



EMPLOYMENT TRIBUNALS

Claimant: Ms Carter

Respondent: Virtus Holdco Limited

Heard at London Central (by CVP)

On: 23 December 2025

Before Employment Judge Shukla (sitting alone)

Representation

Claimant In person

Respondent Ms Crew

WRITTEN REASONS FOR JUDGMENT

1. At the hearing on 23 December 2025, I gave the following oral judgment:
 - a. The claim of unfair dismissal was not presented within the applicable time limit. It was reasonably practicable to do so. The claim of unfair dismissal is therefore dismissed.
 - b. The discrimination claims (including disability, age and sex) were not presented within the applicable time limit, but it is just and equitable to extend the time limit. The discrimination complaints will therefore proceed.
2. I have been asked to give written reasons for my decision. Page references below are to the 60-page hearing bundle. The relevant background is as follows.
 - a. The claimant was employed by the respondent from December 2020 until 18 November 2024. The respondent says the claimant was dismissed on grounds of capability.
 - b. The claimant makes a number of discrimination claims, including that respondent did not deal properly with her disabilities. The respondent's grounds of resistance say (paragraph 21, at page 51) that on 17 July 2024, the claimant sent a list of her health conditions and symptoms, as follows: "The Claimant said she had a diagnosed condition of Behcets Syndrome which is controlled with immunosuppressant medication. In addition to Behcets the Claimant said her health conditions included long covid, menopause, cataracts, nystagmus and arthritis. The Claimant said these

conditions caused, (non-exhaustively) nausea, dizziness, migraines, double vision, blurred vision, balance issues, hearing loss, anxiety, depression, brain fog, joint and muscle pain, chronic fatigue, palpitations, sleep disturbance.” At the hearing, the claimant said she has now been diagnosed with autism and skin cancer. The claimant has been asked to give more information about her disabilities (see case management order dated 29 December 2025).

- c. ACAS conciliation began on 5 December 2024, and ended on 16 January 2025 (page 1). The parties agreed at the hearing that the claimant’s 3-month limit for bringing unfair dismissal and discrimination claims expired on 31 March 2025.
- d. The claimant sent an ET1 on 17 February 2025 to the following email address mail@employmenttribunalsni.org (page 28). She received a reply on the same day from that email address, acknowledging receipt of her email (page 28).
- e. The claimant received a further email on 25 March 2025, stating an Employment Judge had rejected her claim (page 30). The Notice of Rejection, dated 18 March 2025, stated that the claim could not be registered as the claimant lived and worked outside of Northern Ireland, and the Tribunal did not have jurisdiction to consider the claim (page 32).
- f. The claimant filed her ET1 in England on 2 April 2025, two days after the expiry of her 3-month limitation period.

Claimant’s evidence and submissions

3. The claimant gave evidence at the hearing. She said she had assumed that in the 21st century, she could file an ET1 by email, and searched on her mobile phone for an employment tribunal email address. She sent an ET1 on 17 February 2025 to the email address which came up on her mobile. She did not realise at the time that the email address concerned was that of the Northern Ireland employment tribunals.
4. In a letter dated 29 March 2025 (page 26), apparently to London Central employment tribunal, the claimant refers to her extenuating circumstances as a litigant in person:

“I respectfully ask you to consider my mental health as well as my eyesight issues. The week I returned my form [ie to the Northern Ireland employment tribunals] I was under immense pressure and had just had a cataract operation (I am still waiting for my other eye to be operated on). I was also working on a mobile phone as I did not have access to a computer or printer.”
5. At the hearing, the claimant says that once her claim was rejected by the Northern Ireland employment tribunals, she immediately took action. As a litigant in person she did not understand the process.

6. Upon cross-examination by the respondent at the hearing, the claimant gave the following evidence.
 - a. She was aware of the 3-month limit, from ACAS and her trade union (Unite).
 - b. She obtained legal advice from her solicitor around November 2024, but did not think to ask for advice about the mechanics of filing an ET1. She was paying her solicitor by the hour, and she received 2 hours' worth of legal work from the solicitor.
 - c. She accepted that if she had asked her sources of advice (ACAS, trade union, solicitor) in or before February 2025, she would have been given correct information about how to file her ET1 in England.
 - d. Once the claimant's claim was rejected by the Northern Ireland employment tribunals, she contacted various sources of advice (Support Through Court, ACAS, and employment tribunal staff). She was told that other people had made the same error and been allowed to continue with their claims. The claimant posted her ET1 on 1 April 2025, and it was received by London Central employment tribunal on 2 April 2025.
 - e. The claimant did not accept that, had she sent her ET1 on 25 or 26 March, it would have been on time. She said she had been speaking to various people trying to figure out what to do.
 - f. She had not expected to be asked about these issues at the hearing, and did not have her records with her. Without her records, she could not rule out her depression and anxiety causing a further delay around 25/26 March 2025 in filing her ET1.
7. In her final submissions, the claimant said as follows:
 - a. It was very stressful for her when the Northern Ireland tribunals rejected her claim. At that stage, she did not realise the urgency, and believed she acted in reasonable time once she heard back from Northern Ireland. She had understood from her sources of advice (that she contacted around 25/26 March 2025), that litigants had filed incorrectly before, and that she would be fine. The claimant added she is an autistic person with mental health issues, with a lot going on at that time. She had been on a "searching for work" course that week arranged by DWP, and had limited time during the day.
 - b. As a litigant in person she had not been expecting to be grilled during the hearing, and had not been properly prepared for this hearing.
 - c. She did not understand why there were different procedures for filing ET1s in England and Northern Ireland.

