



# EMPLOYMENT TRIBUNALS

**Claimant:** Jennifer Kissi-Hawkson  
**Respondent:** Choice Support  
**Heard at:** Croydon  
**On:** 17 October 2025  
**Before:** Employment Judge Liz Ord

**Representation:**

Claimant: In person  
Respondent: Ms M McGee (Counsel)

## JUDGMENT

The claimant's complaint of unfair dismissal was presented out of time and it was reasonably practicable for it to have been presented within time. Therefore, the tribunal does not have jurisdiction to hear the claim and it is dismissed.

## REASONS

1. Oral judgment was given to the parties at the hearing and, upon the claimant's request for written reasons, these reasons are provided.
2. Whilst the claimant says in her claim that she was discriminated against, she has not ticked the boxes on the ET1 for bringing a discrimination case and she has not identified any protected characteristic that she relies on. The claimant was asked at the hearing whether she was relying on a protected characteristic. She explained that her case was that she was bullied and did not suggest any protected characteristic.
3. There is no provision in the tribunal for simply claiming for bullying without relying on a protected characteristic. Therefore, the tribunal has treated the claim as being for constructive unfair dismissal only. This

was explained to the claimant at the hearing and accepted.

4. The law states at section 111 of the Employment Rights Act 1996 that:
  - (1) A complaint may be presented to an [employment tribunal] against an employer by any person that he was unfairly dismissed by the employer.
  - (2)– [subject to the following provisions of this section], 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 the 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.
5. Reasonably practicable means reasonably feasible. The burden of proof is on the claimant.
6. The issue for the tribunal is whether it was reasonably practicable for the claim to be made to the tribunal within the 3 month time limit and, if not, whether it was made within such further period as the tribunal considers reasonable.
7. The tribunal had a documents bundle before it and heard evidence on oath from the claimant.
8. The claimant was a Care Assistant with the respondent and had worked for them for more than 2 years when she resigned by letter dated 6.11.2024 with immediate effect. The 6.11.2024 was her effective date of termination.
9. The 3 month primary limitation period for submitting her claim was 5.2.2025. This was extended by ACAS conciliation, which started on 16.1.2025 and ended on 27.2.2025, so that the time limitation for presenting the claim was 26.3.2025. The claimant presented her claim on 30.5.2025, over 2 months late.
10. The claimant wrote to the tribunal on 3.10.2025 setting out the reasons why she said her claim was delayed. In essence, these were that:
  - She was very depressed due to being bullied at work and was with NHS talking therapy;
  - She lost track of time;
  - She was hoping to negotiate a settlement.
11. The claimant spoke to the Citizens Advice Bureau (CAB) in about December 2024 or January 2025 about her case. She then engaged with ACAS in January and February 2024. She gave evidence that, whilst she could not recall whether the CAB told her about the 3 month time limit, she thought she was told by ACAS. I find that she was aware of the 3 month time limit at the time of ACAS early conciliation.

12. With respect to the claimant's depression, whilst I have no medical evidence before me, I have the claimant's oral evidence of the impact on her, which I have taken into account.
13. The claimant engaged with talking therapy from August 2024 to August 2025. She said that her depression caused her to lose track of time.
14. During the period she was having talking therapy, she managed to do a number of things. She wrote her resignation letter in November 2024; she sought advice from the CAB in December 2024 or January 2025; she engaged with ACAS early conciliation in January and February 2025; she took part in training courses in January and February 2025; she presented her ET1 claim whilst still undergoing talking therapy in May 2025.
15. The claimant was therefore able to function sufficiently to undertake reasonably involved tasks during the limitation period. The impact on her of her depression was not so detrimental as to render it not reasonably practicable for her to present her claim in time.
16. With respect to waiting for a resolution to her claim, ACAS early conciliation ended in February 2025. This put the claimant on notice that resolution was not likely to happen. There is no evidence of any negotiations taking place thereafter. This is not sufficient reason to delay presenting her claim.
17. To conclude, it was reasonably practicable for the claimant to present her claim on time. Therefore, the tribunal does not have jurisdiction to consider her claim.

