



EMPLOYMENT TRIBUNALS

Claimant: Mr J Alcock

Respondent: Welsh Government

Heard at: Wales Employment Tribunal, by video-link
On: 7 May 2026

Before: EJ E Macdonald

Representation

Claimant: Mr J Alcock (litigant in person)

Respondent: Mr J Edwards of Counsel

JUDGMENT was sent to the parties on 27 May 2026; full oral reasons were given in the hearing; and full reasons were then requested in accordance with Rule 60 of the Employment Tribunal Procedure Rules. The following written full reasons are therefore provided:

FULL REASONS

The hearing

1. This one-day preliminary hearing was listed at the direction of EJ Harfield, and a Notice of Hearing sent on 27 February 2026. That Notice of Hearing contained helpful guidance as to the issues to be considered; the legal test to be applied; and the relevant factual issues.
2. The claimant represented himself; he tendered a witness statement and was cross-examined on its contents. The Respondent was represented by Mr Joseph Edwards of Counsel. Mr Edwards provided a helpful skeleton argument and a bundle of relevant authorities. In addition, the Respondent provided a concise Preliminary Hearing Bundle running to 90 pages.
3. I heard evidence from the claimant himself and considered the claimant's WS. I heard submissions from both parties and in particular I ensured that claimant was given adequate time to formulate his thoughts. I was grateful to both parties.
4. I formulated and identified the claims and dates at the outset. The claims comprised: unfair constructive dismissal; automatically unfair dismissal contrary to s 103A Employment Rights Act 1996 (for "whistleblowing"); detriment for having made protected disclosures ("whistleblowing").

detriment”); disability discrimination, contrary to ss 15, 20/21, and 39 Equality Act 2010; and unlawful deductions from wages.

5. The disability relied upon was that the claimant is a kidney transplant recipient and is immunosuppressed.
6. The complaint of unlawful deductions was withdrawn by the claimant.
7. In its Grounds of Resistance, the respondent had understandably raised the issue of time limits, asserting that the Claimant’s Effective Date of Termination (the date from which time started to run in relation to the complaints of unfair dismissal) was 17 January 2025. The respondent also complained that the claimant had failed adequately to particularise his claims.
8. On 4 September 2025, at the direction of EJ Sharp, the Tribunal wrote noting that the claimant appeared to have brought all his claims outside of the relevant time limits. EJ Sharp noted that until the claims are clarified the Tribunal could not determine if time would be extended. The claimant was ordered to provide additional information about his claim. That correspondence set out clearly the details which the claimant was to provide.
9. The claimant’s response was helpfully contained in the Bundle for today’s hearing. I considered that response carefully. I also clarified it with the claimant. The latest act of discrimination arguably disclosed on the claim form and Further & Better Particulars would have been the termination of the claimant’s employment resulting from an email received from the claimant’s line manager summarizing their recent discussions on 22 December 2024 (that is, if the Claimant were to have been constructively dismissed within the meaning of s 39(7)(b) Equality Act 2010, the discriminatory act would have been the Claimant’s act of giving notice, rather than the expiry of that period of notice).
10. The key dates were therefore:
 - a. ACAS Early Conciliation ran from 4 June 2025 to 13 June 2025.
 - b. The Form ET1 was presented on 16 June 2025.
 - c. In relation to the discrimination complaints: the last act of discrimination complained of was 22 December 2024, with the “primary” time limit expiring on 21 March 2025. Those complaints were therefore out of time by a little under three months, subject to any extension on “just and equitable” grounds.
 - d. In relation to the unfair dismissal complaints: the Effective Date of Termination was 17 January 2025, with limitation expiring on 16 April 2025. Those complaints were out of time by around two calendar months.
 - e. The latest detriment complaint was referable to 22 December 2024 – hence, for the same reasons as set out in relation to the

discrimination complaints, the detriment complaints were out of time by a little under three months.

11. I made the following findings of fact on the balance of probabilities and having regard to the evidence in the round.

