



EMPLOYMENT TRIBUNALS

Claimant: Dr M Abbasi

Respondent: Beautology UK Limited

Heard at: Bristol Employment Tribunal (by video) **On:** 12 June 2026

Before: Employment Judge Ferguson

Representation

Claimant: Did not attend and was not represented

Respondent: Mr R Pickard, counsel

JUDGMENT was sent to the parties on 6 July 2026, and written reasons were requested in accordance with Rule 60 of the Employment Tribunal Procedure Rules. The following written full reasons are therefore provided.

FULL REASONS

BACKGROUND

1. This hearing was listed to determine a number of preliminary issues:
 - 1.1. To what extent the matters set out the Claimant's document "Response to Tribunal" submitted on 9 September 2025 require permission to amend in order for the Claimant to pursue them;
 - 1.2. In respect of any matters identified as requiring permission to amend, whether the Claimant should be granted such permission;
 - 1.3. If, following a decision on the first two issues, the claim consists only of a complaint of ordinary unfair dismissal, whether it should be struck out on the basis that the Claimant does not have two years' service;
 - 1.4. Whether the Tribunal has jurisdiction to consider the claim in light of the applicable time limits. This will involve consideration of whether it was reasonably practicable for the Claimant to bring the claim in time and, if not, whether it was brought within a further reasonable period;

- 1.5. Whether the claim or any part of it should be struck out on the basis it has no reasonable prospect of success;
 - 1.6. Whether a deposit order should be made in respect of the claim or any argument within it on the basis it has little reasonable prospect of success;
 - 1.7. Case management, if the claim proceeds.
2. The Claimant submitted a claim form on 10 April 2025, following a period of early conciliation from 26 January to 9 March 2025. She ticked the boxes for unfair dismissal and whistleblowing. The Claimant said she was employed by the Respondent from 20 November 2023 to 30 November 2024 as an Aesthetician. In the details of claim, the Claimant set out a narrative which included disputes about her lateness for work, for which she was given a written warning. The Claimant said she raised concerns about this which were escalated to the Managing Director but not dealt with properly. Shortly after this she was offered the team leader position, which she accepted, but it was later retracted due to the Claimant's absence following a family bereavement. The Claimant complained that that absence was labelled as unauthorised leave and clients were told the Claimant was off sick. The Claimant also says there was an incident where she was blamed for a client reacting to a product, and when she said she had followed the in-house training she was accused of questioning the training, pulled out of treatment and excluded from further training. The Claimant handed in her notice on 9 November, saying that 30 November would be her last day. On 11 November she was told not to return the following day, which prevented her from saying goodbye to colleagues and clients. The Claimant also complains about the Respondent not informing the Home Office and HMRC about her employment status.
 3. The Respondent defended the claim on the basis that it appeared to raise complaints of automatic constructive unfair dismissal (due to protected disclosures) and detriments because of protected disclosures. It noted, however, that the Claimant had not particularised her claim and had not identified the protected disclosure(s) relied upon. It denied that the Claimant had made any protected disclosures and defended all of the matters the Claimant complained about.
 4. The claim was listed for a preliminary hearing for case management on 21 November 2025. By letter dated 26 August 2025 the Tribunal informed the parties that the hearing would be extended to two hours "to consider whether the claim contains any claim of whistleblowing detriment and if not to consider striking out the claim of unfair dismissal on the grounds of lack of jurisdiction". The Claimant was also ordered to write to the Respondent and the Tribunal by 9 September 2025 stating whether she made protected disclosures, and if so to provide details.
 5. The Claimant provided a document on 9 September 2025 entitled "Response to Tribunal Order". This set out 7 alleged protected disclosures, involving alleged health and safety risks to staff and clients, and/or breaches of legal obligations, including professional duty of care, patient safeguarding and compliance with the safety regulations. None of the alleged disclosures

were mentioned in the claim form, other than the issue about the client who had a reaction to a product.

