EMPLOYMENT TRIBUNALS

Claimant: Mr T Charlesworth

Respondents: (1) Dolphin School Ltd
(2) Dolphin School 1970 LLP

Heard at: **Reading (via CVP)** **On:** **28 November 2022**

Before: **Employment Judge Varnam**

Representation
Claimant: In person
Respondents: Mr K Ali, counsel

JUDGMENT

1. The name of the Respondents is amended to (1) Dolphin School Ltd and (2) Dolphin School 1970 LLP.

2. The Claimant's claims of detriment for making a protected disclosure and of unfair dismissal were brought outside the primary time limits set out in sections 48(3)(a) and 111(2)(a) of the Employment Rights Act 1996.

3. It was not reasonably practicable for the Claimant's claims to be presented within the primary time limits, but the Claimant failed to present his claims within a reasonable period after the expiry of the primary time limits.

4. The Claimant's claims are accordingly dismissed, as the Tribunal has no jurisdiction to hear them.

REASONS

Introduction

1. This matter was listed before me to determine whether the Tribunal had jurisdiction to hear the Claimant's claims alleging that he had been subjected to detriments for making protected disclosures, and that he had been unfairly dismissed. The key question was whether the Claimant had brought his claims within the applicable statutory time limits, which included

questions as to whether those time limits should be extended.

2. I heard evidence and submissions from the Claimant, who represented himself. The Claimant was cross-examined by Mr Ali, counsel for the Respondent, who also made submissions on behalf of the Respondent. I am grateful to both the Claimant and Mr Ali for their assistance.

3. At the conclusion of the hearing, I gave judgment dismissing the Claimant's claims as being outside the jurisdiction of the Tribunal. Oral reasons for my decision were provided at the time. The Claimant, as he was entitled to, made an oral request for written reasons, and these are now provided.

Identify of the Respondent

4. Before turning to deal with the substantive issues that were before me, I will deal briefly with the name of the Respondent(s). In his ET1, the Claimant had named the Respondent as simply 'Dolphin School'. The ACAS early conciliation certificate names the prospective Respondent as 'Dolphin School LLP'. In the Respondent's ET3, it was said that the entity operating Dolphin School had, until 1 September 2020, been Dolphin School 1970 LLP ('the LLP'). The LLP had previously been named Dolphin School LLP. The ET3 stated that, following a transfer on 1 September 2020, Dolphin School Ltd ('the Company') had operated the school.

5. While the ET3 appeared to contend that the claim should be rejected under rule 12 of the Employment Tribunal Rules of Procedure 2013 (or, since the claim had already been accepted, that that acceptance should be reconsidered and revoked under rule 70), on the basis that the ACAS early conciliation certificate named the LLP while the ET1 (it was said) only named the Company, this point was not listed for determination before me. Had it been, then I would have applied rule 12(2A), and would very probably have concluded that the Claimant had made an error in relation to a name, and that it would not be in the interests of justice for the claim to be rejected (or the acceptance reconsidered and revoked) because of this.

6. In the event, I dealt with this issue by simply amending the name of the Respondent(s) to include both the LLP and the Company, with any arguments about how any liability fell between these entities (and any arguments about compliance with rule 12) to be resolved in due course if the claims continued past this hearing. Both the Claimant and Mr Ali were content with this approach. In the remainder of these Reasons I refer to 'the Respondent' (singular), but all my conclusions in relation to the issues before me apply to the claims against both the Company and the LLP.

Factual and Procedural Background

7. The Respondent operates a preparatory school, named Dolphin School. By his claim, the Claimant alleges that he was, from 1 January 2005, a governor of the school. He says that during his employment he raised various matters with the Respondent's management, which are implicitly alleged to have been protected disclosures within the meaning of section 43A of the **Employment Rights Act 1996**. The Claimant alleges that, in consequence of this or otherwise unfairly, he was dismissed on 13 April

2019.

