



EMPLOYMENT TRIBUNALS

Claimant: Ms J Franzen

Respondent: Connells Residential

Heard at: Watford via video

On: 8 July 2026

Before: Employment Judge MJ Smith

REPRESENTATION:

Claimant: In person

Respondent: Ms J Duane (counsel)

JUDGMENT

1. The claim for discrimination arising out of disability was not presented within the applicable time limit. It is not just and equitable to extend the time limit. The claim is therefore dismissed.
2. The claim for constructive unfair dismissal was dismissed by withdrawal at the hearing.

Written reasons having been requested in accordance with Rule 60(4) of the Employment Tribunals Rules of Procedure 2024, the following reasons are provided:

REASONS

Introduction

1. The preliminary hearing was listed by Employment Judge Dick to resolve the issue of time limits as a preliminary matter in relation to the claim for disability discrimination.
2. The claimant was employed by the respondent, a company that provides estate agency and property services, as a trainee customer service adviser, from 7 October 2024 until 19 December 2024. Early conciliation started on 22 March 2025 and ended on 27 March 2025. The claim form was presented on 28 March 2025.

Law

3. Section 123 of the Equality Act 2010 states:

123 Time limits

(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.

(2) Proceedings may not be brought in reliance on section 121(1) after the end of—

(a) the period of 6 months starting with the date of the act to which the proceedings relate, or

(b) such other period as the employment tribunal thinks just and equitable.

(3) For the purposes of this section—

(a) conduct extending over a period is to be treated as done at the end of the period;

(b) failure to do something is to be treated as occurring when the person in question decided on it...

The procedural background

4. The claimant made a further constructive unfair dismissal claim which had been consolidated with the discrimination claim. The constructive unfair dismissal claim was withdrawn at the hearing because the claimant had been employed for three months and the tribunal had no jurisdiction to hear the claim. The claim was dismissed for reason of withdrawal.

The evidence before me

5. The tribunal was provided with a bundle for the preliminary hearing provided by the respondent of 188 pages. I heard evidence from the claimant about her reasons for the delay in presenting her claim.
6. Having heard the evidence and read such documents as were referred to in the hearing bundle I made the following findings of fact.

My findings of fact

7. The claimant gave evidence at the hearing regarding the presentation of her claim. It was not in dispute that the effective date of termination of the claimant's employment was 19 December 2024. All the other acts complained of by the claimant pre-dated the 19 December 2024. The claim should have been presented by 19 March 2025 in order for the claim to be in time. It is not in dispute that the claim was presented on 28 March 2025. It is not in dispute that ACAS conciliation commenced on 22 March 2025 which was after the deadline for presentation of the claim. I found that these facts are accurate on the basis that there is no dispute and there is documentary evidence which corroborates them.
8. The claimant accepted that she had received a letter from the respondent giving the date of the probation meeting as 19 December 2024 in which she was informed that her employment was at risk of termination. The claimant did attempt to present her claim on 7 March 2025 but it was rejected by the tribunal because the claimant had not obtained an ACAS certificate. The claimant was informed of this fact by the tribunal and accepted that this had occurred. The claimant stated that she contacted ACAS on 21 March 2025 and completed the required paperwork in order to submit her claim after that date. The claimant stated in evidence that she had not wanted to make a claim initially and only did so when she received a letter from the respondent sent on 27 February 2025 but received by the claimant on 3 March 2025. This letter stated that the claimant owed the respondent about £400. I found that the claimant was aware from 19 December 2024 that she had a potential employment tribunal claim.
9. The claimant stated that she had not contacted ACAS prior to 7 March 2025 because she did not want to go through with an employment tribunal case as a result of what she had experienced at the respondent. She stated that she also had issues with her mental health at the time and that she was concerned about completing the tribunal paperwork incorrectly. I found that the delay between 19 December 2024 and 3 March 2024 was because the claimant did not intend to pursue a tribunal claim. I found that the delay between 3 March 2024 and 7 March

2024 was because the claimant was intending to complete the paperwork for the tribunal. There is no medical evidence to support the claimant's mental health at the time so I did not find that the delay resulted from any mental health issues.

10. The claimant accepted that she was able to look for the method by which she should file her claim with the employment tribunal online, and she also accepted that she had received assistance from family members in relation to completing her claim form. The claimant accepted that she had intended to move on from her time working at the respondent and did not want to file a claim after the termination of her employment.
11. The claimant stated that it was not reasonably practicable for her to present the claim within time due to the state of her physical and mental health. She stated that any further delay was also as a result of her poor physical and mental health. The claimant accepted that she had all the information required to make her claim by 19 December 2024. I found that the claimant was in a position from 19 December 2024 to bring an employment tribunal claim but chose not to do so at that time.
12. I found that the delay from 19 December 2024 to 7 March 2025 was due to the claimant not wanting to bring a claim but changed her mind due to the 25 February 2025 letter from the respondent. I found that the presentation of the claim form on 7 March 2025 was validly rejected by the tribunal due to the lack of an ACAS Certificate. I found that the delay between 7 March 2025 and 21 March 2025 when the claimant contacted ACAS had no valid reason because the claimant did not present medical evidence from this period as part of her application and could not give any other explanation for why she had not researched how to bring a tribunal claim. I found that the delay from 22 March 2025 (the end of the ACAS period) to 28 March 2025 when the claim was presented had no valid reason because the claimant had attempted to present the claim once and had the relevant information to be able to present it earlier. In any event, the lack of medical evidence meant I did not find that there was any other valid reason for the delay.
13. The respondent stated in submissions that at least one witness has left the organisation. The respondent asserted, and the claimant did not challenge this, that no grievance was ever raised by the claimant during her employment and in fact a grievance was only raised after the receipt of the letter on 3 March 2025 relating to the payment.

Conclusions

Was the claim made to the Tribunal within three months (plus early conciliation extension) of the act to which the complaint relates?

14. The claim was not presented within three months of the act complained of namely the effective date of termination of the claimant's employment on 19 December 2024. The claim was out of time when presented on 28 March 2025.

If not, was there conduct extending over a period?

15. Taking the claimant's case at its highest the last act complained of was the claimant's resignation on the 19th of December 2024 which the claimant has alleged was the final act in a list of discriminatory acts perpetrated by the respondent. The claim was still out of time as there were no further acts complained of by the claimant.

If not, were the claims made within a further period that the Tribunal thinks is just and equitable? The Tribunal will decide:

Why were the complaints not made to the Tribunal in time?

16. As set out above the complaints were not made in time because the claimant initially decided not to proceed with the claim. The further delays were due to the claimant not engaging with ACAS earlier and not researching the process of making an application earlier.

In any event, is it just and equitable in all the circumstances to extend time?

17. While there should be a more favourable line taken with claimants particularly where they are litigants in person I considered the impact on both parties. I took into account that the claimant has a number of mental health conditions but I was not provided with any evidence to suggest that this made her incapable of engaging with the tribunal process, submitting a claim or engaging with ACAS. The claimant had previously been able to submit a claim form on 7 March 2025.

18. I therefore did not find that it was just and equitable to extend the time within which to present this claim and the claimant's claim for discrimination arising out of disability was out of time and was dismissed.

Approved by:

Employment Judge Modupe Smith

24 July 2026

Judgment sent to the parties on:

24 August 2026

For the Tribunal:

Notes

Judgments (apart from judgments under rule 51) and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

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