



EMPLOYMENT TRIBUNALS

Claimant: Mr P Edwards

Respondent: Harman Technology Limited

Heard at: Manchester

On: 18 October 2022

Before: Employment Judge Porter

Representation

Claimant: In person

Respondent: Mr R. Powell of counsel

JUDGMENT

The judgment of the Tribunal is that:

1. The claimant failed, on presenting the claim to the tribunal on 2 July 2021, to include the correct Early Conciliation Certificate Number R231887/20/66 which was issued following commencement of the conciliation period (DAY A) on 21 December 2020 and termination of the conciliation period (DAY B) on 21 December 2020.
2. On presentation of the claim the claimant included in the claim form the Early Conciliation Certificate number R125658/21/92 which was issued following a further reference to ACAS and the commencement of the conciliation period (DAY A) on 29 March 2021 and termination of the conciliation period (DAY B) on 14 April 2021. That is a second certificate outside the statutory scheme and is a nullity.

3. As a consequence of the failure to include the correct Early Conciliation Certificate number in the claim form the tribunal hereby rejects the claim form and orders that it be returned to the claimant.
4. The claimant has a right to amend the claim form to include the correct Early Conciliation Number and to request the tribunal to reconsider its decision.

Employment Judge Porter
Date: 18 October 2022

JUDGMENT SENT TO THE PARTIES ON
20 October 2022

OR THE TRIBUNAL OFFICE

Note

1. This has been a remote hearing which has not been objected to by the parties. The form of remote hearing was that the judge and the parties attended by CVP. A face-to-face hearing was not held because it was not practicable and all issues could be determined in a remote hearing.
2. 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.
3. If you think the Tribunal's decision was wrong, you can ask the Tribunal to **reconsider** its decision.
4. If you agree with the Tribunal's decision, you can correct the mistake identified in the Tribunal's judgment and then ask the Tribunal to **reconsider** its decision.
5. If you think the Tribunal has made a mistake about the law, you can **appeal** to the Employment Appeal Tribunal.
6. How to ask the Tribunal to **reconsider** its decision and how to **appeal** is explained below.

How do I correct the problem identified in the rejection letter?

7. If the problem is that the early conciliation number on the claim form is not the same as the number on the correct early conciliation certificate, you could write to the Tribunal with the correct number.
8. If you need further information about the early conciliation process, contact ACAS's Helpline on 0300 123 1100 or visit their website at www.acas.org.uk.

How do I ask the Tribunal to reconsider its decision?

9. If you want the Tribunal to **reconsider** its decision you must write to us **within 14 days of the date** of the sending of this written record of the decision. Give the case number, which is recorded at the top of this page. If you believe the Tribunal's decision was wrong, say why. If you have now followed the early conciliation process, explain how and provide any new certificate number. If you want to put your points to the Tribunal at a hearing before the Tribunal decides whether your claim should now be accepted, say so.
10. **The time limit for asking the Tribunal to reconsider its decision is 14 days from the sending of this written record of the decision but there is also an overall time limit for starting a Tribunal claim. Unless the Tribunal got it wrong when it rejected your claim, your claim will only start from the date you write to the Tribunal correcting the mistake identified in the rejection letter, so you must not delay in writing in.**

How do I appeal?

11. If you believe that the Tribunal has made a mistake about the law, or its decision is one that no reasonable Tribunal could have reached, you can **appeal** to the Employment Appeal Tribunal. Your appeal must be on the official appeal form and set out why you think the Tribunal's decision was wrong. You must enclose copies of your claim form and the judgment. You can get appeal forms and information on how to appeal at www.gov.uk/appeal-employment-appeal-tribunal or from Employment Appeal Tribunal, 7 Rolls Building, Fetter Lane, London, EC4A 1NL.
12. The **time limit for an appeal is 42 days from the date** of the sending of this written record of the decision **but there is also an overall time limit for starting a claim**. So, if you decide to appeal, you might also want to ask the Tribunal to reconsider its decision. If you do, you must send the Employment Appeal Tribunal a copy of your letter asking the Tribunal to reconsider and a copy of any reply from the Tribunal, as well as your original claim form and rejection letter. The time limit for an appeal is still 42 days even if you ask for reconsideration.

Public access to employment tribunal decisions

13. Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.