [R/82].
- 30 The claimant was able to find the respondent’s grievance procedure and complete the requisite pro forma grievance form, and was able to raise a grievance under the grievance procedure on 8 February 2023 – [R/99]. When the claimant was asked at the 8 October hearing why he had used the pro forma on this particular occasion, he told me that it was in direct response to Mr James’ advice to him in the 5 August 2022 email cited above. There is a six-month gap between the claimant receiving Mr James’ email and the claimant following his advice. This demonstrates to me that the claimant felt no sense of urgency in following that grievance procedure. The claimant did tell me at the 8 October hearing that there had been delays on the respondent’s side as well in terms of that six-month gap. However, ultimately, I find that if the claimant had wished to raise a grievance with any sense of urgency following the 5 August 2022 email, the only step he needed to take was to find the grievance policy and complete the pro forma. I note he was unable to explain to me what exact action on the part of the respondent had caused any delay within that six-month period.

Resignation and new employment

- 31 Prior to the claimant receiving an outcome to his grievance of 8 February 2023, on 28 September 2023 he resigned: he set out his last day as being 31 October 2023 - [R/100]. The claimant told me that, in his mind, the respondent had failed to address the issues raised in August 2022 within the time limit he thought was reasonable.
- 32 Following his departure from the respondent on 31 October 2023, the claimant started a new job with Slough Borough Council on around 15 November 2023. He worked there for about a year and then moved employment to work at Lambeth Council. Both jobs were acquired via a recruitment agency.

Grievance process

- 33 The claimant’s grievance of 8 February 2023 was investigated, and the outcome sent to the claimant on 30 April 2024 - [R/106]. That letter sets out that there had been a grievance hearing on 20 April 2023 at which the grievance officer had required further information from the claimant. Unfortunately, the claimant then went on a period of sick leave which meant he was only able to send the requisite further information to the grievance officer

on 4 October 2023: the claimant's email attaching that information is at [R/105]. This provides some explanation (although not a full explanation) as to the delay in concluding the grievance. A timeline explaining the steps taken in the grievance process is set out on [R/110-111].

34 The outcome letter, at [R/107], sets out the claimant's right to appeal the decision therein within five working days of receipt of the outcome letter. The claimant said in evidence that he did not take in that detail and accepted that he had not read the letter sufficiently thoroughly. He told me that, prior to receiving the outcome letter, he had spoken to the grievance officer about the outcome and had raised his dissatisfaction with it. In his mind he had already therefore initiated the appeal process. I find that this communication of dissatisfaction is not sufficient to trigger the appeal process. The grievance procedure at [R/94] is very clear: at paragraph 8.2, the policy states that an appeal must be made in writing marked for the attention of the HR Service Lead, to a specific email address, within five working days of receiving the written outcome of the grievance hearing. Clearly a remark regarding dissatisfaction in a telephone call prior to receiving the outcome of the grievance in writing is not compliant with this policy. Further, the claimant must have had access to the Grievance Procedure from February 2023 and so ought to have been able to access this information regarding the appeal. Moreover, the same information is set out in the outcome letter in any event.

35 The claimant opened the email attaching the outcome of the grievance letter on 3 May 2024: we have a read receipt at [R/117].

16 June 2024 "Letter of Formal Complaint – Final"

36 The next document pertinent to this hearing is found at [R/15] and is the claimant's "Letter of Formal Complaint – Final" dated 16 June 2024. This document was not sent to the respondent until 25 July 2024, as can be seen in the respondent's acknowledgement letter on [R/133]. The claimant explained that he considered this to be his appeal letter: if this is so the claimant had waited roughly 11 weeks between receiving the grievance outcome and sending his appeal. This demonstrates a pattern of a lack of sense of urgency from the claimant when dealing with deadlines. The claimant made a vague suggestion that it was possible he may have posted a copy of his 16 June 2024 letter to the respondent prior to emailing it. I have no good evidence before me to support that assertion which I note was not made in the claimant's witness statement provided for the purposes of this hearing.

37 The claimant gave some reasons as to this 11-week delay. He firstly said that he is a litigant in person and did not know the Employment Tribunal process, and so it took him time to put the letter together. Secondly, he said he was suffering with work-related stress and was having professional medical support. He also said he was unaware of the five-day requirement and had searched through the Corporate Complaints Procedure regarding Stage 2 and there was no mention of five days.

