



EMPLOYMENT TRIBUNALS

Claimant: Mr J. Dunlop
Respondent: The Co-operative Group Limited

Heard at: Reading Employment Tribunal by CVP
On: 6 May 2026
Before: Employment Judge M. Hunt

Representation

Claimant: the Claimant attended without a representative
Respondent: Ms S. English

JUDGMENT was sent to the parties on 10 June 2026. Full reasons were requested in accordance with Rule 60 of the Employment Tribunal Procedure Rules 2024. The following written full reasons are therefore provided.

FULL REASONS

1. On 22 January 2026 I dismissed the Claimant's claim of unfair dismissal on the basis the Tribunal had no jurisdiction to determine it. I also dismissed a claim to have suffered discrimination by way of a failure to make reasonable adjustments. For reasons outlined in my case management orders of the same date, I listed a further hearing to determine other discrimination claims that had been brought by the Claimant.
2. At the further hearing today, the Claimant raised yet further claims that he believes he had pleaded since the outset of these proceedings. They did not need to be particularised as all of those claims would have been subject to the same time limit as his claim of unfair dismissal. Accordingly, they all stood to be dismissed as the Tribunal lacked jurisdiction to determine them. I proceeded on the assumption those claims had indeed been brought. As I understand them, they were, firstly, to have suffered detriment for having refused to comply with an instruction to undertake a further delivery allegedly in breach of the Working Time Regulations 1998 and/or because it would put him and others at serious and imminent risk of harm due to driving whilst fatigued. Secondly, breach of contract and/or of the Working Time Regulations 1998 for having allegedly required the Claimant to work excessive hours and/or when excessively fatigued.
3. The reasons for both my decision of 22 January 2026 and today are the same, albeit in relation to the claims presently under consideration the underlying dates on which the Claimant suffered detriment or a breach of contract or a denial of

his rights preceded his effective date of termination. Some have therefore in fact been brought even further out of time than his claim of unfair dismissal.

The law and issue

4. The law that I had to apply was the same as that enshrined in section 111 of the Employment Rights Act 1996 relating to the Claimant's unfair dismissal claim. Section 111 is as follows:

“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.”
5. The statutory provisions relating to the various other claims repeat the same time limit. So far as relevant, regulation 30 of the Working Time Regulations 1998, article 7 of the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994 and section 48 of the Employment Rights Act 1996.
6. Accordingly, the issue for me to decide was whether it was reasonably practicable for the Claimant to have presented his claim within three months of the effective date of termination (or, where applicable, a preceding act).

Facts

7. The relevant facts were as follows.
8. The Claimant was dismissed on 29 May 2024. He appealed his dismissal shortly thereafter by letter.
9. During the course of that appeal, in or around June 2024, he discussed the matter with a union representative. He mentioned explicitly bringing the matter potentially to the Tribunal. He was told by his union representative that it was not worth pursuing and that it would involve a lot of delay if he decided to present a claim. The appeal against his dismissal was delayed several times and it was ultimately not determined until mid- to late-September 2024. The appeal was rejected.
10. The Claimant says that he then found out about ACAS from a friend of his. He

“Googled” for further information and promptly contacted ACAS by phone. He was at all times reasonably proficient in basic internet research. He called ACAS in late-September 2024 and tried to initiate early conciliation over the phone as he could do that more easily than in writing. He considered that to be a reasonable adjustment to ACAS’ usual process to take into account his autism. He was informed by ACAS that was not possible and that he would have to approach them in writing. He did so on 7 October 2024. ACAS issued an early conciliation certificate on 11 October 2024. The Claimant then presented his claim to the Tribunal on 24 October 2024.

11. The roughly two-week delay, he said, was due to him completing the ET1 claim form. He had sought some help from members of his family but, ultimately, they had not been able to meaningfully assist. He therefore ended up completing the form himself.
12. The Claimant said that the main reason why he had not brought the proceedings sooner was that he wanted to pursue an internal appeal prior to bringing the matter to the Tribunal. He said he had initially not been aware of the tribunal process or, indeed, of the existence of ACAS. He said he was not informed by anybody about either matter and he was not aware of any applicable deadlines. He said he had some difficulties understanding information about the tribunal process and claims of unfair dismissal.

Conclusions

13. The statutory deadline for bringing all of the claims under consideration is three months. It is extended by any period of ACAS conciliation. In reality, it will almost always be so extended due to the requirement to contact ACAS before presenting a claim. However, if ACAS is contacted only after the applicable three-month deadline has already passed, no formal extension applies.
14. The very clear starting point for my determination is the statutory deadline. It is a strict deadline, subject to one exception. The exception is when it was not reasonably practicable for the complainant to have presented their claim within the deadline. In those circumstances, the Tribunal can allow a further period that it considers reasonable.
15. In this case, the Claimant became aware of the existence of the Tribunal and had discussed the possibility of presenting a claim at the latest by June 2024. He discussed the matter directly with his union representative. He chose to pursue an internal appeal in preference to Tribunal proceedings. That is entirely understandable but, unfortunately, does not extend the statutory deadline.
16. The Claimant was clearly readily able to locate any necessary information about bringing claims to the Tribunal. Once he had determined to do so, he managed to undertake the necessary steps relatively efficiently. He had already discussed the matter with a union representative with knowledge of Tribunal proceedings by June 2024. He had friends that had some knowledge of the Tribunal and his situation. He was able to undertake internet research. He ultimately managed to complete his claim form by himself. All of these matters clearly indicate to me that it would have been entirely practicable for the Claimant to have both

contacted ACAS and presented his claim within three months of his dismissal (there is no need to consider any precise dates of prior events). He could have done this in parallel to pursuing his appeal.

17. Accordingly, as the exception to the rule does not apply, I must adhere to the statutory deadline of three months for presenting a claim. The Claimant did not contact ACAS or present his claim until well after a month after the latest of all of the possible deadlines for presenting any of his complaints had expired. The complaints presently in issue have therefore all been brought out of time, the Tribunal does not have jurisdiction to determine them and they must be dismissed.

Approved by:

Employment Judge M Hunt

20 July 2026

SENT TO THE PARTIES ON

24 July 2026

FOR THE TRIBUNAL OFFICE

Notes

All judgments (apart from judgments under Rule 51) and any written full reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.

If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings and accompanying Guidance, which can be found here: www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/