



EMPLOYMENT TRIBUNALS

Claimant: Ms D Haider

Respondent: Bromley Healthcare Ltd

RECONSIDERATION JUDGMENT

The claimant's application dated 13 June 2026 for reconsideration of the rejection of her claim under Rule 13 on 4 June 2026 is refused.

REASONS

The decision in respect of which reconsideration is sought

1. The claimant was sent my decision to reject her claim on 4 June 2026. My decision was set out as follows:

The Judge's reasons for this decision are that, although there is an early conciliation number in section 2 of the claim form, it is not the same as the early conciliation number on the early conciliation certificate you subsequently sent to the Tribunal on 4 March 2026. Further, the certificate you sent to the Tribunal on 4 March 2026 could not have been the one referred to in your claim form because it was not issued until 4 March 2026, some four days after you had begun your claim on 28 February 2026. The claim is therefore rejected under Rule 13(1)(a): the Tribunal has no jurisdiction to consider it because you had not obtained an early conciliation certificate before presenting it. See in particular section 18A(1) and (8) of the Employment Tribunals Act 1996.

I enclose some explanatory notes called 'Claim Rejection – Early Conciliation: Your Questions Answered'. They include information about applying for reconsideration of the decision to reject your claim...

The application for reconsideration

2. The claimant wrote briefly to the Tribunal in response by email on 4 June 2026, stating:

*This was a mistake which was corrected
I shared the correct certificate to aid correction*

Please refer

Diana Haider

3. She then made an application for my decision of 4 June 2026 to be reconsidered on 13 June 2026 which she described as an “appeal”. I make this point to avoid any confusion because the claimant has, separately, appealed the rejection to the Employment Appeal Tribunal (EAT reference EA-2026-000851-NK).
4. Her application to the Tribunal began as follows:

I respectfully submit this appeal requesting that the Employment Tribunal accept my ET1 claim. The rejection of my claim prevents serious matters of whistleblowing detriment, victimisation, health and safety breaches, and CQC governance failures from being heard. I believe the Tribunal should accept my claim in the interests of justice for the reasons set out below.

5. There follow several pages summarising her complaints against her employer, at the end of which she concludes:

These matters are of significant public interest and should be heard on their merits.

6. She then goes on to state:

Regarding the date on the ACAS certificate, I spoke to ACAS before submitting my ET1 form on the 28th of February 2026. They asked me whether I wanted to continue with their services or escalate, and I decided to escalate to the employment tribunal. Therefore, as a matter of urgency, I completed and submitted the ET1 form on the 28th of February 2026. Unfortunately, I did not receive the certificate until the 4th of March 2026, which explains the discrepancy in the numbers and the difference in dates.

For these reasons, I respectfully request that the Tribunal exercise its discretion to accept my ET1.

7. Her application for a reconsideration was referred to me on 27 July 2026.

The relevant law

8. Rule 14 of the Employment Tribunal Procedure Rules 2024 provides as follows.

14. Reconsideration of rejection of claim

- (1) *A claimant whose claim has been rejected (in whole or in part) under rule 12 (rejection: claim form not used or failure to supply minimum information) or 13 (rejection: substantive defects) may apply for a reconsideration on the basis that either—*
 - (a) *the decision to reject was wrong, or*

- (b) *the notified defect can be rectified.*
 - (2) *An application under paragraph (1) must be in writing and it must be received by the Tribunal within 14 days of the date that the notice of rejection was sent. It must explain why the decision to reject is wrong or rectify the defect and it must state whether the claimant requests a hearing.*
 - (3) *If the claimant does not request a hearing, or the Tribunal decides, on considering the application, that the claim is to be accepted in full, the Tribunal must determine the application without a hearing. Otherwise the application must be considered at a hearing attended only by the claimant.*
 - (4) *If the Tribunal decides that the decision to reject the claim, or part of it, was correct but that the defect has been rectified, the claim must be treated as presented on the date that the application containing the rectification was received by the Tribunal.*
9. Section 18A of the Employment Tribunals Act 1996 (“Requirement to contact ACAS before instituting proceedings”) provides, where relevant, as follows:

(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).

(2) *On receiving the prescribed information in the prescribed manner, ACAS shall send a copy of it to a conciliation officer.*

(3) *The conciliation officer shall, during the prescribed period, endeavour to promote a settlement between the persons who would be parties to the proceedings.*

(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.*

(5) *The conciliation officer may continue to endeavour to promote a settlement after the expiry of the prescribed period.*

(6) *In subsections (3) to (5) “settlement” means a settlement that avoids proceedings being instituted.*

(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)—

cases where the requirement is complied with by another person instituting relevant proceedings relating to the same matter;

cases where proceedings that are not relevant proceedings are instituted by means of the same form as proceedings that are;

cases where section 18B applies because ACAS has been contacted by a person against whom relevant proceedings are being instituted.

(8) A person who is subject to the requirement in subsection (1) may not present an application to institute relevant proceedings without a certificate under subsection (4).

Decision in relation to the claimant's application for reconsideration

10. The claimant has not requested a hearing and so I must determine the application without one (Rule 14(3)).
11. The claimant has not sought to rectify the defect by validly presenting a claim after obtaining an Acas Early Conciliation certificate. I therefore treat the application as advanced solely on the basis that the decision to reject was wrong.
12. The Employment Appeal Tribunal considered section 18A in Pryce v Baxterstorey Ltd [2022] EAT 61. In that case, the claimant presented a claim before she had obtained an early conciliation certificate from Acas. A few days later, she emailed the Tribunal an Acas certificate she had obtained in the meantime. The claim was subsequently dismissed for lack of jurisdiction.
13. The Tribunal explained the jurisdiction point as follows at paragraph 10 of its judgment:

Mr Colm Kelly has represented the respondent on this appeal and has made helpful submissions on both those grounds for appeal. He is clearly right to submit that section 18A(8) is in the nature of a jurisdictional requirement which is laid down by an Act of Parliament. It specifically says:

(8) A person who is subject to the requirement in subsection (1) [to make contact with ACAS and provide them with information] may not present an application to institute relevant proceedings without a certificate under subsection (4) [the kind of certificate that was obtained by Ms Pryce on 27 August 2019].

It follows that when Ms Pryce presented her claim on 23 August 2019 without a certificate, there was indeed no jurisdiction to consider it and that what she sent to the tribunal was in effect a nullity and should have been rejected immediately.

14. In this case the claimant presented her claim without an Acas certificate. Her explanation is that she had already contacted Acas but that the certificate had not yet been issued. However that does not change the fact that she presented her claim *without* an Acas certificate. The Tribunal therefore had no jurisdiction to entertain her claim and consequently I was required to make a decision rejecting it under Rule 13(1)(a). Perhaps regrettably, the fact that the claimant obtained an Acas certificate very shortly *after* she had presented her claim does not change this analysis, for the reasons set out in Pryce v Baxterstorey.
15. The claimant's application for a reconsideration of the rejection of her claim is therefore refused because the decision to reject was correct.

Approved by:
Employment Judge Evans
Date: 29 July 2026

Sent to the parties on:
Date: 29 July 2026