- 38 Regarding these reasons I make the following findings. The claimant had been capable of following the grievance process in order to put in the pro forma on 8 February 2023. It therefore follows that he had access to the grievance policy and knew that that was the policy to follow. One does not need to be an Employment lawyer in order to follow an internal grievance process. The five-day requirement had been clearly set out in the outcome letter of 30 April 2024, so regardless of the claimant's ability to follow an internal process, he had the timing set out to him clearly in a letter that he ought to have read carefully.
- 39 Returning to the claimant's "Letter of Formal Complaint – Final", this document prepared on 16 June 2024 was the same document attached to the claimant's ET1 claim form. In other words, it forms his Grounds of Complaint. In that letter, the claimant has referenced various legal terms, for example as follows:
- 39.1 Section 1 of the Employment Rights Act 1996, the statutory obligation to provide a clear written statement of particulars of employment. He has also cited several cases of relevance to variation of terms of employment;
 - 39.2 Harassment under section 26 of the Equality Act 2010, including reference to "violating my dignity" and "creating an intimidating, hostile, degrading, humiliating or offensive environment", which are the statutory words in section 26;
 - 39.3 Constructive dismissal, as well as the relevant parts of the Employment Rights Act 1996, including reference to Part X and section 95(1)(c);
 - 39.4 Discriminatory constructive dismissal including reference to "discriminatory conduct materially influencing the conduct amounted to the repudiatory breach";
 - 39.5 A case relevant to both ordinary and discriminatory constructive unfair dismissal (Williams v Alderman Davies Church in Wales Primary School);
 - 39.6 Equal pay for work of equal value, a relevant case (K and Others v Tesco Stores Ltd) and reference to Art 157 of the Treaty on the Functioning of the European Union.
- 40 The claimant told me that he had written his letter of 16 June 2024 himself and had researched the law on the internet. The level of legal language within the 16 June document demonstrates to me that the claimant had undertaken a significant amount of research on the law relevant to his complaint as at 16 June 2024. He is clearly capable of using the internet and Google searches as a source of information in order to research legal matters. The claimant's letter demonstrates that he is an intelligent individual who is able to use the resources available to him to set out relevant legislation and case-law when necessary.

41 At this stage, it is useful to note that the claimant's work with the respondent involved an understanding and application of the Housing Act 2004, in order to enforce and implement the legislation therein. The claimant knew the requirements under the Housing Act 2004, which includes time limits relevant to that Act.

Reasons for delay in presenting ET1 claim form

42 It was put to the claimant during cross-examination on 8 October 2025 that, having produced this letter on 16 June 2024, he could have submitted his ET1 claim form on that date as well. The claimant said he could not have done for several reasons as follows:

42.1 He understood that he had to go through the second stage of the grievance, in other words the appeal process, prior to starting proceedings in the Tribunal. This was his understanding from the respondent's policies;

42.2 He was told by the respondent's legal team to wait and give them more time to respond to his letter of 16 June 2024 (sent on 25 July 2024);

42.3 The claimant was unwell due to his work environment and was receiving medication and support;

42.4 Implicit in the claimant's evidence is a fourth reason, being his lack of knowledge of the time limits applicable to the Employment Tribunal.

43 The claimant also suggested at one point that his telephone conversation with the grievance officer just prior to receiving the outcome of the grievance was one of the reasons for the delay in sending the ET1 claim form. Despite asking several questions about this, I am still not clear as to the causative link that is said to exist between that telephone call and the claimant's presentation of the ET1 claim form.

44 Taking each of the above listed four reasons in turn, I make the following findings.

45 In terms of completing the internal process and Stage 2 (appeal), there is nothing in any of the policies that I have seen in either bundle that stipulates that an individual raising a grievance must complete the appeal process before presenting a claim to the Employment Tribunal. Nor is there anything in those documents that could reasonably be interpreted as meaning the same.

46 Latterly in his evidence, the claimant suggested that the grievance officer had told him he must complete the appeal before presenting his claim form to the Tribunal. This does not appear in the claimant's witness statement produced for the hearing on 8 October 2025, and it was towards the end of his evidence to me that he raised this matter for the first time. He raised this point after being

taken through the various policies which he alleged advised him to complete the appeal process before presenting his claim to the Tribunal. I find that he gave this evidence once he became aware that the policies did not say what he thought they did. I consider it incredible that, had this conversation taken place as the claimant suggested, he would not have included it in his witness statement and raised it earlier in his oral evidence. I do not accept that the grievance officer told the claimant that he had to complete the appeal process before starting Tribunal proceedings.

- 47 in terms of the respondent telling the claimant to hold off and give them more time to respond to his complaint of 16 June 2024, the claimant relies on the letter at [R/133] from the respondent. This is the acknowledgement letter that the respondent sent following receipt of his 16 June 2024 email, sent to them on 25 July 2024. That letter states as follows:

“As per the Civil Procedure Rules paragraph 6, a Defendant should respond to a letter of claim within a reasonable time and by no more than three months if the matter is a complex one. We would consider this matter to be of [sic] a complex one given the nature of the claim and the reference to historical incidents”.