8. There also appear to be allegations that the Claimant was subjected to detriments for making protected disclosures. So far as I could discern from the ET1 and the Claimant's evidence, the last possible date on which a detriment is said to have occurred was some point in October 2019, when the Respondent is alleged to have sent a letter to the Claimant warning him that his children could be expelled from the school. The Claimant did not draw my attention to any later allegations of detriment, nor did he assert that any later detriments were relied upon.

9. Although the Claimant's cause of action for unfair dismissal arose on 13 April 2019, and although his cause of action for detriment arose, at the latest, in October 2019, the Claimant did not commence ACAS early conciliation until 24 November 2021. Early conciliation concluded on 26 November 2021. The Claimant then issued his claim on 25 January 2022. The Respondent subsequently entered its ET3.

10. On 18 June 2022, the Tribunal listed the present hearing, to determine whether the unfair dismissal claim should be dismissed because it had been brought outside the statutory time limit. Although the notice of hearing of 18 June 2022 only referred to the unfair dismissal claim, on 23 November 2022 Employment Judge Anstis directed that the question of whether any detriment claim should be dismissed as being out of time should also be considered at the hearing. As such, I have dealt with time limit questions in respect of both the unfair dismissal and the detriment claims, and both parties accepted this approach.

11. Besides the question of time limits, the ET3 raises numerous lines of defence, including factual disputes, questions about whether the Claimant had in fact made protected disclosures, and a question as to whether the Claimant is an employee or a worker with standing to bring either an unfair dismissal or a detriment claim. These issues were not, however, listed for hearing before me, and I made no decision about any of them.

12. I will set out below the Claimant's evidence explaining the delay in bringing the claims, and my conclusions concerning this. First, however, I will set out the law that I have applied in considering both the Claimant's evidence and whether to dismiss the claims as being brought out of time.

Relevant Law

13. The primary time limit within which a claim of unfair dismissal must be brought is three months beginning with the date of the dismissal: section 111(2)(a) of the **Employment Rights Act 1996**.

14. The primary time limit within which a claim that a Claimant has been subjected to a detriment for making a protected disclosure must be brought is three months beginning with the date of the detriment: section 48(3)(a) of the **Employment Rights Act**. Where a Claimant is subjected to a series of detriments, then time for bringing a claim begins to run on the date of the last detriment.

15. This is a strict time limit, and the circumstances in which it may be extended are limited. Whether the claim is one of unfair dismissal or one of detriment, time may only be extended where the Tribunal is satisfied (i) that it was not reasonably practicable to bring the claim within the primary time limit, and (ii) that the claim was brought within such further period as the Tribunal considers reasonable: see (in the case of unfair dismissal) section 111(2)(b) of the **Employment Rights Act**, and (in the case of detriment) section 48(3)(b) of the **Employment Rights Act**.

16. The test for an extension of time has two stages. Time is not extended indefinitely merely because it was not reasonably practicable to bring the claim within the primary time limit. Rather, if the Tribunal concludes that it was not reasonably practicable to bring the claim within the primary time limit, then it must go on to identify the further period within which it would have been reasonable for the Claimant to bring his claim. If the Claimant brings his claim within that further period, then his claim will be in time, but if he falls outside that period, then his claim will be out of time.

17. The burden of satisfying the Tribunal that it was not reasonably practicable to bring the claim within the primary time limit rests with the Claimant: see the judgment of the Court of Appeal in ***Consignia plc v Sealy*** [2002] IRLR 624, per Hart J at paragraph 23.

18. In resolving the question of whether it was reasonably practicable to bring the claim within the primary time limit, the words 'not reasonably practicable' should be given a liberal interpretation in favour of the employee: see the judgments of the Court of Appeal in ***Dedman v British Building & Engineering Appliances Ltd*** [1974] 1 WLR 171, per Lord Denning MR at 176E, and ***Marks & Spencer plc v Williams-Ryan*** [2005] ICR 1293, per Lord Phillips MR (as he then was) at paragraph 20. This should not, however, obscure the fact that parliament has chosen to lay down a strict primary time limit, which the Tribunal should not be over-ready to disregard.