Facts

12. The claimant was engaged by Cadw, a branch of the Welsh government, until he tendered his resignation on 17 December 2024. His resignation letter was in amicable terms and did not refer to, or complain of, either discrimination or detriment.
13. The claimant's evidence was that at this stage – and certainly by the Effective Date of Termination on 17 January 2025 – he considered that he had been discriminated against and subjected to whistleblowing detriment. He was aware that there were time limits although he was not sure what they were. He held a law degree. He intended to undertake the Bar course. He was at all material times disabled by reason of kidney transplant and required medication. His uncontroverted evidence, which I accepted, is that this caused a degree of brain fog and difficulty concentrating.
14. However the claimant did not take any steps to research his rights or how they might be enforced. This was surprising, given that in November 2024 Occupational Health had (in a report which would have been seen by the claimant) referred, expressly, to the Equality Act 2010. The claimant could have undertaken research into his rights and how they might be enforced; there was nothing which would have prevented him from doing so.
15. On the claimant's own evidence, he instead chose to raise a grievance.
16. The claimant suggested that he did not present his claim earlier because he had been actively engaged in the respondent's internal grievance process, and he had been expressly instructed by a Deputy Director of the respondent to maintain confidentiality, which he said was at least a factor in his decision not to go ahead with Tribunal proceedings.
17. I did not accept that part of the claimant's evidence. In particular:
- a. The claimant was not engaged in the respondent's grievance process until either 5 March 2025, or – and this alternative date is taken from the respondent's Grounds of Resistance, giving a date more favourable to the claimant – 28 February 2025. Either of those dates would place the grievance over two months after the last allegation of discrimination which the claimant had placed before the Tribunal.
 - b. The plain meaning of the instruction to preserve confidentiality was not a bar to Tribunal proceedings; nor was it a bar to the claimant investigating, in parallel with his grievance, his rights; the applicable time limits; or how his rights might be enforced before the Tribunal.
18. The claimant did submit a grievance, but it was not upheld. The grievance

process concluded on 4 June 2025; the claimant then immediately contacted ACAS and subsequently issued his Form ET1 (the claim form) on 16 June 2025, 3 days after the ACAS process had concluded.

19. I find that the efforts required to identify the need to contact ACAS were not strenuous; the claimant did so easily and promptly once the grievance process had finished.
20. When asked about the notion of “limitation” in the employment tribunals, the claimant replied “. . . it was not that I had no idea, but I wasn’t too familiar with time limits as they existed in different legal systems.”
21. I find that the claimant was at all material times aware that there would be time limits applied, whether in the courts or tribunals.
22. The claimant in his oral evidence relied upon the impact of his disability and the need to take things one logical step at a time. He thought, he said, that his grievance was going to be successful. I find that this was a genuine belief, but not a reasonable assumption: a core element of his grievance, relating to alleged deductions from pay, was something he later realized to have been incorrect.
23. The claimant’s evidence was not persuasive. At times he placed emphases on assertions which most served his case, e.g. shifting the emphasis from the impact of his disability at one point in his evidence, and then later to the impact of the alleged instruction to keep matters “confidential”.
24. I also considered the tone of the claimant’s resignation letter to be difficult to reconcile with his assertion that he considered himself to have been discriminated against, although I do not need to resolve that tension for present purposes.
25. Nor would the grievance have achieved the result that the claimant hoped to achieve in these Tribunal proceedings: the claimant hoped, in these proceedings, to obtain an award in excess of six figures. That hope was, as Mr Edwards quite rightly pointed out in his submissions, plainly unrealistic. I considered that the claimant’s motive in bringing these proceedings was to secure a financial outcome, rather than to highlight what he said were serious health and safety issues at the respondent.
26. The claimant planned to “study for the Bar”, i.e. train to become a barrister. He was aware, at least in general terms, of the existence of the legal system and there was nothing preventing him from carrying out research, whether on the internet or otherwise.
27. The claimant’s response to being asked whether he was unaware that he had a *potential* remedy in the Tribunals as at the date he left employment was “. . . it was not that I was unaware, I wasn’t anticipating having to go to the Tribunal . . . I didn’t expect to need to go to the Tribunal.” I find, again, that this was a genuine and honest belief. It was also, however, unrealistically optimistic.

Unfair dismissal and whistleblowing detriment: the “reasonably practicable” test

28. The Employment Rights Act 1996 provides insofar as is material 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.

(2A) Section 207B (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of subsection (2)(a).

29. It is worth noting that the provisions relating to extension of time relating to ACAS Early Conciliation (i.e. s 207B Employment Rights Act 1996) do not apply to claims which have not been presented before the end of the period of three months beginning with the effective date of termination: s 111(2A) of the 1996 Act.

30. The right to bring a complaint of whistleblowing detriment is set out in s 48 of the 1996 Act and is in parallel terms. Insofar as is material, it says:

48.— Complaints to employment tribunals.

(1A) A worker may present a complaint to an employment tribunal that he has been subjected to a detriment in contravention of section 47B.

[. . .]

(3) An employment tribunal shall not consider a complaint under this section unless it is presented—

(a) before the end of the period of three months beginning with the date of the act or failure to act to which the complaint relates or, where that act or failure is part of a series of similar acts or failures, the last of them, 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.