- 48 Nowhere in this letter is the Employment Tribunal process mentioned. Nowhere in this letter is the claimant told to wait for the respondent's response to his complaint before raising a complaint to the Tribunal.
- 49 I do not accept that the respondent, whether by means of their policies, letter or oral conversations, ever represented to the claimant that he had to conclude the internal grievance process before presenting his claim to the Tribunal.
- 50 To the extent that the claimant genuinely believed that he was prohibited from presenting his claim to the Tribunal before the completion of the appeal, by inferring meaning into the respondent's words, I find that any such inference and consequential belief was unreasonable.
- 51 In terms of the claimant's ill-health, the claimant had been off sick from work for several months over the summer of 2023. He told me he returned to work sometime in August 2023. He worked for the respondent up until his date of termination on 31 October 2023. The claimant explained that he had suffered work-related stress and had been assisted by treatment and medical support. Things started to improve once he left the respondent in October 2023.
- 52 The claimant was then fit enough to start working in mid-November 2023 for Slough Borough Council for one year and then remained fit enough to work at Lambeth Council after that.
- 53 Taking the period of November 2023 to June 2024, the claimant told me he was in the process of recovery and was still having counselling sessions. He was suffering with stress and anxiety at that time but was able to work.

- 54 Taking the period of June 2024 of October 2024, the claimant told me his health had continued to improve but that he was still receiving counselling and medication.
- 55 The claimant was well enough to produce a very detailed and lengthy document on 16 June 2024 and had been able to undertake the research necessary to produce such a document. The only additional thing he needed to do in order to present his claim to the Tribunal was to complete the ET1 claim form: I have heard no good evidence that this presented him with any specific difficulty in terms of having to fill in details such as one's name and address.
- 56 I do not accept that the claimant was so unwell as to prevent him from raising his claim to the Tribunal at any time between his effective date of termination, the writing of his 16 June letter, or the receipt of the respondent's response on 30 October 2024 and the presentation of his claim on 4 November 2024. I have seen no good evidence in either bundle to support such a suggestion. In fact, I have seen no medical evidence at all and have limited evidence from the claimant himself as to his health during this period, other than that which I have already set out above. There is nothing in his witness statement at [R/68] that suggests that his health presented a problem preventing him from presenting his claim at any time.
- 57 In terms of his knowledge of time limits, the claimant did not seek help from the Citizens Advice Bureau. He told me that the first time he had approached a lawyer was the day before the 8 October 2025 hearing. It was put to him in cross-examination at that hearing that it was very easy to Google time limits for an unfair dismissal claim and that Google would produce the answer of three months less a day. The claimant's answer was that to do that search he needed to be a barrister or legally trained. When it was suggested to him that you did not need to be a barrister to type in "the time limit for an unfair dismissal claim" to Google, the claimant agreed, stating that "it depends on your ability and skill set". Given the level of research that the claimant had to do in order to produce the letter of 16 June 2024, including citing various legislation and case-law, I find that the claimant's ability and skill set was capable of typing into Google something to the effect of "what is the time limit for an unfair dismissal claim in the Tribunal?". I consider, based on my findings regarding the claimant's intellect and ability to undertake legal research effectively, that this findings can be expanded to encompass searches for time limits for equal pay and discrimination/harassment/victimisation.
- 58 The claimant told me that he found out about the ACAS early conciliation process by approaching the Tribunal and being told that that was the first thing he had to do before presenting a claim. He further told me that he was in contact with the Tribunal around the beginning of October 2024. In terms of finding the ET1 form and completing that document, he said that he found it either on the Tribunal website or by doing a Google search.

Respondent's response

59 On 30 October 2024, the respondent's solicitor sent a response to the claimant's letter dated 16 June 2024 - [R/138]. The claimant seems to be of the understanding that his letter of 16 June was an appeal under the grievance procedure, and that the respondent's response of 30 October 2024 was the outcome of the appeal. I do not accept that that is the correct understanding of the status of these documents. The claimant's letter of 16 June 2024 is not entitled grievance appeal: it is entitled Letter of Formal Complaint – Final. I do however note that at [R/16], the claimant states:

“please accept this letter and statement of case as a final stage of grievance escalation and a letter before action and compliant with the court's civil procedure rules”.

60 To the extent this was intended to be a grievance appeal, it was around 10 weeks late when having regard to the respondent's five-day time limit. I do not accept that it was reasonable for this to be interpreted as an appeal from the grievance outcome. This is particularly when the grievance procedure does not in fact apply to former employees (as the claimant was by this time), but only to current employees.

61 The claimant completed the ACAS early conciliation process between 1 and 4 November 2024 and then presented his claim to the Tribunal on 4 November 2024.

Respondent's submissions

62 I have set out the full detail of Mr Webster's submissions within my Case Management Summary sent to the parties on 12 December 2025. I have incorporated his comments on the law within my Legal Framework section below. I have repeated my summary of his submissions below for completeness.

63 Having addressed the law, Mr Webster then dealt with the chronology. He primarily reminded me of the chronology set out within my Judgment of 18 October 2025 and the findings of fact within it. He also highlighted my findings of fact in relation to the reasons put forward by the claimant for the delay in presenting the claim form, namely:

63.1 Ignorance of the law (paragraphs 56 to 57 of the Judgment);

63.2 Concluding the internal appeal (paragraphs 45 to 48 of the Judgment);

63.3 Ill health (paragraphs 49 to 55 of the Judgment).

64 Mr Webster submitted that those same principles and findings of fact should be applied to the question of a “just and equitable” test for an extension under the Equality Act 2010 as well as the “reasonably practicable” test for an extension under the Employment Rights Act 1996.