6. In preparation for the November hearing the parties liaised to produce a draft list of issues. In that document the Claimant provided further information about some of the alleged disclosures. She also set out a list of detriments that she said occurred because of the disclosures and which led her to resign.
7. The complaints and issues were discussed at the preliminary hearing on 21 November 2025. I expressed the view at the time that the Claimant required permission to amend to pursue all of the complaints as set out in the list of issues, but it was agreed that it would be more appropriate for that matter to be determined at a further preliminary hearing. The alleged detriments were reflected in an agreed provisional list of issues as follows:
 - “4.1.1 From 14 October 2024 onwards, exclusion from training sessions and being prevented from performing procedures I was qualified for, including laser sessions. [**Claimant to provide details including dates and names of people involved**]
 - 4.1.2 After 21 October 2024, being logged as ‘refusing treatments’ despite acting in the interest of client and staff safety.
 - 4.1.3 After 19 October 2024, restrictions on access to work tools and apps after responsibly reviewing client communications.
 - 4.1.4 After 19 October 2024, moving/cancelling clients last minute and subjecting me only to cleaning rooms and common areas, emptying bins and doing laundry.
 - 4.1.5 From 14 October 2024, verbal reprimands, pressure, and being singled out by management for raising legitimate concerns about client and colleague safety. [**Claimant to provide details including dates and names of people involved**]
 - 4.1.6 Being asked to perform tasks contrary to my professional judgment or religious/cultural restrictions. [**Claimant to provide details including dates and names of people involved**]
8. It was also noted at the hearing in November 2025 that the claim appeared to have been brought out of time, so the Tribunal may not have jurisdiction to consider it.
9. The case was listed for a one-day preliminary hearing on 20 March 2026 to determine both the jurisdiction/ time limit issue and the amendment issue.
10. The Claimant resides in Pakistan and has been living there permanently throughout these proceedings. She has attended all hearings by video from Pakistan. At the hearing in November 2025 the position as regards giving evidence from abroad was explained to the Claimant. The case management order recorded that it was explained to the Claimant that “if she is unable to obtain permission (at all, or within a reasonable time), and is unable or unwilling to travel to the UK for the hearing, it may not be possible for her to proceed with the case”.
11. The Claimant attended the hearing on 20 March 2026 from Pakistan. She said that she had applied for permission to give evidence from Pakistan

immediately after the last hearing, but had not had a response.

12. The Claimant had produced a witness statement on the time limit issue and sought to rely on an email from ACAS which, on the face of it, contained inaccurate information about the deadline for presenting her claim (saying that the early conciliation certificate was issued on 11 March, when in fact it was 9 March, and saying that the deadline was 10 April, when in fact it was 9 April). It was agreed that the Claimant would need to disclose all of her correspondence with ACAS in order for the email to be considered in its proper context. The Claimant then produced two PDF documents consisting of over 400 pages of correspondence with ACAS and sent them to the Respondent. Having been given some time to look over the documents briefly, counsel for the Respondent confirmed that the Respondent would not be prepared to accept that it was reasonable for the Claimant to rely on the incorrect information given, and would want to cross-examine her about the correspondence.
13. The Claimant therefore needed to give evidence in order to discharge the burden of showing it was not reasonably practicable to present her claim in time, and that it was presented within a further reasonable period.
14. By agreement, in light of the fact that the Claimant was not able to give evidence remotely from Pakistan without permission, the hearing was re-listed to take place today. Orders were made as to further disclosure, preparation of a bundle, and a supplementary witness statement from the Claimant, to be provided by 8 May 2026. The Respondent was ordered to send a skeleton argument on strike out or deposit by 29 May 2026.
15. The Claimant was also ordered to confirm by 22 May 2026 whether she had obtained permission to give evidence from Pakistan. If permission had not been granted, she was ordered to confirm by that date whether she intended to travel to the UK (or USA, as the Claimant had indicated she has a visa that would enable her to travel there) for the re-listed preliminary hearing, and if not, either confirmation that the claim was withdrawn or submissions as to how the claim could proceed.
16. The Claimant did not comply with that order. On 8 June 2026 she applied to postpone the hearing on the basis that the Respondent had not complied with orders for preparation of the bundle and skeleton arguments. Within the application the Claimant also said the following:

“The Claimant has been making enquiries regarding the ability to give evidence remotely from Pakistan. While informal indications have been received, formal written confirmation remains outstanding. The Claimant will comply with any Tribunal direction regarding attendance and evidence, but the arrangements remain contingent on clarification of overseas evidence permissions, which are still pending formal written confirmation.”
17. The Respondent opposed the application to postpone, accepting there had been some slippage in the timetable, but arguing that this did not prevent the Claimant from complying with the order relating to giving evidence from

abroad, or indeed from producing a supplementary witness statement on the time limit issue. The bundle was provided on 21 May 2026 and the Respondent's skeleton argument on strike out or deposit was sent on 9 June.

18. The application to postpone was refused by Regional Employment Judge Pirani on 11 June 2026. He also wrote: "The claimant must ensure that she is in a jurisdiction from which she is able to give evidence. Failure to do so is likely to result in adverse costs consequences."

