



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss S Bookham

**Respondent:** CBRE Managed Services Ltd

**Heard at:** Croydon via CVP

**On:** 23 January 2023

**Before:** Employment Judge Wright

## Representation

Claimant: In person

Respondent: Ms L Quigley - counsel

**JUDGMENT** having been given on 23 January 2023 and written reasons having been requested by the claimant in accordance with Rule 62(3) of the Employment Tribunals Rules of Procedure 2013, the following reasons are provided:

## REASONS

1. The time-limits in the Tribunal are deliberately short. That is to ensure claims are presented while the facts are still fresh in the minds of the witnesses and so that there is a finality to the litigation. In the employment environment, witnesses/employees move on and it is then more difficult for them to be recalled to give evidence. In this case, it is events which took place in 2021 that are relevant. The relevant time limit is contained in s. 111(2) Employment Rights Act 1996 (ERA), the primary time limit is three months from the date of termination. The Tribunal has discretion to allow a further period of time, if it finds that it was not reasonably practicable for the claim to have been presented within three months. If it finds that it was not reasonably practicable to present the claim within three months, it is to consider what further period of time is reasonable to allow the presentation of a late claim.
2. The claimant was represented by a Trade Union representative at both the disciplinary and appeal meetings. She effectively engaged in early conciliation and she then presented the claim form 19 days late. She said she was aware of the time limit, but made an IT error in not pressing the submit button, but rather, kept pressing save and continue. She has not presented a claim to the ET before and so did not realise that the

acknowledgement email is sent (as with many online IT processes), fairly immediately after the submit button is pressed.

3. The information provided by GOV.UK is clear that the claim form may be saved and returned to at any time. A code is provided and it is possible to provide an email address and memorable word, which is linked to the code to retrieve the claim form. The time limit is mentioned on the guidance many times. The claimant said she aware of the time limit.
4. The claimant also relies upon her mental health problems and there was a GP statement of fitness for work dated 15/11/2021 (page 40). The claimant had been assessed on 15/11/2021 and was deemed unfit for work between 12/11/2021 and 3/12/2021 due to depression. There was a more recently dated letter 22/9/2022 from her GP (page 47). That letter referred to:

This is to confirm that my above patient is suffering with severe depression and anxiety since October 2021 post work related stress. This has worsened since and my patient is on antidepressants now because of this. Her condition is work related and she is finding difficult to perform her Activities Of Daily Living.

It recorded the last anti-depressants were issued on 14/7/2022.

5. There was however no medical evidence from May/June 2022. The Tribunal does not doubt what the claimant has said about her mental health, however, as the time limits in the employment tribunal are strict and short, poor mental health is not a sufficient reason to extend the time limit. Many, many, claimants suffer from poor mental health. The vast majority of them have also lost their jobs and are out of work at the time the claim needs to be presented. There is nothing exceptional about these circumstances which warrants an extension of time. There was no satisfactory explanation as to why it took a further 19 days to present the claim and the claimant had a month from the time early conciliation ended to present the claim. The claim was not presented in time and the Tribunal has not been persuaded to extend the time limit. The claim form is therefore rejected under s.111 ERA as it was presented out of time.

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Employment Judge Wright  
23 January 2023