19. As regards the question of whether the claim was brought within a further reasonable period, I have had regard to the judgment of the Employment Appeal Tribunal in ***Cullinane v Balfour Beatty Engineering Services Ltd*** (2011) UKEAT/0537/10, where, at paragraph 16, Underhill J (as he then was) said that:

> *… The question at "stage 2" is what period – that is, between the expiry of the primary time limit and the eventual presentation of the claim – is reasonable. That is not the same as asking whether the Claimant acted reasonably; still less is it equivalent to the question whether it would be just and equitable to extend time. It requires an objective consideration of the factors causing the delay and what period should reasonably be allowed in those circumstances for proceedings to be instituted – having regard, certainly, to the strong public interest in claims in this field being brought promptly, and against a background where the primary time limit is three months…*

20. The time limits contained within the **Employment Rights Act** are jurisdictional in nature, and not merely procedural: see the commentary in *Harvey on Industrial Relations and Employment Law*, Division PI, paragraphs [91] to [101]. This means that, if a claim is brought outside both

the primary time limit and any further reasonable period that may be relevant, then the Tribunal simply does not have the power to hear the claim, and must dismiss it.

The Claimant's case for an extension of time

21. I now turn to consider the evidence that the Claimant gave in support of his contention that time should be extended, and my factual conclusions concerning this.

22. The Claimant had not produced a witness statement or filed any documentary evidence, notwithstanding the fact that the Tribunal's Order of 18 June 2022 required any evidence relied upon by either party to be filed and served by four weeks before the hearing. However, I permitted him to give oral evidence by reference to those parts of his ET1 which dealt with the reasons for the delay in issuing his claim. The Claimant was cross-examined by Mr Ali, and I asked him various questions.

23. The Respondent did not rely on any evidence.

24. The Claimant's evidence was that he accepted that the claims were brought outside the three-month primary time limit. He also accepted that he knew about the primary time limit, from his own experience as an employer.

25. In contending that time should be extended, the Claimant placed substantial reliance on what he characterised as 'threats' from the Respondent's senior management (particularly the headteacher) that the Claimant's three children, who were pupils at Dolphin School, would be expelled from, or otherwise required to leave, the school, if he caused difficulties for the Respondent or acted in a manner which the Respondent considered to be unreasonable. These threats were said to have been put in writing in October 2019 (and, as noted above, this appears to be one of the detriments relied upon by the Claimant as part of his detriment claim), but the Claimant told me that he had received oral threats to the same effect on a number of occasions before then, going back to before the termination of his alleged employment on 13 April 2019.

26. It is plainly necessary for me to determine whether such threats were made. The evidence on this point is hardly in an ideal state. Neither party has produced the October 2019 letter relied upon by the Claimant. However, applying the test of what is more likely to have occurred on the balance of probabilities, and placing the burden of proof on the Claimant, I accepted the Claimant's evidence that at various times beginning before his alleged dismissal and continuing until October 2019, he was told that his children could be required to leave Dolphin School if he caused difficulties for the Respondent or acted in a manner which the Respondent considered to be unreasonable. I accepted the Claimant's evidence for the following reasons:

    (1) The account advanced by the Claimant has been substantially consistent. The Claimant gave this account in his ET1, and has subsequently repeated it in correspondence sent to the Tribunal. He has maintained the same account today. In my view, this enhances the credibility of the Claimant's evidence in at least two ways. First, the

maintenance of a consistent account is itself supportive (albeit not decisively in itself) of a conclusion that the account is credible. Consistency is an important facet of credibility. Certainly, an account that the Claimant has been maintaining for at least ten months (since his ET1 was issued) is, *prima facie*, more likely to be credible than one which was raised for the first time on the day of the hearing. Second, the fact that the Claimant has been putting forward his account for at least ten months means that, if there was convincing evidence to gainsay it, the Respondent has had ample opportunity to put forward evidence. No such evidence has been adduced, strongly indicating that it does not exist. I refer to this point further below, but the fact that the Claimant had put his account forward early, when the Respondent would have ample opportunity to contradict it if it were wrong, reinforced my positive view of his credibility.

