



**IN THE EMPLOYMENT TRIBUNAL (SCOTLAND)**

**Judgment of the Employment Tribunal in Case No: 8002771/2025 Heard at  
Edinburgh on the Cloud Based Video Platform on 12 March 2026 at 10.30 am**

**Employment Judge J G d'Inverno**

**Mr J Robertson**

**Claimant  
In Person**

**Huffmans**

**Respondent  
Not appearing and not  
represented**

**JUDGMENT OF THE EMPLOYMENT TRIBUNAL**

The judgment of the Employment Tribunal is:-

**(First)** That the claimant lacks Title to Present and the Tribunal lacks Jurisdiction to Consider his claims first presented on 12 November 2025; and

**(Second)** The claimant's claims are dismissed for want of Jurisdiction.

**REASONS**

1. These undefended claims, to which the respondent company shown, as active but under notice of strike off on the Register of Companies, has not entered appearance called for an undefended hearing on the Cloud Based Video Platform.

2. The Preliminary Issue of the claimant's Title to Present the claims, as at the date of presentation, 12 November 2025, and the Tribunal's Jurisdiction to Consider them had been reserved for determination after the hearing of evidence on the merits of the claims.
3. The claimant gave oral evidence on affirmation. The Tribunal found the claimant's evidence to be both credible and reliable and, accepted it together with the documents before it which included;
  - (a) the claimant's pay slips covering the 12 month period prior to his dismissal; and
  - (b) his letter of summary dismissal with immediate effect dated 5 December 2024 confirming his dismissal for reason of redundancy and the cessation of trading by the respondent company on that day.
4. On the oral and documentary evidence presented the Employment Tribunal made the following essential Findings in Fact, restricted to those relevant and necessary to the determination of the issues.
5. The claimant, whose date of birth is 23 October 1990, was employed by the respondents from 5 October 2020 until 5 December 2024 on which latter date he was summarily dismissed for reason of redundancy.
6. The Effective Date of Termination of the claimant's employment was 5 December 2024.
7. As at the Effective Date of Termination the claimant was 34 years of age and had accrued 4 complete years of service with the respondent.
8. The claimant having been dismissed for reason of redundancy has entitlement to a statutory redundancy payment of 4 x (gross weekly pay).
9. As at the Effective Date of Termination the claimant's average gross weekly pay across the preceding 12 weeks of his employment, was £490.
10. The claimant's average net weekly pay was £412.
11. The claimant is entitled to a redundancy payment of £1,960 being 4 (complete years of service) x £490 (gross weekly pay) x 1 (his years of service being completed between the ages of 22 and 40).
12. The claimant was summarily dismissed (that is without notice) and, as at the Effective Date of Termination of his employment had statutory entitlement to receive 4 weeks' notice absent which he has entitlement to be compensated in the sum of £1,648 being 4 (weeks) x £412 (net weekly pay).
13. The claimant's holiday year ran from 1 April to 31 March. The claimant who worked a contracted 40 hours per week across 5 days had entitlement in respect of a full working year of 28 days of paid annual leave.

14. In the holiday year in question, the claimant had worked for 10 months of the year and had accrued a proportionate entitlement to 23 days of paid annual leave.
15. In the holiday year in which he was dismissed, the claimant had taken 18 paid leave days leaving a balance of accrued but untaken paid annual leave entitlement, as at the Effective Date of Termination of his employment (5 December 2024), of 5 days in respect of which he is entitled to payment on termination of employment.
16. The claimant's net daily rate of pay was £78.47.
17. The claimant is entitled to be compensated in respect of accrued but untaken paid annual leave entitlement in the sum of £392.35.
18. The claimant's Title to Present and the Tribunal's Jurisdiction to Consider his claims for a statutory redundancy payment, statutory notice pay and accrued but untaken holiday pay entitlement are prescribed by the statutory provisions which are set out in respect of the presentation of complaints of unfair dismissal, in section 111 of the Employment Rights Act 1996, and similar terms in respect of claim for holiday pay.
19. In terms of section 111(2)(a) an Employment Tribunal shall not consider a complaint unless it is presented to the Tribunal:-
  - (a) Before the end of the period of 3 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 3 months.
20. The period of 3 months in this context means 3 months minus 1 day but by reason of the operation of the early conciliation provisions is extended by the number of days between the date upon which a prospective claimant notifies ACAS of an intention to raise proceedings, in the instant case 8 October 2025, and the date of issue by ACAS of an Early Conciliation Certificate, in the instant case 14 October 2025.
21. The Effective Date of Termination of the claimant's employment was 5 December 2024.
22. The claimant initiated early conciliation with ACAS on 8 October 2025 (date A) and ACAS issued an Early Conciliation Certificate on 14 October 2025 (date B).
23. The claimant, however, did not initiate early conciliation until after the expiry of the primary 3 month minus a day time limit.
24. The Early Conciliation Rules accordingly, did not operate to extend the time period.