65 In light of Mr Webster's interpretation of the claim (that the last date of alleged discrimination is either 30 April or 16 June), the Equality Act claims are out of

time by either just over 3 months (working on the last act being 30 April 2024) or 1.5 months (working on the last act being 16 June 2024).

66 Mr Webster then dealt with the three categories of claim to be considered today:

66.1 The equal pay claim;

66.2 The other Equality Act 2010 ("EqA") claims (direct race discrimination, harassment and victimisation);

66.3 The Employment Rights Act 1996 claim of failure to provide a statement of employment particulars.

67 Regarding the equal pay claim, Mr Webster submitted that the claim was out of time and that s129 EqA provides no entitlement to an extension of time. Therefore he says that this claim is "plainly and squarely out of time".

68 Regarding the other EqA claims, he says that those claims are out of time, even working on the most charitable interpretation of the time lines. The burden is then on the claimant to satisfy the Tribunal that the claim was presented within such time as was just and equitable. There is no presumption of an extension being granted.

69 In terms of the reason for delay in presenting the claim, Mr Webster submitted that no good reason has been put forward and findings have already been made on ignorance of the law, the relevance of the internal appeal and the claimant's health. Those points apply to the EqA claims as in the unfair dismissal claim.

70 Regarding the length of delay, Mr Webster stated that the fairest date to work from is 30 April 2024, but even if we work from 16 June 2024, the claimant was still weeks out of time in presenting his claim.

71 It was submitted that there was clear forensic prejudice to the respondent in the late presentation of this claim, in that the allegations are historic, largely dating to the claimant's period of employment. The effective date of termination was 31 October 2023 and it took a year to get to the Tribunal. The main alleged perpetrator is Mary Glome; she left on 2 June 2024. The two others left prior to the claimant's end of employment: Choules left on 31 March 2022 and Ms Coles left on 19 September 2021.

72 It was averred that, given the historic nature of the claimant's complaints and the absence of the key alleged perpetrator (Ms Glome), there is obvious forensic prejudice. Even if the Tribunal were not to accept that submission, Mr Webster stated that this does not mean the claim should succeed.

73 I raised the point with Mr Webster that, even if the claims had been submitted earlier, and (working on 30 April or 16 June dates) within the primary time limit, it would still be the case that all three alleged perpetrators would already have left the respondent's employment. Mr Webster stated that the longer the gap between a potential respondent witness leaving employment and a claim being presented, the less chance there is of that potential witness co-operating in the

defence of a claim. In other words, the longer the delay, the less likely Ms Glome would be to assist the respondent in its defence.

74 Turning then to the ERA claim regarding failure to provide particulars, Mr Webster submitted that this is a parasitic claim. In other words, the Tribunal only has jurisdiction to consider such a claim in a case in which another claim has succeeded – see section 38 of the Employment Act 2002. If the other claims have no reasonable prospect of success, then it follows that the same applies to this claim. In any event, he stated that it appeared that there were particulars of employment at page 70 of the bundle (updated as per my orders on the last occasion).

75 In conclusion on strike out, Mr Webster argued that there are no reasonable prospects of success of the claimant overcoming the time bar to his claims. He pointed out that I had had the benefit of having dealt with time limits on a different type of claim (the unfair dismissal claim).

76 If Mr Webster is wrong and the Tribunal concludes that it can be said that the claimant has reasonable prospects of success in extending time limits, at a minimum he says that there must be little reasonable prospects of success and so invited me to make a deposit order on each head of claim, there being five live heads of claim as follows:

- 76.1 Direct race discrimination;
- 76.2 Harassment related to race;
- 76.3 Victimisation;
- 76.4 Equal pay;
- 76.5 Failure to provide initial statement of particulars.

77 Mr Webster stated that, in terms of a deposit order, he did not seek permission to respond to any financial information that the claimant submits in line with the order set out at the beginning of this document. He is content to leave it to my judicial discretion.

Claimant's submissions

78 Regarding the equal pay claim, the claimant says that he presented the claim within 6 months of the respondent's final decision or termination of employment. He goes on to say at paragraph 2.2.2 of his submissions that:

“...limitation is informed by when the claimant knew or could reasonable have known of the inequality which is considered to be 30th October 2024 when the claimant's final grievance decision was made.”

79 The claimant explores this further at paragraph 5.2.1, stating:

“The claimant's knowledge evolved:

- Initial awareness: December 2019;
- Ongoing discovery: 2020-2023;
- Full understanding: 30th October 2024 (final grievance outcome)”.

80 Regarding the discrimination claims, the claimant at paragraph 3.2.1 states that he relies on “a continuous pattern of discriminatory conduct spanning **2019 to 2023...**”. Although I note that the claimant writes at paragraph 4.2.3 that:

“Discriminatory conduct continued during the grievance process”.

