



EMPLOYMENT TRIBUNALS

Claimant: Mr C D Blakeman-Hall
Respondent: Biffa Municipal Limited
Heard at: Bodmin Employment Tribunal (in person)
On: 26 September 2025

Before: Employment Judge Volkmer

Representation

Claimant: did not attend
Respondent: Mr Smith, counsel

JUDGMENT

The Claim was not presented within the applicable time limit. It was reasonably practicable to do so. The Claim is therefore dismissed.

REASONS

Background

1. There is a dispute between the parties as to the date of the termination of the Claimant's employment. The Claimant's position is that it terminated in October 2023. The Respondent takes the position that it ended on 23 November 2023. The Claimant notified ACAS on 28 February 2024. The ACAS certificate was issued on 10 April 2024.
2. The Claim was presented on 6 September 2024 bringing claims for unfair dismissal under sections 96, 98 and 103A of the Employment Rights Act 1996 ("ERA").
3. On 13 February 2025 the Claimant was notified by post that the preliminary hearing listed for 8 April 2025 was converted to a three hour public hearing by video. The letter stated the following.

“The Employment Judge will determine whether the claim was brought in time, and, if not, whether the Claimant is entitled to any extension of time if it had not been reasonably practicable for him to have brought it in time.

If the Claimant wishes to give evidence at the hearing about his reasons for the delay, he should set out his evidence in a witness statement which ought to be served upon the Respondent and the Tribunal at least 14 days before the hearing, limited to 1,500 words.”

4. The Tribunal was unable to proceed with the hearing on 8 April 2025. The Claimant (who was supported by Miss Rákóczi, a community health worker and peer supporter from an organisation called Cornwall Neighbourhoods for Change) had difficulty in connecting to the hearing and thereafter in maintaining the connection. Further, it became apparent to the Tribunal that the Claimant, whom Ms Rákóczi described as having learning difficulties, was finding the situation difficult to cope with. The Tribunal therefore decided, with the consent of the Respondent to postpone the hearing and re-list it as an in person hearing for one day at Bodmin Tribunal.
5. Prior to the hearing on 8 April 2025, the Claimant had not provided the witness statement addressing time issues as ordered by the Tribunal or provided any documentary evidence to show the reasons for any delay in bringing his claim. The Case Management Order sent to the parties on 28 April 2025 (the “CMO”) stated the following.

“It is very important that going forward, the claimant provides a witness statement addressing the matters relating to time limits identified above and also provides any associated documents, in order that the Tribunal can give proper consideration to his case including any reasons for the delay in bringing his claims”.

6. The CMO gave detailed directions that the Claimant must provide evidence including medical records relating to any reasons for the delay in presenting his claim (by 20 June 2025), a schedule of loss (by 4 July 2025) and a witness statement (by 8 August 2025).
7. The Respondent wrote to the Tribunal on 14 July 2025 stating that the Claimant had failed to comply with the case management orders.
8. The Claimant was sent a strike out warning dated 4 September 2025 on the basis that he had not complied with the CMO and was not actively pursuing the case.
9. On 9 September 2025, Ms Tal-e-bot of Cornwall Neighbourhoods for Change wrote to the Tribunal on behalf of the Claimant in response to the strike out warning. This objected to strike out and stated that the Claimant considered he had taken all steps he was required to take. The email referred to the Claimant being aware that there was a hearing on 26 September 2025.
10. On 10 September 2025 the Respondent wrote to the Tribunal stating that no witness statement had been received.
11. On 16 September 2025 the parties were sent an order from Employment Judge Livsey which stated: *“Unless the Claimant complies with paragraph 17 of the*

Order of 8 April 2025 by 23rd September 2025, he will be prevented from giving evidence beyond the contents of his Claim Form, save with the leave of the Judge at the forthcoming Preliminary Hearing.”.

12. The Respondent provided a preliminary hearing bundle to the Tribunal.
13. Mr Smith confirmed that the Respondent had not received a witness statement from the Claimant. There was no witness statement and there were no medical records on the Tribunal file as having been submitted by the Claimant. There was an email dated 4 September 2025 from Cornwall Neighbourhoods for Change to the Respondent in the hearing bundle and on the Tribunal file. This reported what the Claimant had told Neighbourhoods for Change about his reasons for bringing the Claim out of time.

The Law

14. Section 111(2) of ERA sets out time limits for unfair dismissal complaints as follows.

“An employment tribunal shall not consider a complaint under this section unless it is presented to the tribunal:

(a) before the end of the period of three months beginning with effective date of termination, or

(b) within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of that period of three months.”

15. Under 207B of ERA, prospective claimants are given an extension of time limits to facilitate conciliation before institution of proceedings, as follows.

“(2) In this section—

(a) Day A is the day on which the complainant or applicant concerned complies with the requirement in subsection (1) of section 18A of the Employment Tribunals Act 1996 (requirement to contact ACAS before instituting proceedings) in relation to the matter in respect of which the proceedings are brought, and

(b) Day B is the day on which the complainant or applicant concerned receives or, if earlier, is treated as receiving (by virtue of regulations made under subsection (11) of that section) the certificate issued under subsection (4) of that section.

(3) In working out when a time limit set by a relevant provision expires the period beginning with the day after Day A and ending with Day B is not to be counted.

(4) If a time limit set by a relevant provision would (if not extended by this subsection) expire during the period beginning with Day A and ending one month after Day B, the time limit expires instead at the end of that period.

(5) Where an employment tribunal has power under this Act to extend a time limit set by a relevant provision, the power is exercisable in relation to the time limit as extended by this section.”

16. Section 207B(4) of ERA does not apply where the limitation period has already expired before the Claimant notifies ACAS: *Pearce v Bank of America Merrill Lynch and ors EAT 0067/19*.

Discussions and conclusions.

17. Taking 23 November 2023 as the relevant date, the primary three month time limit ended on 22 February 2024. There is no extension for ACAS conciliation because ACAS was not notified until after the expiry of the primary time limit. The Claim was presented on 6 September 2024, just over six months late.
18. It is clear from the correspondence that the Claimant was aware of the hearing today. He has not attended the hearing. No evidence or witness statements have been provided to explain the delay in presenting the Claim despite numerous orders made by the Tribunal in relation to such evidence. I consider it would be inappropriate to place any weight on the email from Neighbourhoods for Change of 4 September 2025, because it is hearsay. Further, the Claimant has been given the opportunity to provide documents and his own witness evidence (with a statement of truth) and has not done so.
19. In the absence of any evidence before me that it was not reasonably practicable for the Claimant to bring the Claim within the primary time limit, I find that it was reasonably practicable to do so.
20. The Tribunal does not have jurisdiction to hear the Claimant's complaints. It is dismissed for want of jurisdiction.

**Approved by
Employment Judge Volkmer
26 September 2025**

JUDGMENT SENT TO THE PARTIES ON
20 October 2025

Jade Lobb
For the Tribunal Office

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<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>