Respondent's submissions

8. The respondent made the following submissions:

- a. The “reasonably practicable” test is a strict one, which is not met in this case. It was reasonably practicable for the claimant to file her unfair dismissal claim on time. Unlike many other litigants in person, she had access to a lot of information, namely from ACAS, her trade union (Unite), and her solicitor. All 3 could have told her how to initiate the ET1 process correctly. Further, the claimant did manage to file an ET1 on time, albeit in the wrong jurisdiction.
- b. The claimant’s health conditions did not mean it not reasonably practicable for her to file a claim on time (perforated ear drum; cataract operations). Those health conditions had not precluded the claimant from engaging in the process of appealing her dismissal.
- c. As regards the “just and equitable test” (for extension of time limits for discrimination claims), there is no presumption in favour of extension. The burden of proof is on the claimant: *Robertson v Bexley*, [2003] EWCA Civ 576. There is a broad discretion: *Chief of Lincolnshire v Caston*, [2010] IRLR 327. All the relevant factors must be assessed, including the length and reasons for delay: *Adedeji v UCH*, [2021] EWCA Civ 23.
- d. The claimant wrongly submitted her claim in the first place. Once she heard back from the Northern Ireland tribunals, she could still have bought her claim on time. The claimant’s reasons were that she was getting advice from various organisations. However, the claimant could bring negligence proceedings against those organisations. The claimant has not provided any explanation for this further period of delay from 25 March to 2 April.
- e. There would be significant prejudice to the respondent if the claims were allowed to go ahead. The dismissal was quite old (November 2024). Although there was no specific prejudice of a relevant respondent employee having left, memories would nevertheless fade.
- f. If the claim was accepted on ‘just and equitable’ grounds, the respondent would nevertheless essentially be fighting an unfair dismissal claim.

Decision on unfair dismissal claim

9. The time limit for an unfair dismissal claim may be extended if a tribunal is satisfied that it was not reasonably practicable for the complaint to be presented in time: s. 111(2)(b), Employment Rights Act 1996.
10. I find it was reasonably practicable for the claimant to present her claim on time. The claimant sought advice about her claim from various sources (including a solicitor and her trade union) before filing her first ET1 in February 2025. She clearly knew about the 3-month time limit, and had access to advice about how to file her ET1. Her mistake was to assume that she could file an ET1 by email, and then to send her ET1 to a Northern Ireland email address. It would have been reasonably practicable for the claimant (a) to research the issue about how to file a claim when she first decided to file an ET1, or (b) to ask her sources of advice about how to file an ET1. Had she done so, she would have filed the ET1 in time.

I do not accept that the claimant's alleged disabilities were a barrier to her filing the ET1 correctly. Indeed, when the claimant heard back from the Northern Ireland tribunals, she did find out the correct processes for filing an ET1 in England.

11. While I accept that the claimant made a genuine error in filing her ET1 in Northern Ireland, I find it was not a reasonable error. That is because information and advice about how to file an ET1 was readily available to the claimant, and I find the claimant was careless in her approach.

Decision on discrimination claims

12. Proceedings may be brought for discrimination claims within 3 months, or "such other period as the employment tribunal thinks just and equitable": s. 123(1)(b), Equality Act 2010. The burden of the proof is on the claimant to show that the "just and equitable" test has been met. I find that the test has been met in this case, for the following reasons.
 - a. First, as set out above, while I accept the claimant was careless in her approach, her error was genuine.
 - b. Second, there was nothing in the acknowledgement from the Northern Ireland tribunals on 17 February 2025 which indicated she had filed incorrectly.
 - c. Third, I accept the claimant acted promptly once her claim was rejected by the Northern Ireland tribunals. In making that finding, I accept that the claimant was busy at the time with a DWP-arranged course, and was seeking and digesting advice about what steps she should take next.
 - d. Fourth, the claimant would be significantly prejudiced if she was not allowed to proceed with her discrimination claims. I do not accept the respondent's submission that the respondent would essentially be fighting an unfair dismissal claim. That is because disability issues are an integral part of the claimant's claims. The claimant said at the hearing that, when assessing her performance, the respondent did not adequately factor in her mental and physical health conditions.
 - e. Fifth, the respondent is not significantly prejudiced by the 2-day delay in filing the ET1. The dismissal was just over a year ago, and the respondent did not suggest that any relevant respondent witnesses had left. In addition, the claimant went through a dismissal and appeal process which was thoroughly documented by both parties.

Employment Judge Shukla

2 February 2026

JUDGMENT SENT TO THE PARTIES ON
16 February 2026

FOR THE TRIBUNALS