



EMPLOYMENT TRIBUNALS

Claimant: Ms Neli (Desislava) Vasileva

Respondent: Nourish Contract Catering Ltd

Heard at: London South (by CVP)

On: March 30, 2026

Before: Employment Judge Taylor

PRELIMINARY HEARING

Appearances

For the claimant: In person (Mr Kamen Hristov, partner)

For the respondent: Mr Cameron, Consultant

JUDGMENT FOLLOWING A PRELIMINARY HEARING

The claim is struck out.

REASONS

1. The claimant was employed by the respondent, catering company, working 17.5 hours a week as a General Assistant from 11 December 2023 until 2 September 2024, after resigning her employment on 26th August.
2. Early conciliation started on 09 December 2024 and ended on 13 December 2024.
3. The claim form was presented on 12 December 2024, one day earlier than the conclusion of Early Conciliation.

4. The claim form did not include the EC number.
5. 18A of the Employment Tribunals Act 1996 **Requirement to contact ACAS before instituting proceedings**
 - (1) Before a person (“the prospective claimant”) presents an application to institute relevant proceedings relating to any matter, the prospective claimant must provide to ACAS prescribed information, in the prescribed manner, about that matter. This is subject to subsection (7)...
 - (4) If—
 - (a) during the prescribed period the conciliation officer concludes that a settlement is not possible, or
 - (b) the prescribed period expires without a settlement having been reached,the conciliation officer shall issue a certificate to that effect, in the prescribed manner, to the prospective claimant...
 - (7) A person may institute relevant proceedings without complying with the requirement in subsection (1) in prescribed cases. The cases that may be prescribed include (in particular)..
 - (c) cases where section 18B applies because ACAS has been contacted by a person against whom relevant proceedings are being instituted.
6. Section 2.3 of the Claim form requires a claimant to provide the ACAS EC certificate number or explain why they do not have one. Rule 12 Employment Tribunals Rules 2024 specifies a claim will be rejected if it contains neither an EC number nor confirmation (a) that the claim does not institute any relevant proceedings, or (b) that one of the EC exemptions applies
7. In the claim form the Claimant indicated that an EC number was not required because her employer had contacted ACAS. The Tribunal did not strike out the claim but directed the Respondent to address the Claimant’s assertion in the response.
8. The Respondent informed the Tribunal the Claimant is not exempt and has failed to comply with section 18A(1) of the Employment Tribunals Act 1996 which requires her to notify ACAS prior to instituting relevant proceedings.
9. The Respondent applied to the Tribunal for the claim to be struck out for this reason on 6 February 2025. Applications were also made for the claims of disability discrimination and public interest disclosure detriment to be struck out.
10. In response, on 13 February 2025, the Claimant sent the Tribunal and the Respondent the Early Conciliation Certificate reference number: R305867/24/42.

11. This hearing was listed to establish the claims in the case, consider the issues and set a date and timetable to a final hearing, if appropriate. The parties were warned that the tribunal may consider striking out the claim if no arguable complaints are brought.
12. At the outset of the hearing, having heard the parties and having considered the documents sent to the tribunal, the Tribunal established that this was a wrongly accepted claim. Section 18A of the Employment Tribunals Act 1996 and the need for an early conciliation certificate number to be set out in the claim form had not been complied with.
13. The claim was dismissed under rule 28 Employment Tribunals Rules 2024, because the Tribunal did not have jurisdiction to consider it.

Approved by:

Employment Judge Taylor
March 30, 2026