(2) I found the Claimant's oral evidence on this point to be compelling. He was clear in his account, and did not deviate from it in cross-examination. He was clearly aware of the significance of his affirmation that his evidence would be truthful, and indeed referred to this on a number of occasions. At times, he was cautious in advancing an account where he could not be absolutely certain of its accuracy. My conclusion was that he was an honest witness giving a truthful account of the matters before me. I am well aware of the dangers of placing overmuch reliance on oral evidence (see the observations of Leggatt J (as he then was) in ***Gestmin SGPS SA v Credit Suisse (UK) Ltd*** [2013] EWHC 3560 (Comm), at paragraphs 15-22). However, equally witness evidence is not to be disregarded, and I considered that the Claimant's witness evidence supported his account.

(3) The Claimant's evidence was not gainsaid by any evidence from the Respondent. The burden of proof was on the Claimant, and the Respondent was not required to prove anything. However, given that the Respondent had had at least ten months' notice of the Claimant's account (see above), I would have anticipated that if the Respondent had oral or documentary evidence capable of undermining or disproving the Claimant's account, it would have advanced it. The fact that the Respondent advanced no such evidence indicates that such evidence probably did not exist.

27. Having accepted the Claimant's evidence that he was told that causing difficulties for the Respondent or acting in a manner that the Respondent considered unreasonable could result in his children being required to leave Dolphin School, I further accepted his evidence that this inhibited him from pursuing Tribunal proceedings. Besides the fact that, as set out above, I regarded the Claimant as a credible witness, I find his account on this particular point eminently plausible. The expulsion or similar forced removal of a child from a school is innately disruptive of that child's education, particularly if it occurs in the middle of a term. I have little difficulty in concluding that a father, concerned for his children's education, who was told that a certain course of action might result in such disruption, not just for one child, but for all three of his children, would be highly reluctant to engage in that course of action, and would reasonably fear that doing so would cause harm to his children. Any parent would wish to avoid such

harm. I add that, in my view, it was entirely reasonable for the Claimant to conclude that such threats were likely to be carried out and to act accordingly – if the carrying out of the threats was not likely, it is hard to see why they would have been made in the first place.

28. In addition to the threats detailed above, the Claimant also relied on the fact that the Respondent referred his family to the local children's services department. I accept that this occurred (the Claimant's account that the referral had occurred was not challenged by Mr Ali). The Claimant gave evidence that he became aware of the referral in October 2019, and I accept this. I also accept that the referral would have been a source of stress to the Claimant, although I note that he did not become aware of the referral until around six months after his alleged dismissal.

29. The Claimant's children all left Dolphin School in around July 2020. It seems to me that at that point the Respondent's threat to expel the Claimant's children would have been rendered nugatory, since it was no longer a matter within the Respondent's power.

30. The accuracy of this conclusion is illustrated by the fact that in around the summer of 2020 (after his children had left Dolphin School) the Claimant pursued complaints about the Respondent to the Thames Valley Police, Wokingham Borough Council (the local authority within whose jurisdiction Dolphin School falls), and the Independent Schools Inspectorate, and that by some time in 2021 he had also raised a complaint about the Respondent to the Department for Education. I find that, by August 2020 at the latest, the Claimant was willing and able to complain about the Respondent to numerous bodies without being inhibited or intimidated by the threats previously made or by any stress resulting from the referral to children's services. I see no reason why he should have been any more restricted in making a claim to the Tribunal than in complaining to any of the four bodies that I have named.

