



EMPLOYMENT TRIBUNALS

Claimant: Miss T Wilkins

Respondent: TFS Stores Ltd

JUDGMENT

The complaints of detriment for protected disclosure, direct disability discrimination and harassment related to disability are struck out.

REASONS

1. The Tribunal wrote to the claimant on 19 June 2026 warning them that the Tribunal was considering striking out parts of the claim. This was because it appeared to the Tribunal, applying Rule 38 of the Employment Tribunal Procedure Rules 2024, that, in relation to that part a fair trial was no longer possible because:
 - the claim had no reasonable prospect of success;
 - the claimant had not complied with the Orders of the Tribunal dated 22 April 2025 and 19 December 2025.
2. The order gave the claimant until 22 July 2026 to explain why that part of the claim should not be struck out, or to request a hearing at which to do so. The claimant did not reply until 22 July 2026 and then requested a further preliminary hearing on the grounds of health. No medical evidence was provided. As such she did not address any of the concerns raised in the strike out warning.
3. I am satisfied that the grounds for striking out that part of the claim under Rule 38 apply, and that it would be in accordance with the overriding objective in Rule 3 to strike out that part of the claim for the following reasons.
4. A third preliminary hearing was listed on 19 June 2026. The claimant applied for a postponement of the hearing on 17 June 2026 but did not comply with the Presidential Guidance on Postponements, which requires

medical evidence must be provided which gives an indication of when she might be fit. This was therefore refused by Judge Harfield. At 16.35pm on 18 June 2026 a second application to postpone was made attaching a letter from the claimant's GP advising she was not well enough to attend but was confident she would be recovered within 6 weeks.

5. I decided to proceed with the hearing on 19 June 2026 as Mr Searle had joined by video intending to postpone it after a discussion with Mr Searle. The claimant then arrived in person and we started the hearing with Mr Searle joining remotely.
6. We had a short discussion which I record below, but as the claimant's GP had advised she was not well enough to participate I explained I would postpone the hearing, review the claim and write to the parties with case management orders and what the next hearing will be.
7. I explained to the claimant that whilst it is acknowledged she is unwell, the claim needs to progress or there is a risk a fair trial will not be possible. This will be the second time a preliminary hearing to decide strike out, deposit orders and time points has had to be postponed.
8. The history of the claim is as follows.
9. The respondent says the claimant was dismissed on 2 April 2024. Early conciliation started on 25 June 2024 and ended on 5 August 2024. The claim form was presented on 4 September 2024.
10. A preliminary hearing took place before me on 22 April 2025 and I made orders for the claimant to provide further information. I set out in detail what had been discussed and what information was needed; information on each disclosure and detriment for the whistleblowing claim, detail of the less favourable / unfavourable discrimination and harassment complaints and the breach of contract claim. I explained it is not sufficient to say "gaslighting" or there were "undercurrents" when I asked her what detriments she was subjected to for making the protected disclosures.
11. I listed the claim for a public preliminary hearing on strike out, deposit orders and time limits. The next preliminary hearing had to be postponed as the claimant says she did not receive the orders that were sent to her. After that, the claimant was given multiple extensions of time to provide the information I had ordered. On 24 September 2025 the claimant provided an email titled "Protected Disclosure (whistleblowing)". This did not comply with my order as the claimant did not provide any information on the discrimination and monetary complaints. The preliminary hearing was relisted on 19 December 2025 before Judge Webb who decided that the claimant had not provided the information ordered but the claimant should be given a further chance to do so and did not proceed to determine those issues. The claimant was given until 25 February 2026 to provide further information. Judge Webb explained very clearly what needed to be done and gave examples of how to set things out.
12. On 25 February 2026 the claimant provided further information. The protected disclosures set out differ from the 24 September 2025 paper. The respondent has filed an amended response and does not admit the

claimant is a disabled person within the meaning of s6 Equality Act 2010.

13. After the preliminary hearing on 19 June 2026, in chambers I reviewed that information and the ET1 claim form to finalise the list of issues. In respect of some claims I made deposit orders.
14. The claimant is a litigant in person and drafted her own ET1. She ticked boxes to say she was bringing claims of unfair dismissal, disability discrimination, whistleblowing, notice pay, holiday pay arrears of pay and other payments. The ET1 contained very little information about the claims. The ET1 stated as follows:

Discrimination - from ongoing physical disability after operation 26.10.2022, which resulted in covert gaslighting and recording HR notes in bias, which caused anxiety to worsen and panic disorder to exacerbate. No outcome resolved despite many emails, calls and texts regarding it. Whistle blowing - on a few occasions in 2022 onwards with no real outcome or feedback. Resent email regarding a whistle blowing claim in 2024 with again no real outcome. Dismissal owing to ill health and capability after denying receiving information over last few years, not acting on it and not following company policies or procedures and breaking my contract on many occasions.

