



EMPLOYMENT TRIBUNALS

Claimant: Mrs. R. Reedman

Respondent: Leigh Academies Trust

RECORD of PRELIMINARY HEARING

Heard at: London South (via CVP video conference)

On: 11th March 2026

Before: Employment Judge Sudra (sitting alone)

Appearances

For the Claimant: Mr. C. Adjei of Counsel

For the Respondent: Mr. M. Withers of Counsel

JUDGMENT

Background

1. This matter came before me, at a Public Preliminary Hearing, to consider:

- (i) *Was it reasonably practicable to present the claim within the time limit?; and*
 - (ii) *Should the claim or any part of it be struck out because the claimant has no reasonable prospect of establishing that:*
 - (a) it was not reasonably practicable to present the claim within the time limit; and*
 - (b) the claim was presented within a reasonable period?**If not, should the claimant be ordered to pay a deposit of between £1 and £1000 as a condition of continuing with the claim or any part of it, because they have little reasonable prospect of establishing those things?*
2. On 9th February 2026, the Claimant made an application to the Tribunal to add an additional matter to be determined today. That matter was: ‘*Was the Claimant’s claim brought within the applicable time limit?*’
3. Unfortunately, the Tribunal was unable to respond to the Claimant’s application prior to today’s Hearing. At the outset of the Hearing, Mr. Adjei raised the issue and asked for the Claimant’s application to be considered today. The Respondent did not object and therefore, in the interests of justice, I allowed the Claimant’s application. Therefore, in addition to the matters at paragraph 1 (*supra*) I also considered and decided whether or not the Claimant’s claim was brought within the applicable time limit.
4. I had before me: An agreed bundle of 69 pages; the authorities of Revenue and Customs Commissioners v. Serra Garau [2017] ICR 1121 and Raison v. DF Capital Bank Ltd and Others [2025] EAT 86 (from the Claimant); and a skeleton argument from the Respondent.

Procedural History

5. The Claimant was employed by the Respondent, as a teacher, on 1st September 2010, and her employment was terminated on 31st December 2024 upon the Claimant’s resignation with notice on 31st October 2024. The

Respondent is a multi-academy trust formed of 31 schools in the locale of Kent, Medway, and South East London.

6. The Claimant began Acas early conciliation ('EC') on 23rd December 2024 (Day A) and received an Acas early conciliation certificate on 3rd February 2025 (Day B). The ET1 claim form was presented on 11th May 2025 and the Respondent defended the claim by way of an ET3 and Grounds of Resistance on 18th September 2025.

Claimant's Submissions

7. Mr. Adjei appeared on behalf of the Claimant and made robust oral submissions. The Claimant did not provide a witness statement and therefore, did not give live evidence. There was no dispute between the parties as to the factual matrix of this case.
8. At the outset of his submissions, Mr. Adjei properly, and fairly, accepted that I was bound by the appellate authorities of Garau and Raison¹. Notwithstanding that it was agreed I was bound by the aforementioned, or any, appellate decisions, it was submitted that they had, with respect, been wrongly decided.
9. The Claimant's effective date of termination was 31st December 2024 and her ET1 was presented on 11th May 2025. Taking into account the dates of Acas early conciliation and the date the ET1 was presented, it had been submitted seven days out of time.
10. However, it was submitted that the purpose of s.207B(3) Employment Rights Act 1996 was to work out when a time limit expires but that there was no temporal requirement and such a requirement was imported into the statute by Raison. The focus was said to be on the language of that provision which is *expiry*.

¹ At the time the Claimant presented her ET1, Raison had not been decided.