81 In terms of the reason for delay in presenting his claim, the claimant highlights the following points at paragraph 4.2.1 of his submissions:

- “The claimant actively pursued an internal grievance process until **30th October 2024**;
- The ET1 was presented shortly thereafter;
- The delay was reasonable and directly attributable to reliance on the respondent’s internal policy and procedures”.

82 The claimant expands on that third point in paragraph 7.2.1/7.2.2 of his submissions, stating:

“7.2.1 The claimant’s grievance timeline demonstrates sustained engagement;

- February 2023: grievance lodged;
- April 2023 – January 2024: ongoing process;
- April 2024: first stage outcome;
- 30th October 2024 – final decision.

7.2.2 The delay is directly attributable to the respondent’s handling of that process....”

83 Considering the prejudice to both sides, the claimant alleges that there is minimal prejudice to the respondent in allowing an extension of time to the claimant, as documents and witnesses are still available. Conversely, he says that he will suffer “severe prejudice” if he is not allowed to pursue matters through to a final hearing.

Legal framework

Strike out

84 The provision regarding the Tribunal’s power to strike out a claim is found at rule 38 of the Employment Tribunal Procedure Rules 2024 (“the Rules”). R38 sets out as follows:

- (1) The Tribunal may, on its own initiative or on the application of a party, strike out all or part of a claim, response or reply on any of the following grounds:
 - a. That it is scandalous or vexatious or has no reasonable prospect of success;
 - b. ...
 - c. ...
 - d. ...
 - e. ...

85 Regarding strike out, there is a two-stage test. The first question is whether the claim in question has no reasonable prospects of success; but even if it does, there is a second stage, that being whether the Tribunal considers it is within its discretion to strike out the claim – HM Prison Service v Dalby [2003] IR:R 694 paragraph 15.

86 For discrimination claims, the starting point regarding case-law is Anyanwu and anor v South Bank Student Union and anor [2011] ICR 391 UKHL. Here, the House of Lords emphasised that discrimination claims are often fact-sensitive and require close examination of the evidence at a full merits hearing.

87 Further caution has been advised in Bahad v HSBC Bank plc [2022] EAT 83, at paragraph 25:

“The approach that should be adopted to applications to strike out is of extremely long standing. From the House of Lords to the EAT, the appellate courts have for many years urged caution in striking out discrimination and public interest disclosure claims. Yet, on occasions employment tribunals having directed themselves that it is an extraordinary thing to do, strike out claims that are far from unusual. Experienced employment judges may sometimes feel that it is pretty clear that a claim will not succeed at trial and wish to save the expense and, possibly, the distress to the claimant of a failed claim. But that is what deposit orders were designed for. To strike out a claim the employment judge must be confident that at trial, after all the evidence has come out, it is almost certain to fail, so it genuinely can be said to have no reasonable prospects of success at a preliminary stage, even though disclosure has not taken place and no witnesses have given evidence. When discrimination claims succeed it is often because of material that came out in disclosure and because witnesses prove unable to explain their actions convincingly when giving evidence.”

88 Mitting J in Mecharov v Citibank NA [2016] ICR 1121 EAT provided the following guidance at paragraph 14:

“...the approach that should be taken in a strike out application in a discrimination case is as follows:

Only in the clearest case should a discrimination claim be struck out;

Where there are core issues of fact that turn to any extent on oral evidence, they should not be decided without hearing oral evidence;

The claimant’s case must ordinarily be taken at its highest;

If the claimant’s case is “conclusively disproved by” or is “totally and inexplicably inconsistent” with undisputed contemporaneous documents, it may be struck out; and,

A tribunal should not conduct an impromptu mini trial of oral evidence to resolve core disputed facts.”

89 However, there are some caveats to the general approach of caution towards strike out applications.

89.1 In Ahir v British Airways plc [2017] EWCA Civ 1392 CA, it was held that, when a tribunal is satisfied that there are no reasonable prospects of the facts needed to find liability being established, strike out may be appropriate. This is caveated by the need to be aware of the danger of reaching that conclusion without having heard all the evidence.

89.2 In Chandhok v Tirkey [2015] ICR 527, it was held that there is no blanket ban on striking out discrimination claims, and that “there may still be occasions when a claim can properly be struck out – where, for instance, there is a time bar to jurisdiction, and no evidence is advanced that it would be just and equitable to extend time...” (paragraph 20).

89.3 In Community Law Clinics Solicitors Ltd & Ors v Methuen UKEAT/0024/11, it was stated that in appropriate cases, claims should be struck out and that “the time and resources of the Tribunals ought not be taken up by having to hear evidence in cases that are bound to fail.”

