



EMPLOYMENT TRIBUNALS

Claimant: Georgina Chambers

Respondent: London Borough of Lewisham

RECORD OF A TELEPHONE CASE MANAGEMENT HEARING

Heard at: London South **On:** 15 October 2021

Before: Employment Judge Cheetham QC

Representation

Claimant: in person
Respondent: John Wiggins (solicitor)

OPEN PRELIMINARY HEARING

JUDGMENT

1. The Tribunal does not have jurisdiction to hear this claim, as it has been brought out of time and the claim is therefore dismissed.

REASONS

1. This claim was previously before the Tribunal on 6 July 2021, when the Claimant was directed to provide further information explaining her claims. She did so and the Respondent put in amended grounds of response, arguing that the claims remained vague and unclear and that – in any event – they were all

out of time. The Respondent also made applications to strike out, alternatively seek a deposit order.

The further information

2. The Claimant had set out her claim under 6 headings and, at the start of the hearing, the Tribunal went through each of them with her, because they remained unclear in terms of what exactly was being claimed.
 - (i) “Ralph/Selwyn incident”: this described an incident in 2017, but there was no actionable complaint and it was therefore part of the background.
 - (ii) “PC sexual harassment”: this related to an incident in early 2018 when this individual – who was a contractor, not an employee – made a sexual remark to the Claimant.
 - (iii) “Standard setting”: the Claimant was unable to clarify what exactly was this complaint, beyond an allegation that her manager (RW) stopped a Council programme because of (possibly) race.
 - (iv) “Recruitment”: the allegation was that at some point up to 2019, RW criticised the Claimant for recruiting non-white staff, which was described as associative race discrimination,
 - (v) “My JD evaluation”: this was an allegation of sex discrimination (which had not been mentioned before), namely that RW refused to reassess the Claimant’s job description at some point in 2017.
 - (vi) “2019” investigation”: RD restricted the investigation into the Claimant’s grievance in mid-2019 because of race (again on an associative basis).

Limitation

3. As was explained to the Claimant at the previous hearing, limitation was an important issue in this case, as the allegations are all between one and three years out of time.
4. Under the Equality Act 2010 s.123:
 - (1) *Subject to section 140B proceedings on a complaint within section 120 may not be brought after the end of—*
 - (a) *the period of 3 months starting with the date of the act to which the complaint relates, or*
 - (b) *such other period as the employment tribunal thinks just and equitable.*
 - (2) *Proceedings may not be brought in reliance on section 121(1) after the end of—*
 - (a) *the period of 6 months starting with the date of the act to which the proceedings relate, or*
 - (b) *such other period as the employment tribunal thinks just and equitable.*
 - (3) *For the purposes of this section—*

(a) conduct extending over a period is to be treated as done at the end of the period;

(b) failure to do something is to be treated as occurring when the person in question decided on it.

5. The Claimant was asked to help the Tribunal as to why it might be just and equitable to extend time in these circumstances. She had not addressed this issue previously or provided any explanation for the delay. In her submissions, she said that the reason for not submitting the claims in time was that she did not want to raise the complaints at the time and did not want to formalise them. She had hoped that she and the Respondent could sort things out together, but realised when she was dismissed that would not happen.
6. Unfortunately, those reasons – although no doubt genuine – do not assist. The Claimant did not suggest that she was unaware of the limitation period for bringing claims to the employment tribunal, nor that anything prevented her from doing so. She appears as someone who is educated and articulate, so should not have had any difficulty accessing the necessary information.
7. Alongside the absence of any cogent reasons, there is the weakness of the claims. Apart from the allegation of sexual harassment, these remain largely unclear and – in part - incoherent complaints. The Respondent in its amended Grounds of Response has a strong defence to each one of them (so far as they are understood).
8. In addition, allowing these claims to proceed after such a length of time would cause significant prejudice to the Respondent, which would then be trying to gather evidence around events that allegedly occurred up to 4 years ago.
9. For all those reasons, the Tribunal's judgment was that it would not be just and equitable in the circumstances of this case to extend time and the claims are therefore dismissed.
10. For the avoidance of doubt, even if limitation had not been such a hurdle, the claims would most likely have been struck out as having no reasonable prospect of success, but – in the event – it was not necessary to consider that application further.

Employment Judge Cheetham QC

Date: 15 October 2021