



EMPLOYMENT TRIBUNALS

Claimant: MR MARK CLARK
Respondent: VIRGIN MEDIA LTD
Before: Employment Judge N. Clarke

JUDGMENT

The Claimant's application for Reconsideration of my decision of 30 July 2026 is refused under Rule 70(2), there being no reasonable prospect of the judgment being varied or revoked.

REASONS

Procedure

1. I heard this case on 22 May 2026 and gave an oral judgment with reasons. The Claimant asked for written reasons, which I provided on 30 July 2026, which is also when they were sent to the parties.
2. The Claimant made an application for Reconsideration on 13 August 2026 in a 10-page document including exhibits. The Respondent responded in an email of 14 August 2026. The Claimant submitted further submissions and evidence (60 pages) ("the Supplementary Submission") on 25 August 2026, which I have also considered.
3. The application was submitted in time.

Application

4. The application does not suggest that my decision was legally flawed in any way.
5. Rather, it seeks to argue that my conclusion that it was “reasonably practicable for the Claimant to have presented his claims in time” was wrong.
6. Much of the application, with particular emphasis in the Supplementary Submission, concerns what the Claimant told ACAS in the second Early Conciliation notification, namely that the dispute then included “Unfair Dismissal”. However, this is not material to my decision because I had **accepted** the Claimant’s evidence that he relied on the second ACAS Early Conciliation as being the relevant process in respect of his dismissal and that he believed it was effective. (Paragraphs 27 to 33 and 41).
7. The focus of the application concerns what the Claimant calls the “specific internet-research issue”. This reflects, I understand, Paragraph 42.4 of the Reasons where I conclude that had the Claimant done an internet search at the relevant time he would likely have been alerted to the issue (of validity of a second EC).
8. The Claimant has, for the benefit of his application, now done a Google search of “can I add another matter to an acas certificate that had ended” and exhibited the result. He asserts that the result does not “provide a simple or clear answer to the multiple-certificate/‘same matter’ issue”. I do not accept that this creates a reasonable prospect of the judgment being revoked or varied because:
 - 8.1 The process is artificial in that the Claimant has determined the terms and extent of the search.
 - 8.2 Whilst I agree that this particular search has not given a definitive answer to the Claimant’s particular circumstances, it clearly indicates that there will be circumstances in which claimants may need to submit a fresh notification and circumstances in which they should not. That dichotomy ought to have prompted further research and/or the obtaining of advice.
 - 8.3 The material the Claimant produces from ACAS, as the Claimant acknowledges, notes that time limits can be complex, and that claimants may need to get legal advice.
 - 8.4 Importantly, the Claimant’s approach is to consider reason Paragraph 42.4 in isolation, where it is, self-evidently, one of a number of reasons. Taking only the possible internet search in isolation would be to ignore the other circumstances here, in particular the fact that the Claimant had Union assistance and legal advice through the Union at the relevant time (which I refer to in paragraph 42.1).
9. Further, and in any event, the material now provided includes:

“If you have already submitted your Tribunal claim (ET1): You generally do not need a new Acas certificate to add a closely related or new claim to active proceedings. You can apply to the Employment Tribunal to amend your claim under its standard case management powers”

That supports the conclusion that an internet search would have revealed an issue for the Claimant in the particular context here.

10. The Claimant relies on an email of 17 June 2025 from ACAS that stated, “You will have a minimum of one month from the date on the certificate to lodge a claim” and states, “the statutory conciliation service dealing with my .. case expressly informed me in writing that I had a minimum of one month.. to lodge a Tribunal claim”. I do not accept that this creates a reasonable prospect of the judgment being revoked or varied because:

10.1 I accepted/concluded that the Claimant had made a mistake about the effect of the second Early Conciliation, i.e. that he erroneously believed it would extend time. This material only goes to the question of what the Claimant actually believed, which was not in issue.

10.2 The question of reasonable practicability involved consideration of what the Claimant **ought to have known**. This material does not assist the Claimant on that point.

10.3 Indeed, to some extent the email supports the argument that the Claimant should have done his own research as it states, “It is your responsibility to ensure your claim is submitted in time” and provides links to the Acas helpline and sources of legal advice.

11. The Claimant relies on the 17 June 2025 email from ACAS as providing a “direct explanation for the period from 17 June to 10 July 2025”. I take this to be a reference to paragraph 42.5 in which I state:

“There was no evidence or explanation as to why, having relied on the second EC, the Claimant delayed, from the issue of that certificate on 17 June 2025, until 10 July 2025 to present the claim (other than his continuing misapprehension about the effect of the second EC).”

The Claimant’s point, that he had been told by ACAS he had one month to lodge the claim, falls squarely within his misapprehension about the effect of the second EC, and so is dealt with by Paragraph 42.5.

12. For those reasons, there is no reasonable prospect of the judgment being varied or revoked.

EJ N. Clarke
2 September 2026