90 In Cox v Adecco & Others [2021] ICR 1307, HHJ Taylor gave the following summary of general propositions gleaned from the relevant case-law (paragraph 28):

“(1) No-one gains by truly hopeless cases being pursued to a hearing;

(2) Strike out is not prohibited in discrimination or whistleblowing cases; but especial care must be taken in such cases as it is very rarely appropriate;

(3) If the question of whether a claim has reasonable prospect of success turns on factual issues that are disputed, it is highly unlikely that strike out will be appropriate;

(4) The Claimant's case must ordinarily be taken at its highest;

(5) It is necessary to consider, in reasonable detail, what the claims and issues are. Put bluntly, you can't decide whether a claim has reasonable prospects of success if you don't know what it is;

(6) This does not necessarily require the agreement of a formal list of issues, although that may assist greatly, but does require a fair assessment of the claims and issues on the basis of the pleadings and any other documents in which the claimant seeks to set out the claim;

(7) In the case of a litigant in person, the claim should not be ascertained only by requiring the claimant to explain it while under the stresses of a hearing; reasonable care must be taken to read the pleadings (including additional information) and any key documents in which the claimant sets out the case. When pushed by a judge to explain the claim, a litigant in person may become like a rabbit in the headlights and fail to explain the case they have set out in writing;

(8) Respondents, particularly if legally represented, in accordance with their duties to assist the tribunal to comply with the overriding objective and not to take procedural advantage of litigants in person, should assist the tribunal to identify the documents in which the claim

is set out, even if it may not be explicitly pleaded in a manner that would be expected of a lawyer;

(9) If the claim would have reasonable prospects of success had it been properly pleaded, consideration should be given to the possibility of an amendment, subject to the usual test of balancing the justice of permitting or refusing the amendment, taking account of the relevant circumstances.”

- 91 In reference to Cox and the above points (5) and (6), I agree with Mr Webster’s point that, when the Tribunal is dealing with strike out on the basis of a time bar point, the Tribunal need not distil down the claims into a List of Issues first. This is because I am taking the last possible date for any alleged wrongdoing and assuming that the clock starts to run for the purposes of any time limit argument from that point.

Deposit order

- 92 The Tribunal has the power to make deposit orders as set out within r40 of the Rules:

(1) Where at a preliminary hearing the Tribunal considers that any specific allegation or argument in a claim...has little reasonable prospect of success, it may make an order requiring a party (“the depositor”) to pay a deposit not exceeding £1,000 as a condition of continuing to advance that allegation or argument (“a deposit order”).

(2) The Tribunal must make reasonable enquiries into the depositor’s ability to pay the deposit and have regard to any such information when deciding the amount of the deposit.

- 93 The rationale of a deposit order is to warn a claimant against pursuing claims with little merit, which may leave them open to a risk of costs should they proceed with the claim and lose on the same basis as identified as the reason for making a deposit order.

- 94 The purpose of such an order is not to restrict disproportionately access to justice, hence any order made must be for an amount that is affordable by a party, and can be realistically complied with – Hemdan v Ishmail and anor [2017] IRLR 228.

- 95 In terms of the test of “little reasonable prospect of success”, the Tribunal is permitted to consider the likelihood of the claimant being able to establish the essential facts of his or her case. In undertaking this exercise, it is entitled to reach a preliminary view on the credibility of the allegations and assertions that the claimant is making in his/her claim – Van Rensburg v Royal Borough of Kingston-upon-Thames [2007] All ER (D) 187 (Nov). The Tribunal must have a proper basis for considering it unlikely that a claimant will be able to establish the necessary facts to prove his/her claim.

- 96 If I decide to make a deposit order, I must give reasons, not only for the fact of the order, but also for the amount of that order – Adams v Kingdon Services Group Ltd EAT/0235/18.

Time limits – Equal pay (Equality Act 2010)

97 S129 of the Equality Act 2010 sets out the provisions regarding time limits for equal pay claims:

- (1) This section applies to –
 - a. A complaint relating to a breach of an equality clause or rule;
 - b. An application for a declaration referred to in section 127(3) or (4).
- (2) Proceedings on the complaint or application may not be brought in an employment tribunal after the end of the qualifying period.
- (3) If the complaint or application relates to terms of work other than terms of service in the armed forces, the qualifying period is, in a case mentioned in the first column of the table, the period mentioned in the second column subject to section 140.

Case	Qualifying Period
A standard case	The period of 6 months beginning with the last day of the employment or appointment.
A stable work case (but not if it is also a concealment or incapacity case (or both))	The period of 6 months beginning with the day on which the stable working relationship ended.
A concealment case (but not if it is also an incapacity case)	The period of 6 months beginning with the day on which the worker discovered (or could with reasonable diligence have discovered) the qualifying fact.
An incapacity case (but not if it is also a concealment case)	The period of 6 months beginning with the day on which the worker ceased to have the incapacity.
A case which is a concealment case and an incapacity case.	The period of 6 months beginning with the later of the days on which the period would begin if the case were merely a concealment or incapacity case.

