



EMPLOYMENT TRIBUNALS

Claimant: Ms. K. Timberlake

Respondent: Stevenage FC Foundation

Heard at: Watford (by CVP)

On: 6 August 2026

Before: Employment Judge Callan (sitting alone)

Representation

Claimant: Mr. D. Hallstrom, counsel

Respondent: Ms. I. Brunton, counsel

JUDGMENT

Acting in accordance with rule 38(1) of the Employment Tribunal Procedure Rules 2024, the Tribunal refuses to strike out the claimant's claim on the grounds that there is no reasonable prospect of success.

REASONS

1. On 30 April 2024, the respondent made an application to strike out the claim pursuant to Rules 38 of the Employment Tribunal Rules 2024 on the basis that the claims have no reasonable prospect of success.

2. The respondent's position was that the claims are substantially out of time and therefore the Tribunal was deprived of the jurisdiction to hear them. Based on the commencement of ACAS Early Conciliation, any act prior to the 19 September 2024 is prima facie out of time. The claimant resigned her employment on 20 September 2024 and relies upon that act as an act of unlawful harassment/detriment. That act is within time.

3. The respondent's second basis for its application was that the resignation in response to any act of discrimination was weakened by the delay in her resignation which took place over a year after the last discriminatory act pleaded in the claim form.

4. The claimant's counsel argued that **Lupetti v Wrens Old House Ltd [1984]**

ICR 348 EAT establishes that where the detriment in a discrimination claim is the dismissal itself, time runs from the effective date of termination so as to bring into time the acts of discrimination relied upon if they form a continuous course of conduct, alternatively if she succeeds that in establishing that it is just and equitable to extend time.

5. These are matters which are inherently fact-sensitive, so that it is a matter which is to be determined at the final hearing in the light of all the evidence. It cannot be said that the claims have no reasonable prospect of success. For these reasons, I refused to strike out the claimant's claim either in part or in its entirety.

Employment Judge Callan

Date_10 August 2026__

JUDGMENT SENT TO THE PARTIES ON

25 August 2026

FOR THE TRIBUNAL OFFICE

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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