



EMPLOYMENT TRIBUNALS

Claimant: M Bogle

Respondent: The Village Bakery (Wrexham} LIMITED

JUDGEMENT

Heard at: (by video) **On:** 27th January 2026

Before: Employment Judge R Powell

Appearances

For the Claimant: In Person

For the Respondent: Mr D Jones, of counsel

JUDGMENT ON AMENDMENT APPLICATION

Introduction and background

1. The claimant is a litigant in person who drafted her claim without the benefit of legal advice. The claim asserts that she is a person with the protected characteristic of disability (dyslexia).
2. This hearing was directed by Employment Judge Sharp following a preliminary hearing she conducted on the 5th September 2025.
3. At that hearing Employment Judge Sharp sought to determine the particulars of the claims contained in the ET1 presented by the claimant on the 2nd of June 2025.
4. The record of EJ Sharp's discussion and conclusions are contained within the 338-page bundle provided to me for this second preliminary hearing. Those reasons are at pages 46 to 57 of that bundle.
5. EJ Sharp concluded that the claimant's pleaded case was far from clear and, after a detailed consideration she recorded the following four claims:

- 5.1 Harassment related to sex by a production manager who swore at the claimant by saying "*you should fuck off*" on **11 November 2024**.
- 5.2 Direct discrimination on the grounds of sex on the same date and identical grounds for the harassment claim noted above.
- 5.3 Unfavourable treatment arising from her disability by her manager's tone of voice and physical proximity, when she was told to go home after the end of her shift; contrary to section 15 of the Equality Act 2010. The date of which was uncertain but prior to the **11th December 2024**; the date on which the claimant's long term sickness absence commenced.
- 5.4 Unauthorised deductions from the Claimant's wages between **11 December 2024 – 22 April 2025** by the failure to make payments of Statutory Sick pay.
6. I note that the parties appear to have agreed with EJ Sharp's decision that, on the face of the pleaded claim any act which occurred prior to 25th February 2025 might not have been presented in time.
7. The only allegation which appears to be in time is not one which asserts any form of discrimination (para 5.4 above).
8. During the case management hearing claimant indicated an intention to amend her claim. EJ Sharp directed that an application to amend was to be presented by 10th October 2025 and had to be set out in a clear and precise form. This last direction arose from the claimant's discursive manner during the initial case management hearing [176-187] and her in her written presentations.
9. EJ Sharp listed this further case management hearing to consider:
 - 9.1 The merits of any application to amend the claim
 - 9.2 Whether it was just and equitable to extend time for the presentation of any of the pleaded/ amended claims
 - 9.3 Further case management.
10. The Issue of the claimant's pleaded disability remains to be determined. However, for the purposes of this hearing, and only for this hearing, I presumed that the claimant was a person with dyslexia and adopted certain reasonable adjustments.
11. I allowed the claimant to put forward her amendments in a format which did not comply with EJ Sharp's direction to be clear and precise, this entailed detailed and extensive discussion of her application and consideration of a significant proportion of the 338 pages of the bundle; sources of information which were outside the pleaded amendment.
12. I allowed the claimant to comment extensively in response to my questions and to points raised by Mr Jones on behalf of the respondent. I also allowed additional documents to be produced during the course of the hearing. I offered additional and extended breaks during the day.

13. After hearing the parties throughout the morning session, I gave judgment, with full reasons, orally in the afternoon in relation to the amendment applications
14. Time did not allow consideration of the Respondent's application to strike out all or parts of the claim [62-63].

The Applications to Amend

15. On the 10th October 2025 the claimant submitted an application to amend her claim [69-77]. The text of the proposed amendments is set out below:

"1. Race Discrimination (Equality Act 2010, s.13) I believe I was treated less favourably because of my race and ethnicity. I am a Black female employee and was spoken to disrespectfully by Steve Wright, who I also witnessed disrespecting other ethnic minority staff. My concerns about this behaviour were raised with HR, but no action was taken. I believe my race was a significant factor in the way I was spoken to, ignored, and disrespected.