31. Nonetheless, the Claimant did not, between August 2020 and 24 November 2021, bring a claim to the Tribunal (or commence ACAS early conciliation). In his evidence, the Claimant said that he did not think that he could do so, because the three-month time primary time limit had expired. He did not take any legal advice, save as set out below. He also candidly told me that at that time (August 2020 until late November 2021) he was prioritising his complaints to the bodies named in the previous paragraph over any Employment Tribunal proceedings, because he considered that complaints to those bodies offered the best route to safeguarding children. Nonetheless, he was aware of the possibility of a Tribunal claim, and made a positive decision to pursue other routes in preference to this.

32. In around September or October 2021 the Claimant met a lawyer socially. I find that this occurred in September or October because the Claimant told me that it was around one to two months before he contacted ACAS, which he did on 24 November 2021. The Claimant and this lawyer discussed the Claimant's experience with, and possible claims against, the Respondent, and the Claimant was, for the first time, informed of the possibility that the Tribunal might extend the time in which to bring a claim, beyond the three-month primary time limit.

33. Thereafter, the Claimant, as noted above, commenced ACAS early conciliation on 24 November 2021. This concluded on 26 November 2021. The Claimant then issued his ET1 on 25 January 2022. It was not clear to me why there was a further two-month delay after the conclusion of early conciliation, given the considerable delay that had already occurred.

34. In support of his contention that the Tribunal should extend time, the Claimant also relied on certain mental health difficulties that he has experienced. No medical evidence was before me, and I had no documentary evidence of a positive diagnosis of a recognised mental health condition. However, I accept the Claimant's evidence that he has been found to be suffering from anxiety, and that he began taking medication for this in May 2022. That, of course, postdates the commencement of proceedings, and I have no evidence of any medication being prescribed prior to May 2022.

Analysis and Decision

35. Against the foregoing factual and legal background, I come to give my conclusions on the fundamental questions of whether the claim was brought within time (including any extension of time), and, in light of this, whether the Tribunal has jurisdiction. The following questions fall to be answered:

    (1) Were the Claimant's claims brought within the primary time limit?

    (2) If not, has the Claimant shown that it was not reasonably practicable to bring the claims within the primary time limit?

    (3) If so, were the claims brought within such further period as the Tribunal considers reasonable?

Were the claims brought within the primary time limit?

36. In respect of this question, the answer is straightforwardly 'no':

    (1) Time in respect of the unfair dismissal claim began to run on the date of the alleged dismissal, namely 13 April 2019. The primary time limit accordingly expired on 12 July 2019. Early conciliation did not commence until 24 November 2021, and the claim was not issued until 25 January 2022. Both were plainly outside the primary time limit.

    (2) In respect of the detriment claim, I have found that the last possible detriment occurred on an unspecified date in October 2019. Even if one regards time as having begun to run only on 31 October 2019, the primary time limit expired on 30 January 2020. The claim was plainly commenced outside the primary time limit.

Has the Claimant shown that it was not reasonably practicable to bring the claims within the primary time limit?

37. Not without some hesitation, I conclude that the Claimant has shown that it

was not reasonably practicable to bring the claims within the primary time limit. I reach this conclusion because of the threats which I have found were made to expel or otherwise exclude the Claimant's children from Dolphin School. As noted above, I accept that such threats would be of considerable concern to a father of three children, whose children would, were the threats carried out, all face disruption to their education. It is obvious that a father concerned for his children's welfare would wish to prevent such disruption if he possibly could. Certainly, a threat that if the Claimant acted in a matter likely to cause difficulties for the Respondent or which the Respondent considered to be unreasonable would, in my view, be likely to considerably discourage the Claimant from commencing Tribunal proceedings. Such proceedings would naturally amount to causing difficulties for the Respondent and might well also amount to acting in a manner viewed as unreasonable by the Respondent. As such, I find that while the Claimant's children remained at Dolphin School, he would reasonably have feared that they would be expelled (in fact if not in name) should he commence Tribunal proceedings. I accordingly find that the Respondent's threats had a chilling effect, reasonably perceived by the Claimant as deterring him from bringing proceedings, so long as the Claimant's children remained at Dolphin School (that is, until July 2020). Put simply, the Claimant was placed in an invidious position, in which commencing proceedings within the primary time limit could jeopardise his children's education.

