



EMPLOYMENT TRIBUNALS

Claimant: Linda Khumbanyiwa

Respondent: Tom and Ruth Chapman

JUDGMENT

The claim is struck out.

REASONS

1. The claimant's essential complaint in this claim is that she suffered personal injury as a consequence of (she says) being forced to wear high heels whilst working for Matchesfashion Limited between 2014 and 2018. In her claim form she ticked the boxes for race discrimination, disability discrimination and whistleblowing detriment.
2. The claim was presented on 16 May 2024, being nearly 6 years after the end of her employment. The named respondents are Tom and Ruth Chapman, who are former directors of Matchesfashion Limited (Tom is recorded on Companies House as having resigned in 2020; Ruth in 2017). Matchesfashion Limited went into administration in 2024.
3. The deadline for a response passed without any response being received. Upon review under (then) Rule 21, EJ McLaren wrote to the claimant, including the following direction:

"Further you say your employment ended in 2018 but your claim was lodged in 2024. Claims must generally be brought within 3 months of the end of employment. Please can you explain why you did not bring your claim earlier so a Judge can consider whether it would be just and equitable to extend the time limit. You should do so within 14 days."
4. The claimant responded on 2 December 2024 explaining, in essence, that it was only in 2024 that she realized how detrimental the effect of wearing high heels when working had been to her knees, and that she was now suffering from severe osteoarthritis. The evidence submitted with that email includes a Absence Management Referral that discusses, among other things, knee pain.

5. Nothing then happened on the case until 12 February 2026, when the claimant resent a slightly amended version of her email of 2 December 2024, followed by further details on 14 March 2026. The materials were considered by EJ Burge who issued a letter in the following terms:

“On the Tribunal’s own initiative, in accordance with Rule 38 of the Employment Tribunal Rules of Procedure:

Employment Judge Burge is considering striking out the claim. While the Tribunal accepts, and has taken careful account of, the fact that the Claimant has plainly struggled with her physical and mental health over a number of years, the Judge is not persuaded that her ill health provides an adequate explanation for the very substantial delay in presenting these proceedings.

The medical evidence demonstrates periods of significant difficulty, but it also shows sustained engagement with healthcare providers, the ability to articulate concerns, and, at times, to pursue other matters notwithstanding those difficulties.

It is the Judge’s view that the Claimant has no reasonable prospects of successfully persuading a Tribunal that it would be just and equitable to extend time and therefore the claim should be struck out.

If you wish to object to this proposal, you must write to the Tribunal within 14 days giving your reasons or requesting a hearing at which you can give them.”

6. The claimant responded on 21 April 2026, seeking to rely on the “date of knowledge” provisions under the Limitation Act 1980. In terms of the substantive basis of her complaints, she argued that the “*circumstances created a foreseeable and avoidable risk of injury and may amount to breaches of statutory duty, including the Health and Safety at Work etc. Act 1974 and the Management of Health and Safety at Work Regulations 1999*”. She described her health provided a barrier to earlier action. She did not request a hearing. Subsequently, on 18 May 2026, the claimant also submitted a supporting statement from her partner

7. Rule 38 of the Rules provides (insofar as relevant) that:

“(1) The Tribunal may, on its own initiative or on the application of a party, strike out all or part of a claim, response or reply on any of the following grounds—

(a) that it is scandalous or vexatious or has no reasonable prospect of success;

[...].

(2) A claim, response or reply may not be struck out unless the party advancing it has been given a reasonable opportunity to make representations, either in writing or, if requested by the party, at a hearing.

[...]”

8. Having considered all of the materials on file, I am satisfied that the claim has no reasonable prospect of success. This is for the following reasons:

- a. The claim is brought against two individual defendants, yet nowhere in any of the materials has the claimant explained why they are personally responsible for the 'high heels' policy.
 - b. In any event, I cannot see on what basis the 'high heels' policy can be relied upon for complaints of race discrimination, disability discrimination or whistleblowing detriment. Fundamentally, it appears to me that the claim that the claimant appears to want to pursue is for personal injury, but that is not a claim within the jurisdiction of the Employment Tribunal – it must be pursued in the civil courts.
 - c. Even if the above problems could be overcome, like EJ Burge, I can see no reasonable prospect of the claimant successfully persuading a Tribunal that it would be just and equitable to extend time (assuming, in her favour, that the most generous test applicable to claims before the Tribunal would apply in her case). The delay is a very substantial one and does not come close to being justified on the evidence provided.
9. In the circumstances described above, I am satisfied that it is in the interests of justice to strike out the claim as having no reasonable prospect of success.

Approved by:

Employment Judge Abbott

Date: **21 September 2026**

JUDGMENT SENT TO PARTIES
ON
26 September 2026

FOR THE TRIBUNAL OFFICE

P Wing