19. On 11 June the Claimant sent a supplementary witness statement and other documents for the hearing. The Claimant wrote:

"I also wish to respectfully inform the Tribunal that my ability to participate in the hearing remains dependent on the outstanding status of written permission required to give evidence remotely from Pakistan. Whilst I have received verbal indications that the request is under consideration, formal written confirmation has not yet been issued. In those circumstances, I am not currently in a position to confirm final arrangements for participation and respectfully request that this issue be addressed as a case management matter."

20. The Claimant did not attend today's hearing. Attempts were made to contact her and the start of the hearing was put back to 10.50am to give her more time to attend. She did not attend and the hearing proceeded in her absence. I was satisfied it was in the interests of justice to proceed in her absence because the Claimant clearly knew about the hearing and had chosen not to attend.

21. I have heard submissions from Mr Pickard on behalf of the Respondent and taken into account the Claimant's witness statements and written submissions.

22. The Claimant's case on the time limit issue was that she relied on an email from the ACAS conciliator, sent on 8 April 2025, which reads as follows:

"I cannot advice you on what to do. However, they are willing to engage in discussing settlement so it is up to you to decide on whether to give them more time or not. Your certificate was issued on the 11th March so if you wish to progress your claim to the ET, your application would have to be in by the 10th April. What people normally do is, in order not to be out of time, if they make a claim and the case is resolved then they write to the ET to withdraw the case. Its is for you to decide."

23. It is not in dispute that that email was wrong in two respects. The certificate was issued on 9 March, not 11 March. If it had been issued on 11 March, the extended time limit would have been 11 April, not 10 April. In fact, the time limit expired on 9 April.

24. The Claimant's supplementary witness statement states that she had no reason to believe the information provided by ACAS was incorrect, and she reasonably relied upon it.

THE LAW

Time limits

25. Complaints of unfair dismissal, and detriments due to whistleblowing, are subject to a primary three-month time limit, pursuant to s.48 and s.111 of the Employment Rights Act 1996, which may be extended pursuant to s.207B due to early conciliation. The Tribunal only has jurisdiction to consider a complaint presented outside the time limit if it was “not reasonably practicable” to bring the claim in time and it is brought within a further reasonable period.
26. In Palmer and anor v Southend-on-Sea Borough Council 1984 ICR 372, the Court of Appeal conducted a general review of the authorities and concluded that “reasonably practicable” does not mean reasonable, which would be too favourable to employees, and does not mean physically possible, which would be too favourable to employers, but means something like “reasonably feasible”.
27. It is well established that ignorance or mistaken belief as to rights or time limits will not render it “not reasonably practicable” to bring a claim in time unless that ignorance or mistaken belief is itself reasonable. It will not be reasonable if it arises from the fault of the employee in not making inquiries that he or she should have made (Wall’s Meat Co Ltd v Khan 1979 ICR 52).

Amendment

28. As confirmed by the Employment Appeal Tribunal in Vaughan v Modality Partnership [2021] ICR 535, the Tribunal has a broad discretion in determining applications to amend. The key test is that set out in Cocking v Sandhurst (Stationers) Ltd [1974] ICR 650:

“In deciding whether or not to exercise their discretion to allow an amendment, the tribunal should in every case have regard to all the circumstances of the case. In particular they should consider any injustice or hardship which may be caused to any of the parties, including those proposed to be added, if the proposed amendment were allowed or, as the case may be, refused.”

29. In applying that test, the Selkent factors may be relevant, namely the nature of the amendment, the applicability of time limits and the timing and manner of the application. Other factors may also be relevant, depending on the circumstances of the case.
30. As to the applicability of time limits, in Abercrombie and others v Aga Rangemaster Ltd [2014] ICR 209 Underhill LJ, with whom the rest of the Court agreed, said:

“...the approach of both the Employment Appeal Tribunal and this court in considering applications to amend which arguably raise new causes of action has been to focus not on questions of formal

classification but on the extent to which the new pleading is likely to involve substantially different areas of inquiry than the old: the greater the difference between the factual and legal issues raised by the new claim and the old, the less likely it is that it will be permitted. It is thus well recognized that in cases where the effect of a proposed amendment is simply to put a different legal label on facts which are already pleaded permission will normally be granted.

...

