



EMPLOYMENT TRIBUNALS

Claimant: Mrs J Griffiths
Respondent: Buckinghamshire Council

RECORD OF A PUBLIC PRELIMINARY HEARING

Heard at: Watford Employment Tribunal by CVP
On: 3 July 2026
Before: Employment Judge Alliott

Representation

Claimant: Ms Eaindra Cho (counsel)
Respondent: Mr Stephen Cox (solicitor)

JUDGMENT

1. The claimant's application to amend the claim and/or the list of issues is refused.

FULL REASONS

JUDGMENT with full reasons was given at the hearing on **3 July 2026**. The following written full reasons are therefore provided:

1. This hearing was originally listed for a DRA. On 2 July 2026 Employment Judge Quill converted the hearing to a public preliminary hearing. He directed that the hearing would decide:-
 - “1. Should any part of claim or response be struck out because of unreasonable conduct.
 2. Should the claimant's application to amend be granted.
 3. Can a fair final hearing take place on the currently scheduled dates and, if not, what are the consequences of that (strike out or postponement, for example).
 4. By which dates should the bundle be finalised and witness statements exchanged.
 5. If neither the claim nor the response is struck out, on which date should the DRA take place.”

Bundle/witness statements

6. As of today's date, the hearing bundles have been finalised. I have been told there is both a claimant's bundle and a respondent's bundle. Whilst that is unsatisfactory, it seems to me that it would cause more problems to have a consolidated bundle as the pagination would change. Apparently, the witness statements refer to the bundles as finalised. Further, witness statements have now been finalised and exchanged.

Amendment

7. With the agreement of the parties, I dealt with the issue of amendment at this hearing.
8. The claimant's application to amend the claim and/or the list of issues was made on 29 June 2026. That is just over two years after the effective date of termination of the claimant's employment on 13 June 2024.
9. The claimant's application is as follows:-

**“CLAIMANT’S APPLICATION FOR CLARIFICATION AND/OR
AMENDMENT OF THE LIST OF ISSUES/AMENDED GROUNDS OF
CLAIM**

...

3. My primary position is that financial loss, including loss of earnings, has already been claimed as a remedy flowing from my pleaded Equality Act claims. My ET1, amended pleadings, schedule of loss and the existing case management directions all proceed on the basis that financial loss is in issue.
4. However, in order to avoid any later technical dispute, I make this application protectively and in good faith.
5. For the avoidance of doubt, I am not seeking to revive an ordinary unfair dismissal claim. I rely on dismissal, redeployment, loss of continued employment and loss of chance only as part of the causation and remedy issues arising from the pleaded Equality Act claims.
6. The clarification and/or amendment sought is that the following issues be included, either in the List of Issues or as clarification of the existed pleaded case:
 - a. Whether the respondent's alleged unlawful discrimination, including discrimination arising from disability, failure to make reasonable adjustments, harassment and/or victimisation, caused or materially contributed to my inability to participate effectively in consultation, redeployment, job matching and/or alternative employment processes.
 - b. Whether the respondent's alleged unlawful discrimination caused or materially contributed to my loss of chance of remaining in employment, being redeployed, being slotted or matched into a suitable alternative role, or otherwise avoiding dismissal by redundancy on 13 June 2024.
 - c. Whether the respondent's alleged unlawful discrimination caused or

materially contributed to my ongoing inability to work and consequent past and future loss of earnings, pension loss, loss of benefits and other financial losses.

- d. Whether, in the alternative, any compensatory award should reflect a loss of chance assessment in relation to continued employment, redeployment, job matching and/or suitable alternative employment.”
- 10. As far as issue c. is concerned, it seems to me that any post-employment inability to work is dependent upon a personal injury claim which, I was told, has not been made in this case.
- 11. As far as a. is concerned, in my judgment that does not need amendment and the argument is already in play.
- 12. As far as paragraphs b. and d. are concerned, in my judgment they are effectively the same proposition.
- 13. Ms Cho took me to the amended claim at paragraph 3.4 where the following is pleaded:

“June 2023: Discriminatory redundancy process.