Protected disclosures

Disclosures set out in 24 September 2025 email

15. On 23 March 2022 the claimant sent HR an email naming Lisa Thomas had instructed the assistant manager to instruct the claimant to go to work despite having tested positive for Covid. There is no issue with this disclosure.
16. In respect of the other two disclosures I set out below, there is no detail as to what was actually said which could amount to a disclosure of information. The claimant has not set out which sub section of s43 (B) (1) she relies upon. I do not consider this would have any prospect of being in the public interest. I made deposit orders in respect of the following two disclosures, which have been paid:
17. (No date given) the claimant told Lisa Thomas she was worried about staffing levels and a pregnant worker working alone.
18. On 26 July 2022 at a staff meeting the claimant told Lisa Thomas and Vicky Burgess of concerns about staffing levels and staff being owed holiday.

Disclosures set out on 25 February 2026

19. The claimant has set out 5 protected disclosures in the 25 February document. In breach of my order she did not set out which s43B (1) (a) – (f) applied.

Whistleblowing Detriments

20. The claimant has not provided any particulars of the detriments in breach of my order and Judge Webb's order. I therefore issued a strike out warning in the June orders,

Discrimination claim

21. No information was provided by the claimant on 24 September 2025 and I was only able to consider the 24 February 2026 document. The claimant has set out 5 incidents but has not specified whether they are direct discrimination, discrimination arising from disability or harassment as required. Strike out warnings were issued in the order dated 19 June 2026 for the following reasons:
22. Incident 1 is said to have happened in September 2022 where the claimant was refused leave she had booked 8 months earlier. The reason for the treatment is "I couldn't take leave". This claim has no reasonable prospect of success.
23. Incident 2 is said to have happened in October 2022 after the claimant had surgery that she was pressured to return to work on the same terms as other employees without her disabilities. The claim appears to be pleaded as a direct discrimination claim. I am unable to understand what this claim is about. This claim has no reasonable prospect of success.
24. Incident 3 is said to have happened on 7 February 2023 where during a welfare call Shazia Ayub failed to properly record what was said and decided on the call. The claimant says it was discriminatory as "welfare notes do not reflect what was said". This contains no discernible claim for discrimination and this claim has no reasonable prospect of success.
25. Incident 4 is said to have happened in February 2023 where the respondent failed to send the claimant copies of notes / transcripts from welfare meetings and when they were supplied they were inaccurate or incomplete. The claimant says this was discriminatory "due to the state of mind (disability)". This claim has no reasonable prospect of success
26. Incident 5 is said to have happened in February 2023. The treatment complained of was persistent requests to attend site and face to face (online) calls after the claimant said she wanted communication by email only. The claimant says it was discriminatory as she was unable to attend on site due to her disabilities or participate in face to face online meetings. This claim has no reasonable prospect of success. I shall make a deposit order in respect of this complaint and issue a strike out warning.
27. A further reason why the discrimination complaints do not have reasonable prospects of success is that as the last act relied upon is February 2023 the complaints are significantly out of time (ET1 presented on 4.9.24) and there is no evidence before me as to why a just and equitable extension should be considered.
28. The claim was presented on 4 September 2024. The claimant has had multiple chances to set out the complaints in a way that can be understood by the respondent and the Tribunal and has failed to do so. The

respondent is entitled to know the case they are facing and the balance of prejudice lies firmly with the respondent in having to address claims that are alleged to have occurred between 43 and 4 years. Previous assurances that the claimant will be medically in a position to address the orders have not borne out and I have no updated medical information that enables me to conclude a fair trial would be possible within in a reasonable period.

29. The remaining claims of unfair dismissal, wrongful dismissal and discrimination arising from disability (in relation to the dismissal only) is not affected by this judgment. A hearing shall now be listed and separate case management orders issued for that hearing.

Approved by:

Employment Judge S Moore

31 July 2026

Judgment sent to the parties on

3 August 2026

For the Tribunal Office
Mary Bateman