



EMPLOYMENT TRIBUNALS

Claimant: Mr N Rai
Respondent: Alarm Response Limited
Heard at: Reading
On: 16 March 2026
Before: Employment Judge Hawksworth

Appearances

For the claimant: no attendance or representation
For the respondent: no attendance or representation

JUDGMENT

1. The claim for a redundancy payment is dismissed under rule 28 or struck out under rule 38 of the Employment Tribunal Procedure Rules 2024. The claim cannot proceed because the claimant did not notify Acas for early conciliation before presenting his claim.
2. The claimant is not prevented from notifying Acas for early conciliation and then presenting another claim for a redundancy payment. A second claim will be in time by virtue of section 164(1)(b) of the Employment Rights Act 1996 if the claimant made a claim for a redundancy payment in writing to his employer within the period of six months starting from the date of the termination of his employment.

REASONS

Today's hearing

1. Notice of today's hearing was sent to the claimant and the respondent on 16 September 2025. The hearing was due to start at 10.00am. Neither party attended the hearing today.
2. The respondent has not presented a response and therefore is not entitled to participate in the hearing without permission.

3. I asked the clerk to the hearing to make enquiries with the claimant as to whether he was intending to attend. She was unable to reach the claimant by telephone as the number he had given did not connect. She emailed the claimant to say that his hearing would be going ahead at 10.30am but he did not reply.
4. I considered the position under rule 47 of the Employment Tribunal Procedure Rules 2024. I decided it would not be proportionate to postpone the hearing as it was not clear why the claimant had not attended and whether he would attend on a new date. Having considered the available information, I decided to proceed with the hearing in the absence of the parties.
5. I first had to consider as a preliminary issue the question of Acas early conciliation.

Findings of fact

6. I make the following findings based on the information from the tribunal's file.
7. On 12 June 2024 the claimant presented a claim for a redundancy payment to the employment tribunal. The claimant did not notify Acas for early conciliation and did not receive an Acas early conciliation certificate before presenting his claim. He ticked a box on the claim form which said 'Acas doesn't have the power to conciliate on some or all of my claim'.
8. Despite the failure to comply with the Acas early conciliation requirement, the tribunal did not reject the claimant's claim. The tribunal wrote to the claimant to acknowledge receipt of the claim on 22 August 2024.
9. The tribunal sent a notice of claim to the respondent on 22 August 2024. The notice of claim was sent to the address the claimant gave on his claim form. The respondent did not respond. The tribunal re-served the notice of claim on the respondent's registered office address on 3 February 2025. The respondent did not respond. The tribunal wrote to the respondent on 5 June 2025 to say that, as it had not presented a response to the claim, judgment may be issued under rule 22 of the Employment Tribunal Procedure Rules 2024.

Legal principles and conclusions on the Acas early conciliation requirement

10. The claimant is not correct to say that Acas did not have the power to conciliate on his claim. A claim for a redundancy payment is brought under section 163 of the Employment Rights Act 1996. It is a 'relevant proceeding' under section 18 of the Employment Tribunals Act 1996 which lists the claims for which Acas has the power to conciliate.
11. The failure to notify Acas for early conciliation and obtain an early conciliation certificate meant that the claim should have been rejected under rule 12(1)(d) of the Employment Tribunal Rules of Procedure 2013 which were in force at the time. (The same rule is now contained in rule 13(1)(d) of the Employment

Tribunal Procedure Rules 2024.) It is not clear why the claim was not rejected at this 'gateway' stage.

12. The claimant's non-compliance with the rules on Acas early conciliation not having been identified before acknowledgment of the claim form, rule 13(1)(d) of the Employment Tribunal Procedure Rules 2024 cannot be applied retrospectively to reject the claim. However, the failure to comply with the Acas early conciliation requirement means that the tribunal has no jurisdiction (meaning no ability) to hear the claim (*Reynolds v Abel Estate Agent Ltd* 2025 EWCA Civ 1357).
13. This claim therefore cannot go ahead. It is dismissed under rule 28 of the Employment Tribunal Procedure Rules 2024 because the tribunal has no jurisdiction to consider the claim. Alternatively, the claim is struck out under rule 38 on the ground that it has no reasonable prospect of success and/or for non-compliance with the Employment Tribunal Procedure Rules 2024.
14. The claimant is not prevented from notifying Acas for early conciliation and then bringing another employment tribunal claim for a redundancy payment.
15. A second claim will be in time by virtue of section 164(1)(b) of the Employment Rights Act 1996, if the claimant made a claim for a redundancy payment in writing to his employer within the period of six months starting from the date of the termination of his employment. It appears from the claim form that the claimant may have done so on 13 November 2023.

Approved by:
Employment Judge Hawksworth
Date: 16 March 2026

JUDGMENT SENT TO THE PARTIES ON

3 May 2026

FOR THE TRIBUNAL OFFICE