11. It was also submitted that prior to Raison but post Garau, there was legal uncertainty on this point. The authors of *Harvey on Industrial Relations* believed that the purpose was to protect those who began EC within the primary limitation period and that s.207B(3) also applied to those who began EC before the primary limitation period. I was asked to accept that that was the ordinary meaning of s.207B(3). Mr. Adjei conceded that the authors of the *IDS Employment Law Handbook* took a contrary view.
12. I also heard that if I found that the claim was not presented in time, time should be extended. The Claimant had instructed a trade union solicitor and due to the uncertainty in the law, it was not reasonably practicable to issue the claim in time and it was reasonable to have presented the claim on the last day in which the Claimant's solicitor believed was the expiry of the time limit.
13. Mr. Adjei concluded by stating that if it was not reasonably practicable to present the claim in time, it had been presented in a reasonable time thereafter. The Claimant's solicitor had presented the claim on a date he considered to be the last day to present the claim which was seven days after the date the Respondent says the time limit expired. Not much, such as a change in the law, had occurred within those seven days to prompt the solicitor to act with more speed.

Respondent's Submissions

14. Within its Grounds of Response, the Respondent submitted that the Tribunal does not have jurisdiction to hear the claim as it was not presented within the prescribed time limits and thus, the claim is time-barred.
15. Mr. Withers provided me with a skeleton argument and made supplementary oral submissions. As Mr. Adjei had done before him, Mr. Withers reminded me that I am bound by the appellate authorities relied upon.
16. The nub of Mr. Withers' submissions were rooted in the extant authorities of Garau and Raison. It was submitted that the law was clear in that time spent in EC prior to the start of the primary time limit is not to be counted when

applying the 'stop the clock' provisions to that time limit. Day A was seven days before the commencement of the limitation period and therefore, that period is to be disregarded when applying the provisions. The net effect was said to be that the Claimant should not have 42 days (11th May 2025) added to the expiration of the primary time limit but 35 days (4th May 2025) meaning that her claim was presented seven days out of time.

17. Mr. Withers diverged from the Claimant's position that there was confusion in the state of the law in the intervening period between the decisions in Garau and Raison. Whilst it was accepted that the two leading authorities on employment law (*Harvey* and *IDS*) had opposing views on the proper operation of s.230B(3), Mr. Withers stated that this was even more reason for the Claimant's skilled adviser to err upon the side of caution.
18. It was submitted that the wording of s.230B(3) ERA is plain and sets out what a Tribunal must consider when working out a time limit. As the statute mentions expiry and not a start-point, I heard that a period cannot expire until it has started running so the operation of s.230B(3) ERA needs to be looked at as a whole clause rather than focussing upon its individual words. Mr. Withers stressed that the effect of s.230B(3) ERA 207 and the authorities relied upon was that the period between Day A and Day B, prior tot the primary time limit beginning, does not count toward EC extensions.
19. Mr. Withers emphasised that despite being ordered to, the Claimant had declined to submit a witness statement. Thus, it was not proper for me to infer advice the Claimant had received and why her ET1 had not been presented sooner than it was. It was suggested that in the absence of any witness evidence from the Claimant, it was not possible for me to find facts from which I could determine that it was not reasonably practicable for the Claimant to have presented her claim in time.
20. The Respondent concluded by stating that Raison had been correctly decided and that, as I was bound by it, the Claimant's claim must be struck out for want of jurisdiction.

The Law

21. As always, the starting point must be the statutory provisions. S.111 ERA provides (so far as material):

'111 Complaints to employment tribunal.

- (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.*
- (2A) Section 207B (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of subsection (2)(a).'*

22. S.207B ERA states,

'207B Extension of time limits to facilitate conciliation before institution of proceedings

- (1) This section applies where this Act provides for it apply for the purposes of a provision of this Act (a "relevant provision").*
- (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*
 - (c) 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.'

23. The Court of Appeal in Marks & Spencer plc v. Williams-Ryan [2005] EWCA Civ 470 set out a number of legal principles distilled from a review of case law:

- (i) S.111(2) ERA should be given a liberal interpretation in favour of the employee;
- (ii) regard should be had to what, if anything, the employee knew about the right to complain to a tribunal and of the time limit for doing so;
- (iii) regard should also be had to what knowledge the employee should have had, had they acted reasonably in the circumstances. Knowledge of the right to make a claim does not, as a matter of law, mean that ignorance of the time limits will never be reasonable. It merely makes it more difficult for the employee to prove that their ignorance was reasonable; and
- (iv) where a claimant retains a solicitor and fails to meet the time limit because of the solicitor's negligence, the claimant cannot argue that it was not reasonably practicable to submit the claim in time.