(4) For the purposes of subsection (3)—

(a) where an act extends over a period, the “date of the act” means the last day of that period, and

(b) a deliberate failure to act shall be treated as done when it was decided on;

and, in the absence of evidence establishing the contrary, an employer . . . shall be taken to decide on a failure to act when he does an act inconsistent with doing the failed act or, if he has done no such inconsistent act, when the period expires within which he

might reasonably have been expected to do the failed act if it was to be done.

(4A) Section 207B (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of subsection (3)(a).

31. “Practicable” means “feasible”. The best approach is to ask colloquially and untrammelled by too much legal logic whether it was “reasonably feasible to present the complaint to the employment tribunal within the relevant period?”: **Palmer v Southend-on-Sea BC [1984] ICR 372.**
32. Ignorance of time limits, or of the right to bring a claim, will not satisfy the “reasonably practicable” test unless the ignorance was reasonable: **Wall’s Meat Company Ltd v Khan [1979] ICR 52.**
33. Where an individual is aware of a right, they are under an obligation to seek information and advice as to how to enforce that right: **Trevelyan (Birmingham) Ltd v Norton [1991] ICR 488.**
34. The correct test is not whether the claimant knew of his rights, but whether he or she ought to have known of them: **Porter v Bandridge Ltd [1978] ICR 943**
35. Pursuing an internal appeal or grievance – and therefore, by extension, negotiating – does not by itself mean it is not reasonably practicable to submit the claim in time: **Bodha v Hampshire Area Health Authority [1982] ICR 200.**
36. Convenience and commercial interests do not by themselves amount to reasonable impracticability: **Birmingham Optical Group plc v Johnson [1995] ICR 549.**

Discrimination: the “just and equitable” test

37. The Equality Act 2010 provides insofar as is material as follows:

123 Time limits

- (1) Subject to section 140B proceedings on a complaint within section 120 may not be brought after the end of—
 - (a) the period of 3 months starting with the date of the act to which the complaint relates, or
 - (b) such other period as the employment tribunal thinks just and equitable.
- [. . .]
- (3) For the purposes of this section—
 - (a) conduct extending over a period is to be treated as done at the end of the period;
 - (b) failure to do something is to be treated as occurring when the person in question decided on it.
- (4) In the absence of evidence to the contrary, a person (P) is to be taken to decide on failure to do something—
 - (a) when P does an act inconsistent with doing it, or
 - (b) if P does no inconsistent act, on the expiry of the period in which

P might reasonably have been expected to do it.

38. The Tribunal has a broad jurisdiction when considering whether it is just and equitable to extend time: **Bexley Community Centre (t/a Leisure Link) v Robertson [2003] EWCA Civ 576.**
39. There is no formal burden of proof, but it is for a party advancing a positive case to establish the matter in issue: **Polystar Plastic Ltd v Liepa [2023] EAT 100.**
40. There is no requirement that the Tribunal be satisfied that there was a good reason for the delay. Time can be extended even in the absence of such an explanation. The question whether there is an explanation or apparent reason for the delay, and the nature of any such reason, are relevant factors to which the Tribunal ought to have regard: **Abertawe Bro Morgannwg University Local Health Board v Morgan [2018] EWCA Civ 640.**
41. The factors in s 33 Limitation Act 1980 are relevant as a useful checklist, but there is no obligation on a Tribunal to go through every item: it will only be an error of law if the Tribunal omits something significant **London Borough of Southwark v Afolabi [2003] IRLR 220.** The factors in s 33(3) Limitation Act 1980 include:
 - (a) the length of, and the reasons for, the delay on the part of the plaintiff;
 - (b) the extent to which, having regard to the delay, the evidence adduced or likely to be adduced by the plaintiff or the defendant is or is likely to be less cogent than if the action had been brought within the [primary time limit]
 - (c) the conduct of the defendant after the cause of action arose, including the extent (if any) to which he responded to requests reasonably made by the plaintiff for information or inspection for the purpose of ascertaining facts which were or might be relevant to the plaintiff's cause of action against the defendant;
 - (d) the duration of any disability of the plaintiff arising after the date of the accrual of the cause of action;
 - (e) the extent to which the plaintiff acted promptly and reasonably once he knew whether or not the act or omission of the defendant, to which the injury was attributable, might be capable at that time of giving rise to an action for damages;
 - (f) the steps, if any, taken by the plaintiff to obtain medical, legal or other expert advice and the nature of any such advice he may have received.
42. The Tribunal should consider the consequences for the respondent of granting an extension: **Secretary of State for Justice v Johnson [2022] EAT 1.**
43. If a claimant is ignorant of their legal rights, that may be a relevant factor; but the relevance of that factor will depend on whether the ignorance was reasonable: **Perth and Kinross Council v Townsley EATS/0010/10.**

Decision

“Reasonably practicable”