Time limits – remaining Equality Act claims

98 The relevant section of the Equality Act 2010 is s123:

- (1) Subject to section 140B, proceedings on a complaint within section 120 may not be brought after the end of—
 - (a) the period of 3 months starting with the date of the act to which the complaint relates, or
 - (b) such other period as the employment tribunal thinks just and equitable.

99 The issue as to whether a claim is brought within such time as is just and equitable has been established to be one of fact for the Employment Tribunal.

- 100 It is often said by respondents that, despite the broad scope of the “just and equitable” test, it remains the case that time limits should be applied strictly, and to extend time remains an exception to the rule – Robertson v Bexley Community Centre [2003] EWCA Civ 576. Furthermore, the burden is on the claimant to demonstrate to the Tribunal that time should be extended.
- 101 However, HHJ Tayler, in the case of Jones v Secretary of State for Health and Social Care 2024 EAT 2, remarked that the comments from Robertson are often cited out of context by respondents and must be taken within the wider context of that judgment and applied with caution. He held that Robertson in fact is authority for the principle that the Tribunal has a wide discretion when it comes to the “just and equitable” test; Auld LJ’s comments in Robertson should be reviewed within that framework and not taken out of context.
- 102 The Tribunal’s discretion is wide: the Court of Appeal commented in recent years that “Parliament has chosen to give the employment tribunal the widest possible discretion” - Abertawe Bro Morgannwg University Local Health Board v Morgan [2018] EWCA Civ 640. The question is really “was there material upon which [a Tribunal] could properly exercise the discretion [under s123]?” – Chief Constable of Lincolnshire Police v Caston 2010 IRLR 327 paragraph 18.
- 103 The accepted approach to be taken to exercising the Tribunal’s discretion is to take into account all the factors in a particular case that the Tribunal considers relevant, including the length of and reasons for delay – Adedeji v University Hospitals Birmingham NHS Foundation [2021] EWCA Civ 23. The strengths and weaknesses of the claim may also be relevant (but not definitive) to a decision on extending time – Lupetti v Wrens Old House Ltd 1984 ICR 348.
- 104 The Tribunal must consider the balance of prejudice to the parties if the extension is granted or refused – Rathakrishnan v Pizza Express (Restaurants) Ltd 2016 ICR 283. The Employment Appeal Tribunal in the case of Miller and ors v Ministry of Justice and ors and another case EAT 003/15 held that the prejudice suffered by the respondent in having to answer an otherwise time barred claim is of relevance to the Tribunal’s decision.
- 105 Regarding prejudice to the respondent in granting an extension of time, the Employment Appeal Tribunal in Secretary of State for Justice v Johnson 2022 EAT 1 provided some guidance. The EAT held that the Tribunal at first instance had erred in directing itself that it was only the period by which the complaint was out of time that was legally relevant. The Tribunal should instead consider the consequences for the respondent of granting any extension, which may include whether the granting of an extension would lead to the Tribunal having to make findings and reach conclusions about matters that took place a long time prior to the final hearing.
- 106 In terms of ignorance of rights as reason for delay, this will only weigh in favour of an extension of time being granted where the ignorance is reasonable. This requires the Tribunal to consider not whether the claimant in

fact knew about his rights, but whether the claimant *ought to have known* about his rights (and associated time limits) – Porter v Bandridge Ltd 1978 ICR 943.

107 In terms of waiting for an ongoing internal procedure, the law has been clarified in Apelogun-Gabriels v Lambeth London Borough Council and anor [2002] ICR 713 as being that set out in Robinson v Post Office [2000] IRLR 804. It is not the case that it *will* be considered just and equitable to extend time where a claimant has sought to follow an internal process. Instead, the correct approach is to consider the following of an internal process as one factor which *may* justify an extension of time.

Time limits – failure to provide written particulars

108 This claim is a parasitic claim, meaning that it can only survive if a claimant brings and is successful with a claim that is listed under Schedule 5 of the Employment Act 2002. That includes discrimination claims.

109 Due to the nature of this claim, in that it is not a free-standing claim, it also does not have its own free-standing time-limit. The time-limit effectively becomes that of the substantive claim to which this claim attaches. If the substantive claim is in time, this claim will be too.

Conclusions

Equal pay

110 Under s129 EqA, the appropriate time limit is that for a standard case, namely the period of six months beginning with the last day of the employment or appointment.

111 The claimant's last day of employment was 31 October 2023. Therefore the time limit for him bringing a claim was 30 April 2024. Given that the ACAS early conciliation process was not undertaken until November 2024, that process does not extend the 6 month period for bringing a claim. As such, the equal pay claim is just over 6 months' out of time.

112 Under the Equality Act 2010, there is no provision for an extension of time limits. As such, the claim for equal pay is bound to be out of time and there is no way of extending time limits.

113 Therefore the claim has no reasonable prospect of success on the basis that it was presented out of time.

Remaining Equality Act claims

114 The claimant argues that his claim of discrimination/harassment/victimisation covers the chronology up to and including the conclusion of the grievance appeal. The claimant considers that

the letter from the respondent on 30 October 2024 was the outcome to that appeal. As such, the claimant says his claim was presented well within time.