Mummery LJ says in his guidance in *Selkent Bus Co Ltd v Moore* [1996] ICR 836 that the fact that a fresh claim would have been out of time (as will generally be the case, given the short time limits applicable in employment tribunal proceedings) is a relevant factor in considering the exercise of the discretion whether to amend. That is no doubt right in principle. But its relevance depends on the circumstances. Where the new claim is wholly different from the claim originally pleaded the claimant should not, absent perhaps some very special circumstances, be permitted to circumvent the statutory time limits by introducing it by way of amendment. But where it is closely connected with the claim originally pleaded – and a fortiori in a relabeling case – justice does not require the same approach.” (paras 48-50)

31. Whilst the Tribunal should not embark on a detailed consideration of the merits on an amendment application it can do so when the case is hopeless and even in a case where the case is not hopeless but it is obviously weak, provided it proceeds “with care and caution and, if it is relying on its general view of the strength of a proposed complaint as a point against granting the amendment, then it must identify a reasoned basis for doing so on which it is properly entitled to rely, bearing in mind that it does not have before it the full evidence that the tribunal would have at a full hearing, and the need to avoid becoming drawn in to conducting a mini- trial. But, if it reaches that view properly, then questions of weight and balance are then for it to decide, and the EAT can only intervene on grounds of perversity”. (*Kumari v Greater Manchester Mental Health NHS Foundation Trust* [2022] EAT 132 at [70] to [73], [84]).

CONCLUSIONS

32. I address the time limit issue first. Even if the Claimant is given permission to amend to pursue all of the matters in the provisional list of issues, she would still need to establish that it was not reasonably practicable to bring the claim in time and it was brought within further reasonable period. The alleged detriments all pre-dated the Claimant’s resignation so the time limit was the same or earlier. I will therefore consider whether the Claimant has established it was not reasonably practicable to bring the claim in time.
33. There is some doubt as to the Claimant’s effective date of termination, but it does not affect the time limits. Whether the effective date of termination was 9 or 30 November 2024, the ordinary time limit expired in February 2025. That was during the early conciliation period, so the Claimant benefits from an

extension of time. The extended time limit expired one month after the date on which the early conciliation certificate was issued. The certificate was issued on 9 March 2025. The extended time limit therefore expired for all complaints on 9 April 2025 at the latest.

34. The Claimant has not given evidence because she did not attend the hearing. She has been warned on numerous occasions that she needed to give evidence because burden is on her to establish an extension of time. The Respondent does not suggest that the email from ACAS was not genuine. It does appear that the Claimant was incorrectly advised by the ACAS conciliator, on 8 April 2025, that the time limit expired on 10 April.
35. That does not mean, however, that it was not reasonably practicable for the Claimant to present her claim sooner. She has not given any evidence as to what her belief was about the time limit prior to that email, or why she left it until the very last minute to bring her claim. I also do not accept, in the absence of any evidence from the Claimant, that it was reasonable for her to rely on the email given that it gave an obviously incorrect date for the certificate itself. At the very least it would have been reasonable for the Claimant to make further enquiries.
36. It is for the Claimant to show that it was not reasonably practicable to bring the claim in time. She has not discharged that burden. The Tribunal does not have jurisdiction to consider the claim.
37. As for the further complaints in the Claimant's email of 9 September 2025 and the list of detriments provided on 20 November 2025, the Claimant has not given any evidence as to why those matters could not have been included in the original claim form. It must follow that she would not be able to establish that it was not reasonably practicable to bring those complaints in time, i.e. by 9 April 2025. The same considerations apply.
38. As for the application to amend itself, I am satisfied that the claim form either contains no complaints of automatic unfair dismissal or detriments because of protected disclosures – ticking the box not sufficient – or to the extent that it does, those complaints as the claim stands have no reasonable prospect of success. The Claimant has not properly identified a disclosure of information that could constitute a qualifying disclosure and has not even asserted that she resigned because of detrimental treatment due to whistleblowing. She requires permission to amend, therefore, to add the protected disclosures and detriments she now seeks to rely on.
39. The balance falls squarely on the side of refusing the application to amend. The injustice and hardship to the Respondent is greater if the amendment is allowed than to the Claimant if it is refused. The application represents a significant expansion of the claim. Much of it is still unclear. The Claimant seeks to add protected disclosures and detriments, facts not mentioned in claim form, long past the expiry of the time limit for bringing such complaints. She has not established or shown that she would be likely to establish it was not reasonably practicable to bring those complaints in time. That is very weighty factor in this case. The Claimant has also not attended today's hearing, at which the application to amend was to be determined. She

has already caused prejudice to the Respondent by the way in which she has pursued these proceedings. It would be wholly unfair to the Respondent to allow the amendment and allow the case to proceed to any extent.

40. The application to amend is therefore refused.

41. It is unnecessary to address the other matters that were listed for consideration today.

Approved by
Employment Judge Ferguson
Date: 14 October 2026

SENT TO THE PARTIES ON
16 October 2026

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/