38. In my view, the level of deterrence was such that the Claimant could not reasonably have been expected to commence proceedings within the primary time limit for either the unfair dismissal claim or the detriment claim, given the risk to his children's education and the stability of their environment that this would have entailed. In the circumstances, notwithstanding the fact that (as set out above) the Claimant was aware of the primary time limit, I find that it was not reasonably practicable for him to bring his claim within that time limit.

Were the claims brought within such further period as the Tribunal considers reasonable?

39. The effect of the Respondent's threats to expel the Claimant's children lasted so long as the Claimant's children remained at Dolphin School. However, they had all left the school by the end of July 2020. At that point, the position changed substantially.

40. After July 2020 the Claimant was not deterred from acting in a manner that might cause difficulties for the Respondent or from acting in a manner that the Respondent might consider unreasonable. As I have outlined, in the summer of 2020 the Claimant initiated and pursued complaints about the Respondent to the Thames Valley Police, Wokingham Borough Council, and the Independent Schools Inspectorate, and he subsequently also pursued a complaint to the Department for Education. All of these complaints were likely to cause difficulties for the Respondent, and it is likely that the Respondent would have viewed the complaints as unreasonable. They are precisely the kind of complaints likely to be discouraged by the threats to expel the Claimant's children. Nonetheless, the Claimant was, after July 2020, plainly willing and able to pursue them. I see no reason why, at this time, he could not also have pursued his Tribunal claims.

41. I accept that the Claimant pursued the other routes, but not the Tribunal claim, because he felt that those other routes were most conducive to his goal of safeguarding children. However, it is possible to pursue multiple claims/complaints at the same time, and I have heard no evidence to support the suggestion that the other complaints that the Claimant was pursuing rendered it reasonably impracticable for him to also commence Tribunal proceedings. Ultimately, I find that the Claimant's decision to focus on matters other than commencing his Tribunal claim was a matter of choice, resulting from his decision to prioritise his concerns about child safeguarding over any Tribunal claims that he might have. Laudable as the Claimant's goals may be, this does not change the fact that, after July 2020, the impediment to him commencing a Tribunal claim had been removed, and he would have been well able to bring such a claim.

42. In my view, by the beginning of August 2020 at the latest, the Respondent's threats no longer prevented the Claimant from bringing a claim to the Tribunal. I do not consider that his desire to pursue other avenues rendered it reasonable for him to delay further after July 2020. Having regard to the fact that there had by then been considerable (albeit, in my view, permissible) delay, it behoved the Claimant to bring his claim swiftly at this point.

43. I have considered whether the Claimant's view that he was already too late, having overstepped the primary time limit, means that it is reasonable to extend time until after he had spoken to a lawyer in September or October 2021. I do not consider that the Claimant's view of the impact of time limits render it unreasonable to expect him to pursue his claim well before late 2021. The Claimant had not taken any legal advice until his social encounter with the lawyer. Moreover, he did not undertake any research of his own to confirm that his understanding was correct. I am satisfied that undertaking his own research into the matter would have been well within the Claimant's capabilities. Even basic online research would swiftly have revealed the fact that time for bringing a Tribunal claim could, in certain circumstances, be extended. I do not consider that it was reasonable for there to be material delay after July 2020 because of the Claimant's belief that any claim was already too late. While I accept the genuineness of the belief, I do not consider that it was reasonable for the Claimant to take no steps to check the accuracy of the belief, and had he checked the accuracy of the belief he would, I find, have become aware of the true position.