115 The difficulty with this argument regarding the claim as it currently stands is that the claim form currently only covers matters up to and including 16 June 2024. His claim form was presented on 4 November 2024, but only attached his complaint dated 16 June. In other words, the claimant did not seek to complain about any matters after the events described within that 16 June letter. I have not heard of a reason why the things that the claimant now seems to complain about between 17 June and 30 October were not included in the claim form (although, to be fair to the claimant, he has not been asked for a reason to date).

116 Therefore, as at the time of making this decision, the claimant's claim is limited to the detail within that 16 June letter. On the natural reading of that letter, and taking the claim at its highest, the latest event that the claimant could be complaining about is the grievance outcome, sent to him on 30 April 2024. Therefore, I take the last possible date of discrimination as being 30 April 2024. On that basis, the time for presenting a claim expired on 29 July 2024.

117 In light of that time limit, the ACAS early conciliation process does not assist the claimant in relation to any extension of time, and the claim was presented just over 3 months' late.

118 As an aside at this point, I accept that there is the possibility that the claimant may seek to amend his claim to include acts/omissions post-30 April 2024, given what he has said in his written submissions.

119 In light of the above conclusion, that the claim is approximately 3 months out of time, I must consider whether the respondent has satisfied me that an argument that time should be extended under s123 EqA has no or little reasonable prospects of success.

120 I conclude that it cannot be said that there are no or little reasonable prospects of such an argument succeeding, for the reasons set out immediately below.

121 I consider that the following factors are relevant to a decision on time limits:

121.1 The claimant was attempting to conclude the internal process before presenting his claim. It was his belief that completion of the internal process was necessary: although on my findings this belief did not come from the respondent's conduct as he suggested, I accept the belief was genuine.

121.2 The respondent only replied to his letter of 16 June 2024 on 30 October 2024. I accept that the claimant was no longer an employee, and that the 16 June 2024 letter was not labelled as a grievance appeal (or Stage 2). However, I accept that the trigger for the claimant presenting his claim was receipt of the 30 October 2024 letter.

Therefore, I conclude that, had the respondent replied sooner, the claimant would have presented his claim sooner (although it still would have been outside the primary time limit);

121.3 The claimant's lack of knowledge of time limits was not reasonable, given his ability to undertake legal research;

121.4 I do not accept that the claimant's health prevented him from presenting the claim earlier.

122 In terms of balance of prejudice, I accept that there is a strong argument that there would be significant prejudice to the claimant if time were not to be extended. He would lose the right to present any of his claims and therefore the right to be compensated for any well-founded claims.

123 There is evidently prejudice to the respondent if time is extended, as it would have to defend a claim that would otherwise be time-barred. Mr Webster submitted that there is also forensic prejudice to the respondent, as the three alleged perpetrators have left the respondent:

123.1 Mary Glome on 2 June 2024;

123.2 Ms Choules on 31 March 2022; and

123.3 Ms Coles on 19 September 2021.

124 I note that, given the dates on which the individuals left, the same difficulty would have presented itself to the respondent, even if the claim was presented in time. However, in line with Johnson, that is not the relevant point. I accept that, if the claim is allowed to continue, the Tribunal will need to consider historic matters. Unfortunately, that is not a particularly unusual issue given the current listing of final hearings sometimes years after the events forming the substance of claims. In any event, I accept that there is arguably forensic prejudice to the respondent if an extension were to be granted.

125 Overall, I conclude that consideration of the balance of prejudice does not give a clear cut answer, as there would be significant prejudice to the claimant if time is not extended, and not inconsequential prejudice to the respondent if time is extended. However, that means that it cannot be said that there are no or little reasonable prospects of the claimant succeeding in persuading a Tribunal to extend time.

126 The arguments in favour of an extension of time under the Equality Act 2010 are not so weak that they can be said to have little or no reasonable prospects of succeeding. There is material on which a Tribunal at a final hearing could properly exercise its discretion. Therefore, I reject the application to strike out and the application for a deposit order.

127 I make it clear that I have not, in the above, decided the time point under the Equality Act 2010. That point remains very much live for a final hearing. I also make clear that my findings and conclusions above are based solely on the evidence I have heard and seen to date. The evidence at the final hearing

will be much more extensive. As such, none of my findings or conclusions above should bind the Tribunal dealing with the final hearing.

Failure to provide written particulars

- 128 Given that this parasitic claim lives on as long as there is a live substantive claim, the strike out and deposit order applications made in relation to this claim are rejected.
- 129 The surviving claims will be listed for a preliminary hearing to case manage this claim through to a final hearing.

Approved by:

Employment Judge Shastri-Hurst

21 July 2026

JUDGMENT SENT TO THE PARTIES ON

22 July 2026

FOR THE TRIBUNAL OFFICE

Notes

All judgments (apart from judgments under Rule 51) and any written full reasons for judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimant(s) and respondent(s).

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/