44. I deal first with the complaints which are subject to the “reasonably practicable” test (i.e. the complaints of constructive unfair dismissal and/or automatically unfair constructive dismissal; and of whistleblowing detriment).
45. It was plainly reasonably practicable for the claimant to have presented his claims in time. It was reasonably feasible for him so to have done. Ignorance of time limits may be relevant where that ignorance is reasonable: here it was not.
46. Where the resignation itself is relied upon as an act of constructive dismissal, the cause of action crystallises at that point. The claimant was on notice of time limits: he knew or ought to have known that they existed. He is an intelligent individual who was clearly capable of doing research as to how to enforce the rights of whose infringement he asserted he was aware by the date his employment terminated.
47. The reliance on the grievance procedure does not assist the claimant. The formal grievance process did not begin until around 5 March 2025 (or perhaps 28 February 2025). In either case there was a substantial period of time between the (alleged) dismissal and the grievance process beginning: the grievance process therefore did not preclude the bringing of a claim in that period.
48. The claimant ought reasonably to have known of his rights. He failed, unreasonably, to seek information and advice as to how to enforce those rights. His ignorance was not reasonable. He did not consult skilled advisors. In the circumstances there was nothing preventing him from bringing his claim in time and it would have been feasible for him so to have done.
49. If I were wrong about that, I would have gone on to find that a further reasonable period would have been no more than two weeks after the expiry of the “primary” limitation period.

“Just and equitable”

50. I considered in particular the following factors.
51. As to the reason for the delay: the claimant was – for some but not all of the time – awaiting the outcome of an internal grievance procedure. He was aware that in a sense there must exist time limits, but he did not take action to find out what those time limits were, or how to enforce the rights he said that he had. I note again that, on the claimant’s evidence, he thought at the date of his resignation – and therefore also at the date of the alleged dismissal – he had been subject to discrimination and whistleblowing detriment.
52. Waiting for the outcome of the appeal is a factor of limited weight: the

claimant's case is that he had been constructively dismissed, so he was not, and indeed cannot have been, looking to restore the employment contract or to resolve matters internally. The grievance process was, as Mr Edwards cogently observed, not an appeal. Even if the grievance process played some part in explaining the delay, I do not consider it reasonable for the claimant to have delayed issuing his claim until the outcome of the grievance. Even if the grievance explained the claimant's failure promptly to act, I would give this explanation little weight. It does not justify the failure. There is a contrast here between a situation where a dismissed employee appeals (hence seeks restoration of the employment contract), and a situation where an employee resigns and raises a grievance (as was the case here).

53. The length of the delay is around two calendar months: that is a significant period of delay.
54. I considered the extent to which the cogency of evidence was likely to be affected. There may be a degree of fading of memories but I do not accord this factor particular weight.
55. I considered the extent to which the respondent cooperated with requests for information; that is not a relevant factor here, because there were no such requests.
56. As to the promptness with which the claimant acted once he knew of the possibility of taking action, I consider that he did not act promptly. He knew of the possibility of taking some formal action prior to issuing his grievance, but then chose to issue a grievance, waited for that process to conclude, and then took further steps to establish what action to take, and then immediately contacted ACAS.
57. As to the steps taken by the claimant to obtain professional advice once he knew of the possibility of taking action: he took no such steps, but he was entirely able to investigate the position himself.
58. As to the balance of prejudice: I noted that the fact that the respondent would be faced with a claim which would otherwise be time-barred is "customarily relevant" (**Wells Cathedral School (2) Stringer v (1) Souter (2) Leishman EA-2020-000801-JOJ**). I did not go as far as to find any particular forensic prejudice. There would also be some prejudice to the claimant in not having his claims fully ventilated.
59. There is an inherent importance attached to observance of time limits for litigating, and to finality in litigation, even where there is "considerable flexibility in the test that the tribunal must apply when deciding whether or not to extend time . . .": **Wells Cathedral School** paragraph 32.
60. I also noted that the complaints brought by the claimant were not obviously cogent or well-founded. The relevance of this is that it limits the prejudice to the claimant: it is not that the claimant would be debarred from litigating points which are, on their face, obviously well-founded.
61. I therefore concluded that the balance of prejudice militates against granting an extension on "just and equitable" grounds. It would be neither just nor

equitable to extend time.

Conclusion

62. I therefore concluded that:

- a. It was reasonably practicable for the complaints of unfair constructive dismissal, automatically unfair constructive dismissal, and detriment for having made protected disclosures, to have been presented in time (i.e. within the “primary” time limit).
- b. It would not be just or equitable to extend time in relation to the discrimination complaints.
- c. The above complaints would therefore be dismissed for want of jurisdiction.

Approved by:

Employment Judge E Macdonald
10 July 2026

SENT TO THE PARTIES ON
30 July 2026

Kacey O'Brien
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/