Employment Judge Liz Ord

Date 17 October 2025

JUDGMENT SENT TO THE PARTIES ON

30 October 2025

O.Miranda  
FOR THE TRIBUNAL OFFICE



# EMPLOYMENT TRIBUNALS

**Claimant:** Jennifer Kissi-Hawkson  
**Respondent:** Choice Support  
**Heard at:** Croydon  
**On:** 17 October 2025  
**Before:** Employment Judge Liz Ord

**Representation:**

Claimant: In person  
Respondent: Ms M McGee (Counsel)

## JUDGMENT

The claimant's complaint of unfair dismissal was presented out of time and it was reasonably practicable for it to have been presented within time. Therefore, the tribunal does not have jurisdiction to hear the claim and it is dismissed.

## REASONS

1. Oral judgment was given to the parties at the hearing and, upon the claimant's request for written reasons, these reasons are provided.
2. Whilst the claimant says in her claim that she was discriminated against, she has not ticked the boxes on the ET1 for bringing a discrimination case and she has not identified any protected characteristic that she relies on. The claimant was asked at the hearing whether she was relying on a protected characteristic. She explained that her case was that she was bullied and did not suggest any protected characteristic.
3. There is no provision in the tribunal for simply claiming for bullying without relying on a protected characteristic. Therefore, the tribunal has treated the claim as being for constructive unfair dismissal only. This

was explained to the claimant at the hearing and accepted.

4. The law states at section 111 of the Employment Rights Act 1996 that:
  - (1) A complaint may be presented to an [employment tribunal] against an employer by any person that he was unfairly dismissed by the employer.
  - (2)– [subject to the following provisions of this section], 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 the 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.
5. Reasonably practicable means reasonably feasible. The burden of proof is on the claimant.
6. The issue for the tribunal is whether it was reasonably practicable for the claim to be made to the tribunal within the 3 month time limit and, if not, whether it was made within such further period as the tribunal considers reasonable.
7. The tribunal had a documents bundle before it and heard evidence on oath from the claimant.
8. The claimant was a Care Assistant with the respondent and had worked for them for more than 2 years when she resigned by letter dated 6.11.2024 with immediate effect. The 6.11.2024 was her effective date of termination.
9. The 3 month primary limitation period for submitting her claim was 5.2.2025. This was extended by ACAS conciliation, which started on 16.1.2025 and ended on 27.2.2025, so that the time limitation for presenting the claim was 26.3.2025. The claimant presented her claim on 30.5.2025, over 2 months late.
10. The claimant wrote to the tribunal on 3.10.2025 setting out the reasons why she said her claim was delayed. In essence, these were that:
  - She was very depressed due to being bullied at work and was with NHS talking therapy;
  - She lost track of time;
  - She was hoping to negotiate a settlement.
11. The claimant spoke to the Citizens Advice Bureau (CAB) in about December 2024 or January 2025 about her case. She then engaged with ACAS in January and February 2024. She gave evidence that, whilst she could not recall whether the CAB told her about the 3 month time limit, she thought she was told by ACAS. I find that she was aware of the 3 month time limit at the time of ACAS early conciliation.

12. With respect to the claimant's depression, whilst I have no medical evidence before me, I have the claimant's oral evidence of the impact on her, which I have taken into account.
13. The claimant engaged with talking therapy from August 2024 to August 2025. She said that her depression caused her to lose track of time.
14. During the period she was having talking therapy, she managed to do a number of things. She wrote her resignation letter in November 2024; she sought advice from the CAB in December 2024 or January 2025; she engaged with ACAS early conciliation in January and February 2025; she took part in training courses in January and February 2025; she presented her ET1 claim whilst still undergoing talking therapy in May 2025.
15. The claimant was therefore able to function sufficiently to undertake reasonably involved tasks during the limitation period. The impact on her of her depression was not so detrimental as to render it not reasonably practicable for her to present her claim in time.
16. With respect to waiting for a resolution to her claim, ACAS early conciliation ended in February 2025. This put the claimant on notice that resolution was not likely to happen. There is no evidence of any negotiations taking place thereafter. This is not sufficient reason to delay presenting her claim.
17. To conclude, it was reasonably practicable for the claimant to present her claim on time. Therefore, the tribunal does not have jurisdiction to consider her claim.

Employment Judge Liz Ord

Date 17 October 2025

JUDGMENT SENT TO THE PARTIES ON

30 October 2025

O.Miranda  
FOR THE TRIBUNAL OFFICE