



EMPLOYMENT TRIBUNALS

Claimant: Mr R Leeding

Respondent: Proserve Logistics Limited

Heard at: Cardiff, via video

On: 23/06/2026

Before: Employment Judge A Lloyd-Lawrie

Representation

Claimant: Mr Sprysak, lay representative

Respondent: Mr Bunting, Counsel

JUDGMENT was sent to the parties on **09/07/2026** and full reasons were requested in accordance with Rule 60 of the Employment Tribunal Procedure Rules. The following written full reasons are therefore provided:

FULL REASONS

1. A public preliminary hearing was held remotely on 23/06/2026. The issues to be determined were set out as:-
 - 1.1 Was the claim made within the time limit in section 123 of the Equality Act 2010 The Tribunal will decide:
 - 1.1.1 Was the claim made to the Tribunal within 3 months (plus early conciliation extension) of the act to which the complaint relates?
 - 1.1.2 If not, was there conduct extending over a period?
 - 1.1.3 If so, was the claim made to the Tribunal within 3 months (plus early conciliation extension) of the end of that period?
 - 1.1.4 If not, were the claims made within a further period that the Tribunal thinks is just and equitable? The Tribunal will decide:
 - 1.1.4.1 Why were the complaints not made to the Tribunal in time?
 - 1.1.4.2 In any event, is it just and equitable in all the circumstances to extend time?
2. By way of a hearing held on 23/06/2026, I heard oral evidence from the Claimant who adopted his witness statement and was asked further questions regarding his health around the relevant time. The Claimant was then cross-examined and re-examined. I then heard submissions from both parties. I bore in mind everything said in the hearing and everything contained in the hearing bundle. I further noted the relevant case law set out in the Respondent's skeleton argument and directed myself to consider these in coming to my decision.

3. I provided an oral decision at the hearing and advised either party of their ability to request written reasons and the time limits for doing so. These were requested by Mr Sprysak in good time. Unfortunately, these were not actioned and passed to me for almost 2 months. I therefore apologise for the delay in these reasons being sent to the parties.
4. It is common ground between the parties that the direct age discrimination, the direct disability discrimination and the discrimination of rising out of disability claims are all brought 10 days out of time the parties agree that all claims are linked to the dismissal that took place on the 11th of February 2025.
5. The parties disagree on whether the failure to make reasonable adjustments claim, that being to follow the occupational health advice allowing the Claimant a rest day in between his working days for 2 weeks was a one-off failure on his return on 4th February 2025 or was part of an ongoing act that ended on 11/02/2025. I find that the act continued until 7th February 2025, the day the Claimant went off sick and thus the Respondent no longer had the opportunity to fail to follow the recommendation of Occupational Health. This claim is therefore also late.
6. All claims relate to causes of action under the Equality Act. Therefore, it is not the reasonable practicability of putting the claim in on time that must be considered, but whether the claims were made in a further period that the Tribunal considers is just and equitable.
7. The relevant provisions of the Act do direct me to consider however, why the complains were not made in time and then to look at whether it was just and equitable in all the circumstances to extend time.
8. In considering the reasons for the claim not being made in time, I note that the Claimant has said that he was mentally unwell during the time, to the extent that he was cognitively impaired and could not properly process his thoughts. He also said that he believed that his medication was doubled at an appointment on 1st July 2025. The Claimant has failed to provide page 2-16 of the GP print from February 2026, so it is not possible to confirm what was discussed at that appointment. However, on the Claimant's evidence, coupled with the documentary evidence, he had done the following in the initial 3 month, plus ACAS extension, limitation period:-
 - 8.1 Spoken to Citizens advice;
 - 8.2 Seen his GP in 27th May to discuss a physical health issue and his mental health but asked for his medical records to be provided to him for help with his personal injury claim;
 - 8.3 Rang ACAS and started his conciliation period on 08/05/2025;
 - 8.4 Spoke to his lay representative throughout the time he was liaising with ACAS;
 - 8.5 Obtained a conciliation certificate from ACAS on 19/06/2025;
 - 8.6 Continued to take actions necessary to pursue his personal injury claim throughout the limitation period for the Employment Tribunal Claim;
 - 8.7 Made his own GP appointment to see the GP on 1st July 2025.

9. The Claimant claims that he knew that there was a limitation period but did not know what it was. He expressly said that ACAS did not tell him when asked in cross examination. I find that that is simply unrealistic. The Appellant had spoken to citizens advice, why may well not be experts but had spoken to ACAS. ACAS conciliators are aware of limitation periods and advising them is standard practice. I find that the Claimant was also speaking to his lay representative throughout the period and that he also is likely to have told the Claimant of the limitation period. I find that the Claimant was aware of the limitation period.
10. I find that the Claimant was very much handling his own affairs, both day-to-day living and legal claims, during the limitation period. I find that he has not provided me with a reasonable explanation, given these facts, why he would have been prevented to put in a claim within the limitation period, with the ACAS extension.
11. I consider the prejudice to the Claimant and the Respondent in allowing the claims to proceed when they have been issued out of time as part of deciding what is just and equitable. In doing so, I consider the relative merits of the claims plead. I concur with the submission of Mr Bunting that the failure to make reasonable adjustments claim appears, on the face of it, to lack good prospects of success as it is reasonable adjustments for the Claimant's fractures which have been found not to amount to a disability. It is difficult to see how this case could be said to have reasonable prospects of success. The prejudice to the Claimant in not being able to pursue this case is very low indeed due to this but the prejudice to the Respondent in defending a claim that has no real merits is great in that it takes time and cost to do so.
12. The direct discrimination claims and the discrimination arising all are regarding the decision to dismiss. There has not been sufficient evidence given at this point, however, the discrimination arising points appear to be regarding the need to make reasonable physical adjustments to the role. As this is not disability related, again, it is difficult to see that this has prospects. Regarding the direct age and direct disability which relate to the act of dismissal, it appears from the pleading that there again lack good prospects as apart from the presence of a disability and the Claimant being close to retirement age, it is not clear on what grounds it is alleged that either was the motivating factor for the action of dismissal. For all claims, therefore, I find the prejudice to the Claimant is low and the prejudice to the Respondent is high in allowing the claims in.
13. I do note that it was a relatively short period that the claims were late by. I find that this does decrease the prejudice to the Respondent but not by a significant amount.
14. When considering all matters in the round, I find that it would not be just and equitable to extend time in this case. Therefore, the appeal is concluded as all claims are all out of time and time has not been extended.

Approved by:

Employment Judge Lloyd-Lawrie

13/09/2026

SENT TO THE PARTIES ON

15 September 2026

Lauren Chambers
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/