3.4 On 28 June 2023, the claimant was placed “at risk” of redundancy via in-person meetings with no adjustments for her disabilities (e.g. remote participation, support person).”

- 14. She relies on that to indicate that complaint was made about the redundancy process being discriminatory.
- 15. In my judgment, that assertion has already been captured in the indirect discrimination and failure to make reasonable adjustments claims in the finalised list of issues. Further, the Equality Act claims remedy section of the finalised list of issues contains the following:-

“36. What compensation, if any, should the respondent be ordered to pay the claimant?

(1) What financial losses has the claimant sustained as a result of the any acts of discrimination which the tribunal finds to be made out?”

- 16. In my judgment therefore, it is open to the claimant at the full merits hearing to argue that any acts of discrimination etc. that are made out caused or contributed to the termination of her employment. I express no concluded view as to the prospects of success, however, in my judgment that is a live issue that does not need amendment.
- 17. At this hearing, Ms Cho refined the application to amend the list of issues to a simple inclusion of an extra paragraph of unfavourable treatment in the section 15 Equality Act 2010 claim as follows:-

“13(12) Dismissal.”

- 18. In my judgment, it may well not be necessary for the claimant to amend to include dismissal. That is not a final concluded judgment and the matter can still be

argued at the full merits hearing. However, as for the indirect discrimination and failure to make reasonable adjustments, in my judgment it would be open to the claimant to allege that any or all of the unfavourable treatment in 13(1-11) had the effect of substantially disadvantaging her in the redundancy selection process and that in turn caused or increased the chances of her employment being terminated.

19. If, contrary to my views already expressed, the claimant needs permission to amend the claim and/or list of issues, then I take into account the following factors.
20. The nature of the amendment is, in the respondent's submission, very significant in that it adds a whole new head of claim. In this context I take into account that the claimant initially claimed unfair dismissal. However, a judgment was issued on 28 May 2025 dismissing the unfair dismissal claim upon withdrawal. I was told today by Ms Cho that the claimant accepts that the redundancy situation was genuine and that she does not complain that any redundancy was unfair. Quite how that fits with complaining now that the termination of her employment was discriminatory I fail to see. However, the fact of the matter is that the claimant withdrew her unfair dismissal claim. Notwithstanding that the claimant is a litigant in person, had she considered that her dismissal was unfair I would have expected in her own mind the unfairness to be because of it being an act of disability discrimination.
21. In terms of time limits, the application to amend is two years after the effective date of termination of the claimant's employment. I make no determination of this issue as, if I had allowed the amendment, I would have left the time issue over to be argued at the full merits hearing. However, by any yardstick, the claim is significantly out of time. That said, the factual nexus it depends upon is already in the list of issues.
22. The timing and the manner of the application is extremely late. The application has been made after disclosure, the finalisation of the hearing bundles and the exchange of witness statements. It is, frankly, too late.
23. In my judgment were this amendment to be allowed there would be inevitably disruption in the sense that there would be potentially further disclosure and /or witness evidence.
24. Taking into account all the factors that I have to, in my judgment the balance of hardship comes down in favour of not allowing this amendment.

DRA

25. The DRA is relisted to be heard on **30 July 2026 at 10am by CVP** with a time estimate of 3 hours.

OTHER MATTERS

26. There has been no need to deal with the other matters listed by Employment

Judge Quill. A fair hearing can take place, the bundles and witness statements have been finalised, strike out is inappropriate and the DRA has been re-listed.

Approved by:

Employment Judge Allott

Date: 23 July 2026

JUDGMENT SENT TO THE PARTIES ON

23 July 2026

FOR THE TRIBUNAL OFFICE

Notes

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

If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings and accompanying Guidance, which can be found here:

www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/