2. Sex Discrimination and Harassment Related to Sex (Equality Act 2010, ss.13 & 26)

- I was undermined and ignored by male colleagues who walked away while I was speaking and refused to follow health and safety instructions.
- When I raised these issues, management told me to "be more friendly" instead of addressing the misconduct. I was called "difficult" and "problematic" for performing my role properly and ensuring food safety standards.
- Steve Wright shouted and swore at me on several occasions, including 11 November 2024, in front of others. I was the only black woman present at the time.

3. Disability Discrimination (Equality Act 2010, ss.15 & 20)

- I disclosed my dyslexia and asked for adjustments due to the reading and writing demands of my role. Management said a meeting would be arranged to discuss reasonable adjustments, but this never occurred. I also developed severe mental health problems as a result of the hostile and discriminatory work environment. No support or adjustment was offered to help me manage these conditions.

4. Victimisation and Bullying (Equality Act 2010, s.27)

- After raising complaints about discrimination and food safety issues, I was subjected to hostility and exclusion I was told to "fuck off" by Steve Wright when observing production processes relevant to my role as a Quality Assurance Technician.
- I was intimidated and shouted at by managers including Richard Grice (8 November 2025) and prevented from carrying out my duties. These actions were intended to punish me for complaining and to discourage further protected acts.

5. Defamation and Damage to Reputation

During the grievance process, I was informed that false allegations of sexual assault, harassment and homophobia had been made against me, which I was never informed of at the time nor given a chance to respond to. These false allegations have caused serious harm to my reputation, distress, and mental health. I rely on the grievance outcome letter and any related documentation as evidence of this defamatory conduct.

6. Unauthorised Deduction from Wages

I also maintain my claim for unpaid wages as stated in my original ET1. I have suffered financial hardship as a result of being unable to work due to the psychological effects of the discrimination, bullying and victimisation.”

16. The application was opposed by the respondent.
17. I address the parties’ respective arguments in the context of each of the proposed amendments.

The First Amendment

18. The first proposed amendment is titled Race Discrimination. On the basis that the claimant is a “black female employee”, This allegation is an additional assertion concerning the conduct of Mr. Wright on the 11th of November 2024
19. In essence, the proposed amendment adds an additional claim based on the same factual matrix recorded by EJ Sharp. The respondent has pointed out that notes it took of the hearing before I Judge Sharp, that the claimant had initially asserted dual protected characteristics of race and gender.
20. When EJ Sharp explained that an assertion of dual protected characteristics was not permissible the claimant opted for gender rather than race. It is also clear from the respondent’s notes; that the election was one the claimant did not want to make.
21. The proposed amendment to the claim of harassment is to add ethnicity as a protected characteristic. That is a claim which the claimant articulated in her original pleading and one of which the respondent has had notice.
22. The alleged unlawful act and the alleged perpetrator are identical to the current harassment claim; only the alleged unlawful motivation differs.
23. I have noted that the respondent’s argument that it will be prejudiced by the admission of this proposed amendment because it will incur the costs of a further amendment to its response. I accept that assertion is correct.
24. I am of the view that the degree to prejudice is likely to be modest; the respondent has already pleaded its denial to the factual allegation and needs only to repeat the same with reference to the additional protected characteristic of race.
25. To allow or deny this application is to cause a degree of prejudice to either party. I must therefore determine this application by balancing the relative prejudice to either party.
26. I have been guided by the Employment Appeal Tribunal in the case of Mrs. Vaughan v Modality Partnership UK EAT 0147 wherein His Honour Judge Tayler cautioned against a rigid adoption of the guidance in the Selkent Bus Company v Moore 1996 ICR 836 as a restrictive list. Vaughan stated that whilst the Selkent

criteria can be helpful, the fundamental consideration is the balance of injustice and hardship: see paragraphs [21]-[22] and [25]-[28].