24. In the case of Dedman v. British Building & Engineering Appliances Ltd [1973] 379 Lord Denning propounded that:

'...if a man engages skilled advisers to act for him and they mistake the limit and present it too late – he is out. His remedy is against them.'

25. When considering s.207B(3) ERA, Heather Williams J decided, in Raison:

'64 In my judgment, the statutory wording is clear and unambiguous in this instance. It is important to keep in mind the opening words of

section 207B(3), “In working out when a time limit set by a relevant provision expires . . .” as identifying the exercise that this provision is directed to. Absent any statutory indication to the contrary, the invariable approach to limitation is that the expiry date is calculated by identifying the date from when limitation started to run and then adding the prescribed limitation period going forwards, to work out the end date. There is no question of including a period before the date when limitation started to run in this computation; in other words, such a period does not “count” for this purpose. Accordingly, there is no need to have a specific statutory provision stating that a period prior to the EDT does not count for limitation purposes, as this is unambiguously the position in any event.

65 By contrast, the period after the date when time starts to run (here the EDT) *would count* towards the running of the limitation period *unless* a statutory provision provided to the contrary. Hence the role played by section 207B(3), which states that in working out when limitation expires the period beginning with Day A and ending with Day B “is not to be counted” in undertaking the exercise I have identified. The reference to Day A and Day B is expressed in the way that it is to allow for both the situation where all of that period comes after the EDT and the situation where only a portion of it does. Whilst the statutory provision could have included some additional wording of the kind discussed in *Walsh* (para 36(ii) above); as I have already indicated, there was no need to do so as the pre-EDT period does not count towards the limitation period in any event. To use Mr Bronze’s terminology; there is no need for section 207B(3) to “dissect” the period between Day A and Day B; the usual operation of the running of limitation does that in any event in circumstances where Day A precedes the EDT.’

Conclusions

26. Both Mr. Adjei and Mr. Withers made articulate, cogent, and persuasive submissions, for which I was very grateful, and, which were of considerable assistance to me.
27. Counsel, for both parties, readily accepted that I was bound by the appellate authorities.
28. Whilst Mr. Adjei invited me to share his view that, with the utmost respect, in his submissions *Garau* and *Raison* were decided wrongly, I do not, with respect, agree with his position.

29. I accept the Respondent's position that the operation of s.203B(3) ERA IS clear in that any time in Early Conciliation, which precedes the primary time limit is not to be counted when calculating the time by which an ET1 should be presented, taking into account an extension for Acas Early Conciliation.
30. Therefore, taking into account when the Claimant began and completed Early Conciliation and the date on which she presented her ET, it was presented out of time. In total Early Conciliation lasted 42 days. Seven of those days preceded the primary time limit. Thus, the Claimant's ET1 should have been presented by 4th May 2025. In the event, it was not presented until 11th May 2025 making it seven days out of time.
31. The Claimant was represented by a trade union solicitor. If her representative had any doubt as to the applicable time limit, due to what the Claimant says was legal uncertainty prior to the decision in Raison, it would have been reasonable to present the ET1 by 4th May 2025 in order to guarantee that it would have been presented in time and she was not caught out by s.111 ERA.
32. In the absence of any evidence before me, there are no grounds upon which I can find that it was not reasonably practicable for the Claimant to have presented her ET1 within the applicable time limit.
33. For these reasons the Claimant's claim is struck out for want of jurisdiction.
34. The Final Hearing listed for 20th to 21st May 2027 is vacated.

Employment Judge Sudra

Date: 13th MARCH 2026

Case Number: 2304729/2025

Sent to the parties on:
19 March 2026

For the Tribunal Office:

P Wing