44. I also do not consider that the Claimant's apparent mental health difficulties adequately explain or justify the delay after July 2020. These problems did not prevent the Claimant from pursuing his complaints to the Thames Valley Police, Wokingham Borough Council, the Independent Schools Inspectorate, or the Department for Education. They did not prevent the Claimant from contacting ACAS in November 2021, or from issuing his claim in January 2022, and I have no evidence that the Claimant's illness had materially improved by that point, as compared to the second half of 2020 or the first ten months of 2021. Such evidence as I have suggests that, to the contrary, the Claimant's condition may have worsened during 2022, as it was only in May 2022 that he was prescribed medication. Moreover, I have no evidence that, at any point, the Claimant's condition was such as

to prevent him from issuing a Tribunal claim.

45. I also do not consider that the referral to children's services explains or justifies the delay after July 2020. I can see no reason why a referral, which had been notified to the Claimant by October 2019, should prevent the commencement of proceedings after July 2020. Moreover, the referral did not stop the Claimant making numerous complaints to other bodies, as outlined above.

46. I add that, even noting all of the Claimant's evidence and explanations for the delay, there is a considerable period of wholly unexplained delay in late 2021 and early 2022. In particular, by September or October 2021 the Claimant knew (from his conversation with the lawyer whom he met socially) of the possibility that the Tribunal could extend time for bringing a claim. Thereafter, he delayed for one or two months before commencing ACAS early conciliation on 24 November 2021. After early conciliation concluded on 26 November 2021, the Claimant did not issue his claim until 25 January 2022 – another two months later. In total, there is a period of three or four months of delay, even after the Claimant was fully aware that a claim could be brought outside the primary time limit, and that the Tribunal could extend time for doing so. I regard this period of delay as wholly unexplained. Plainly, the Claimant was well able to bring proceedings at that time, since he did bring proceedings, albeit belatedly.

47. In summary, my views on what would have been a reasonable period within which to bring the claims are as follows:

    (1) The real impediment to bringing a claim was the threat to expel the Claimant's children from Dolphin School. This threat was removed or rendered nugatory by the end of July 2020.

    (2) After that point, it was reasonably practicable for the Claimant to issue a claim to the Tribunal, for the reasons that I have given.

    (3) I accept that the Claimant had various other irons in the fire (the other complaints that he was bringing) and that his mental health problems might have slowed down (but not prevented) the bringing of a complaint. But in assessing what would have been a reasonable period within which to bring a claim, these factors must be balanced against the strong public interest in claims being brought promptly and the fact that parliament has chosen to prescribe a strict and short time limit.

    (4) Weighing all of these matters in the balance, I consider that the Claimant should reasonably have brought his claims by 30 September 2020. This would have given him at least two months from the date on which his children left Dolphin School. This would have been a generous timeframe of an additional two-thirds of the primary time limit, and would have amounted to giving the Claimant around 17½ months in which to bring his unfair dismissal claim, and at least around eleven months in which to bring his detriment claim – both many times the primary time limit. In light of the fact that I do not consider that the Claimant faced any insurmountable difficulties in bringing his claims after July 2020, and having regard to the public interest in bringing employment claims to a

speedy resolution (and parliament's intention in introducing strict time limits) I regard an extension to 30 September 2020 as eminently reasonable.

48. The Claimant did not commence ACAS early conciliation until 24 November 2021, nearly fourteen months after the expiry of what I consider to be a reasonable period within which to bring his claims. His claim was not issued until 25 January 2022 – sixteen months after the expiry of what I consider to be a reasonable period within which to bring his claims. In the circumstances, I conclude that both the unfair dismissal and the detriment claims were brought out of time. The Tribunal accordingly has no jurisdiction to hear the claims.

Conclusion

49. For the reasons set out above, the Claimant's claims must be dismissed, as being outside the Tribunal's jurisdiction.

Employment Judge **Varnam**

12 December 2022

JUDGMENT & REASONS SENT TO THE PARTIES ON

30/12/2022

N Gotecha

FOR THE TRIBUNAL OFFICE