27. I have considered the extent to which the new pleading is likely to involve substantially different areas of enquiry than the old: the greater the difference between the factual and legal issues raised by the new claim and by the old, the greater is the potential of prejudice to the respondent.
28. I have concluded that the overriding objective of the employment tribunal lies in favour of the exercise of my discretion in favour of the claimant. In doing so I have taken into account the date of the alleged unlawful act and the possibility the claimant will not be able to establish that the alleged act was part of a continuing act. I have also taken into account the respondent's denial of the unlawful act and the aforesaid additional costs the respondent will incur in pleading a further denial.
29. The claimant pleaded the facts of her amendment in her original claim. By necessity she opted for one of the dual grounds originally pleaded before EJ Sharp. Her application to amend will return to her first position albeit now presented in an admissible form.
30. In my judgment, the balance of prejudice that lies in favour of allowing the amendment to the claim.

The Second Amendment: sex discrimination and harassment related to sex

31. The claimant asserts that she was as undermined by her managers, that she was told that to be "more friendly" and that she was called "difficult and problematic."
32. She further asserts that fellow employees shouted and swore at her "on several occasions", including the 11th of November 2024 (which is a pleaded claim)
33. I spoke with the claimant at some length on this issue to identify the colleagues whom she accused (apart from the pleaded allegation against Mr Wright) and the further necessary particulars of what was said, when it was said and by whom.
34. The outcome of that discussion was a significant degree of uncertainty; Apart from allegation against Mr Wright on the 11th November 2024, I have no particulars of name, dates or any reasonable clarity as to the content of the verbal statements including the shouting and swearing.
35. To allow an application of this form of amendment would cause substantial hardship to the respondent; it faces the difficulty of identifying the relevant witnesses, the difficulty of pleading a coherent response and given the time frame, and the prospect of deterioration of witnesses' memory.
36. There is a significant risk that it will be unable to respond to the claim, respond adequately, because of its uncertain nature.

37. I consider the balance of prejudice lies in favour of the respondent. And I do not see that I can justly allow that amendment without unfair prejudice to the respondent. I therefore refuse this application to amend the claim.

The Third Amendment

38. The third head of amendment, disability discrimination, was confirmed by the claimant not to be an application to amend. It was a confirmation of her existing claim as recorded by EJ Sharp.

The Fourth Amendment

39. The next issue is an application of the title "Victimization and Bullying".
40. The claimant asserts that; "after raising complaints about discrimination and food and safety issues, I was subject to hostility and exclusion."
41. The claimant's particulars of these victimisation claims are set out in two subsequent bullet points.
42. The first is a restatement on the 11th November 2024 complaint against Mr. Wright (see above; harassment and direct discrimination).
43. The second asserts that the claimant was intimidated and shouted at by her managers. Only one manager is named: Mr. Grice and the pleaded date is of the victimisation is the 8th of November 2024. The respondent challenges that date asserting that the claimant had previously given the 9th October 2024 as the relevant date, but on a fair reading of the documents, it's possible that the claimant intends to encompass the period between 9th October and 8th November 2024.
44. To succeed in a claim of victimisation, it is necessary for the party presenting them claim to establish one or more protected acts, or forms of protected conduct within the meaning of section 27(2) of the Equality Act 2010, and a casual connection to the pleaded detrimental treatment.
45. The Claimant relied upon a copy of her grievance, sent to the respondent on 12th November 2024, as the protected act that caused the aforesaid conduct of Mr Wright and Mr Grice.
46. On what has been said to me by the claimant and Mr. Jones, and by documents that were provided to me, (the claimant's grievance and the respondent's grievance outcome), I have grave concerns about the claimant's prospects of success on this issue.
47. On the dates pleaded by the claimant, and maintained in her oral submissions, both of the asserted acts of detriment preceded the date on which the protected act occurred. upon.

