



EMPLOYMENT TRIBUNALS

Claimants: James Glendenning

Respondent: Unipart Group Limited

Record of a Case Management Preliminary Hearing on Papers at the Employment Tribunal

Heard at: Nottingham

Heard on: 5 August 2026

Before: Employment Judge M Butler (sitting alone)

JUDGMENT

The judgment of the Tribunal is that the Claimant's application to amend his claim is dismissed.

REASONS

Background to this Hearing

1. The Claimant was dismissed by the Respondent on 20 August 2024 and submitted his claim on 27 January 2025. He originally brought claims of unfair dismissal, age discrimination, disability discrimination, discrimination on the grounds of religion or belief and sex discrimination. There have been preliminary hearings on 28 July 2025 before Employment Judge McTigue, 10 December 2025 before Employment Judge M Butler and 16 April 2026 before Employment Judge Siddique. During the course of those hearings, the claims of unfair dismissal, age discrimination and discrimination on the grounds of religion or

belief, have been dismissed and the remaining claims are direct sex and disability discrimination, failure to make reasonable adjustments and harassment related to sex and disability.

2. In response to my order requiring further and better particulars of the Claimant at the preliminary hearing on 10 December 2025, the Claimant attended the hearing before Employment Judge Siddique with a document, now referred to as "Document SA", giving further and better particulars of his claims but also, by his own admission, introducing new facts in relation to them. Those new facts appear at clauses 14, 16, 24, 27 and 28 of Document SA.
3. This hearing is to determine, on the papers, the Claimant's application to amend his claim to include these new facts. Both the Claimant and the Respondent have made written submissions in relation to the amendment, which is opposed by the Respondent. I confirm I have taken their submissions fully into account in reaching my decision, but I do not repeat those submissions here.

The Law

4. The general principles applicable to applications to amend were set out on the instruction of Employment Judge Broughton in a letter to the parties dated 10 July 2026. Judge Broughton noted that the Tribunal has a broad discretion to allow amendments at any stage of the proceedings under rule 30 of the Employment Tribunal Rules of Procedure 2024. Judge Broughton referred to the EAT judgment in **Selkent Bus Co Ltd. v Moore [1996] ICR 386**, which provides that a Tribunal must always carry out a careful balancing exercise of all the relevant factors, having regard to the interest of justice and to the relative hardship that would be caused to the parties by granting or refusing the amendment.
5. The relevant factors include the nature of the amendment, the applicability of time limits and the timing and manner of the application.
6. The judgment in **Selkent** also makes clear that where the Claimant cannot show a causative link between the grounds of complaint set out in the ET1 and the proposed amendment, the Claimant will be regarded as raising an entirely new cause of action. There is a significant difference between this and merely relabelling a claim that has already been made.

Conclusions

7. The Claimant has set out five entirely new sets of facts, which have not been referred to earlier. This, in itself, will create a requirement for the Respondent to make further investigations, take further witness evidence and incur further costs both financially and in terms of time.
8. More critically, as identified by the Respondent, the new facts set out are far from clear in relation to what is being claimed. Further, whilst at the end of each set of new facts the Claimant identifies into which category of claim he says the new facts fall, unfortunately for the Claimant it is not clear how they do fall within these stated categories.

9. I do not consider each amendment individually. The reason for this is that they all fall at the same hurdle. Put simply, they fail to recognise any causative link between the facts outlined and the claims into which the Claimant suggests they fall. This, in itself, is fatal to the application to amend.
10. In relation to other relevant circumstances, the application is made almost 18 months after the claim has been submitted. During that time, memories are bound to fail and taking instructions at this late stage may cause difficulty for the Respondent.
11. Moreover, the claims, being new claims, are out of time. If the Claimant has been able previously to formulate his claims, he could have done the same with the new claims he is attempting to pursue. In my judgment, this would also defeat any application to extend time on just and equitable grounds.
12. The final relevant factor I consider, is whether the new claims have prospects of success. For the reasons set out above, particularly the lack of any causative link between the facts and the category of claim they are said to fall into, I do not consider there are reasonable prospects of these claims succeeding.
13. For the above reasons, the application to amend the claims is dismissed.

Approved by

Employment Judge M Butler

Date: 8 September 2026

JUDGMENT SENT TO THE PARTIES ON:

29/09/2026

J. Woolley

Note

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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