25. The claimant having been dismissed on 5 December 2024, his complaints, to be timeously presented within the primary time limit, would have required to be presented to the Employment Tribunal by midnight on 4 March 2025.
26. The claimant first presented his initiating Application ET1 to the Employment Tribunals on 12 November 2025, that is some 9 months after the expiry of the primary time limit.
27. The terms of section 111(2)(b) of the ERA provide for the possibility of a Tribunal considering complaints although presented late 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 the initial 3 month period.
28. The higher courts have confirmed that the term reasonably practicable means “reasonably feasible”.
29. Shortly in advance of the date of his letter of dismissal (5 December 2024), the claimant was advised of his redundancy by one of the two Directors of the respondent company who signed his dismissal letter.
30. That Director told the claimant that the respondent company was in the process of being placed in liquidation by a creditor and that once that process had been taken forward, the company would receive and would send to the claimant a “claim number” which would allow him to make a claim for his redundancy and other payments due directly with the government scheme.
31. The claimant accordingly did not have in contemplation the need to or indeed intend to raise proceedings before the Employment Tribunal. The claimant first made contact with ACAS about one month after his redundancy (that is within the initial 3 month time limit), but on that occasion only discussed the government statutory scheme. He did not initiate early conciliation or discuss the raising of proceedings before the Employment Tribunal.
32. At the time of his first contacting ACAS, the claimant was unaware of the existence or duration of the 3 month time limit which constrained the presentation of complaints to the Employment Tribunal of this type.
33. The claimant took no further action in respect of progressing a claim until, in or around September 2025, a former work colleague informed him that for his part, he had received a redundancy payment.
34. In the interim, the claimant had from time to time checked the Register of Companies to see whether the company had been placed in liquidation and had noted that it continued to be shown as “active” on the Register of Companies.
35. Following his conversation with his former work colleague the claimant decided to research the question of raising proceedings with the Employment Tribunal.

36. He did so online and was immediately able to identify the 3 month period time limit and realised that the same had expired some 9 months earlier.
37. The claimant had access to the internet throughout the period from his dismissal and had no difficulty in conducting the research which he ultimately took forward in or about September of 2025.
38. He could have carried out such research within the 3 month time limit and, had he done so, would have become aware of the existence of the time limit and proceeded to initiate early conciliation with ACAS and thereafter to present his complaints to the Employment Tribunal in order to preserve his position.
39. There was no impediment which prevented the claimant from doing so.
40. In not researching the raising of proceedings before the Employment Tribunal, the claimant did so in the hope that the company would be placed in liquidation and that he thus would be able to submit a claim under the government scheme without the need to do anything else.
41. Prior to conducting his research in or about September of 2025 the claimant, as a matter of fact, was ignorant of the requirement that he exercise his rights before the Employment Tribunal within the time period of 3 months minus a day.
42. That ignorance was not reasonable. In the circumstances the claimant ought reasonably to have known of the time limit.
43. When the claimant contacted ACAS on the second occasion in order to initiate early conciliation, which he did on 8 October 2025, he was already aware of the time limit and its expiry but decided, nevertheless to present his complaint in the hope that a Tribunal might find itself able to consider it.

### **Discussion and Disposal**

44. The preliminary issue of the Tribunal's Jurisdiction was reserved for determination at this Final Hearing after evidence on the merits of the claims had been heard.
45. The Tribunal has accordingly set out within its Findings in Fact the claimant's entitlement in law to a statutory redundancy payment, compensation in lieu of notice and payment of accrued but untaken paid annual leave entitlement as at the Effective Date of Termination of his employment.
46. The Tribunal found the claimant to be a credible and reliable witness giving evidence entirely frankly about his state of knowledge and the circumstances within which he came to present his claim to the Employment Tribunal outwith the principal statutory time period.
47. In the circumstances presented in evidence, and on the Findings in Fact made, and although accepting that the claimant was in fact ignorant of the applicable time

limits until in or about September of 2025, the Tribunal has been unable to find that that ignorance was reasonable in the circumstances.

48. When the claimant decided that he wished to research the raising of proceedings before the Employment Tribunal he was able to do so with ease by accessing the internet. Separately, he had been in contact with ACAS and had had a telephone conversation with them during the initial 3 month period. Had he wished to, he could have asked questions about the raising of proceedings at that stage and would no doubt have been pointed towards the relevant time limits or informed directly of them. There was no impediment during the initial 3 month period, or during the succeeding 9 months, which prevented the claimant from informing himself of the relevant position. As the claimant himself frankly explained in evidence, the reality of his situation was that he had believed, based on a telephone conversation which he had with the Director at or about the time of his dismissal, that the company would be placed in liquidation thus enabling him to submit his claims directly to the government scheme without any need to raise proceedings in the Employment Tribunal. He accepted in retrospect that having checked on the Company Register and found that the liquidation had not proceeded, it had been naïve of him to simply let matters rest.
49. Although not without sympathy for the situation in which the claimant finds himself, the Tribunal has been unable to find that it was not reasonably practicable, that is to say, not reasonably feasible for the claimant to have presented his claims within the initial 3 month applicable time period.
50. In those circumstances the Tribunal has concluded that, as at the date of their first presentation the claimant lacked Title to Present his complaints and the Tribunal lacks Jurisdiction to Consider them and that the claims fall to be dismissed for want of Jurisdiction.
51. In the event that the respondent company is placed into liquidation and or ceases to be active on the Register it is possible, although not guaranteed, that the Secretary of State may consider, or reconsider, a claim on the Government Fund for the sums now quantified in terms of the Tribunal's Findings in Fact.

**JG d'Inverno**

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**Employment Judge**

**17 April 2026**

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**Date sent to parties**