



EMPLOYMENT TRIBUNALS

Claimant

Alyssai Forsythe

v

Respondent

Agincare

Heard at: Reading by CVP

On: 4 September 2024

Before: Employment Judge Anderson

Appearances

For the claimant: In Person

For the respondent: A Crabb (Respondent's Head of HR)

JUDGMENT

1. The claimant did not comply with *s18A(1) Employment Tribunals Act 1996* in that she did not contact ACAS to provide the prescribed information before filing her claim, and none of the exemptions in *s18A(7)* apply. The claim is therefore dismissed because the tribunal does not have jurisdiction to determine it.

REASONS

1. The claimant filed an ET1 on 20 July 2023. At section 2.3 she said she had no early conciliation certificate and ticked the box marked 'My employer has already been in touch with ACAS'.
2. On 28 September 2023 the tribunal sent a letter to the parties as follows:
Employment Judge Quill directs to both parties as follows:
"The claim form presented on Thursday 20th July 2023 has been accepted based on the claimant's assurance that the employer contacted ACAS. If there is a dispute about that, then a later decision might have to be made about it, which could potentially result in a strike out of the claim."
3. The respondent filed an ET3 and grounds of response on 13 October 2023. In its grounds of response, it stated:

I can advise that as the employer, no contact has been made with ACAS in relation to the employment of the claimant, this also extends to the process undertaken.

4. The claimant confirmed at the hearing that she had not contacted ACAS regarding early conciliation. She confirmed that she has not taken any action in response to EJ Quill's letter or the respondent's response. She said that she had no proof that the respondent had contacted ACAS and her belief was found on her conversation with an employee of the respondent where she thought he had mentioned a certificate, or she might have had an email.
5. As the claimant did not comply with *s18A(1) Employment Tribunals Act 1996* and is not able to show that the respondent has contacted ACAS in accordance with *s3(1)(c) Employment Tribunal (Early Conciliation: Exemption and Rules of Procedure) Regulations 2014*, the tribunal has no jurisdiction to determine this claim and it is dismissed.

Employment Judge Anderson

Date: 4 September 2024

Sent to the parties on:
19 November 2024

T Cadman
For the Tribunal Office