48. On this issue, the claimant's proposed case, taken at its highest, appears to have no realistic prospect of success. In these circumstances, the balance of prejudice weighs in favour of the respondent; to require it to plead, prepare and present witness evidence to rebut such a claim, and to do so with no realistic prospect of being able to recoup any costs incurred, would be unjust.
49. I therefore refuse this aspect of the application.
50. With regard to the wider aspect of this application, the proposed amendment is so lacking in particulars that a respondent could not reasonably plead a meaningful defence to such a claim beyond a bare denial.
51. The claimant was cautioned by EJ Sharp to set out clear particulars of her proposed amendments to her claim but she has not done so for this amendment. I have taken into account her pleaded dyslexia and the time taken this morning seeking to identify specific incidents. The proposed amendment remains so uncertain that the respondent cannot reasonably be expected to understand the case it has to meet. To allow this amendment to proceed would not be in the interests of justice and the balance of prejudice weighs in favour of the respondent's submission that this application to amend is not allowed.
52. The application is refused.

The Fifth Amendment

53. The final amendment is titled Defamation and Damage to Reputation. There was some discussion between myself and the claimant to indicate the limits of the employment tribunal's function. The tribunal does not have jurisdiction over complaints of defamation.
54. Matters of damage to reputation could conceivably be addressed in compensation for loss employment opportunities or injury to feelings.
55. The claimant's case asserts that a colleague called Mr Sharraf was interviewed during the respondent's investigation of the claimant's grievance. In the course of his interview, he made statement which were critical of the claimant 's behaviour towards fellow employees
56. The claimant has not made an internal or external complaint about his evidence albeit she considered his evidence to have ". caused serious harm to my reputation, distress and mental health". She did challenge his account as part of her appeal against those aspects of her grievance which were not upheld.
57. The respondent prepared a summary of witness evidence as part of the grievance outcome which is dated the 3rd of December 2024 It was prepared by an employee: Emma Thomas. Within that letter, which sets out the respondent's decision that the claimant had not succeeded in her grievance, because there was contradictory evidence from employees were the following extracts from the witness statements: "There are several occasions referenced where employees

perceived you as overstepping required behaviours, including an allegation of discrimination on the grounds of sexuality, an allegation of you repeatedly making physical contact with an employee despite being told by them the contact was unwanted, allegation of sexual harassment, and allegation you were aggressive towards Richard Grice”.

58. On the evidence before me the respondent did not make a finding sexual assault. That there was clearly one assertion of sexual harassment. The source of that evidence is a Mr. D Sharif. There's no indication, or evidence, before that Mr. Sharif was aware of a protected act. But certainly Miss Thomas, in my judgment, was likely to have been aware of that act. at given she was at determining the grievance complaint.
59. Furthermore, in these proceedings the claimant does not accuse Mr Sherrif of any form of unlawful conduct.
60. I do not consider that I can allow this application to amend the claim for the following reasons; the character of the claim is not within the tribunal's jurisdiction. The primary source of the offending statements is a person who is not accused of any unlawful act, none of offending statements are pleaded as acts contrary to the Equality Act 2010 and, as noted elsewhere in this judgment, the there is such a significant lack of particulars that it would be very difficult for the respond to understand the potential claim against it.
61. For the above reasons I refuse this application to amend the claim.

**R Powell
Employment Judge
Authorised for issue on
27th July 2026**

Sent to the parties on:
29 July 2026

For the Tribunal Office:
Kacey O'Brien

Note on the Delay

Although the tribunal gave judgment and full reasons to the parties orally on the 27th January 2026 this written judgment is completed on 27th July 2026.

I contributed significantly to the delay by reason of the volume of work between February and April 2026.

As a matter of a reasonable adjustment for myself I rely on the audio recording of CVP hearings for my record of the hearing. A significant error occurred, when, for technical reasons, the remote recording of this hearing stopped part way through the judgment on the application.

Thirdly there was a subsequent delay in the provision of the partial recording on which I have relied in writing of this judgment.

I sincerely apologise to the parties for the delay.