



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms Z K Sarzynska

**Respondent:** Red Firs Carehome Limited

**Heard at:** Nottingham **On:** 7 August 2026

**Before:** Employment Judge Omambala

**Representation**

Claimant: In person

Respondent: Did not attend

## JUDGMENT

*Pursuant to sub sections 23(2) and (4) of the Employment Rights Act 1996 the employment tribunal does not have jurisdiction to hear the Claimant's complaints.*

## FULL REASONS

**JUDGMENT** with summary reasons was given at the hearing on **7 August 2026** and full written reasons were requested at the hearing in accordance with Rule 60 of the Employment Tribunal Procedure Rules.

1. The Claimant was employed by the Respondent as a Care Assistant. Her employment was subject to a six month probationary period. The Claimant worked for the Respondent from 9 May 2024 until her employment was terminated on 30 September 2024 following a probation review meeting on that day.
2. The Respondent has not filed a Response form and did not attend the hearing today.
3. The Claimant confirmed at the hearing that she was bringing complaints in respect of a failure to pay holiday and notice pay and a failure to pay her wages for days on which she undertook mandatory training.
4. The Claimant had provided a witness statement together with copies of documents referred to in her statement in advance of the hearing. The Respondent had failed to engage with the Claimant or with the Tribunal's case management directions in preparation for this final hearing.

5. The Claimant began early conciliation on 11 December 2024 and the conciliation period ended and a certificate was issued to her on 16 January 2025.
6. The primary time limit for issuing her claims expired on 29 December 2024. Section 207B(4) of the Employment Rights Act 1996 applies to this claim and the time limit for initiating proceedings expires one month after the Claimant received the early conciliation certificate from ACAS. The time limit for bringing her complaint in the employment tribunal expired on 16 February 2025. The Claimant issued her claim on 24 February 2025.
7. The Claimant's claims of breach of contract and unlawful deductions from wages were not brought within the time limit imposed by section 23(2) of the Employment Rights Act 1996.
8. The Tribunal is therefore required to consider whether or not it was reasonably practicable for the Claimant to present her claim in time.
9. What is reasonably practicable is a question of fact for the Tribunal to decide. The onus on proving that presenting her claim in time was not reasonably practicable is on the Claimant. She must show precisely why it was that she did not present her complaint in time.
10. If the Tribunal is satisfied that it was not reasonably practicable to present the claim in time, it must go on to consider whether the claim was presented within such further period as the Tribunal considers reasonable.
11. The Claimant told the Tribunal that she knew that the time limit for presenting her claim was three months less one day from the date of her dismissal. The Claimant explained after her dismissal she had no income and did not consider it right to claim any social security benefits. The Claimant made clear that her priority was to find a new job. She explained that it was difficult for to do so given that she had been dismissed. The Claimant lived in Newark but ended up moving to Devon to become a live-in carer. The Claimant explained that she had found the three months of unemployment very stressful.
12. The Claimant said that in her new job in Devon she had limited access to the internet and that the internet connection was poor so that it made it difficult for her to communicate.
13. The Claimant explained that she had contacted the Citizens Advice Bureau and ACAS for help and advice. She said that ACAS told her about the Tribunal time limits but said that she could extend the time for bringing a claim if she had a good reason.
14. The Tribunal asked the Claimant why there was a delay in lodging her claim even after she had received her early conciliation certificate from ACAS and she repeated that she had decided to concentrate on finding a job and securing her situation.
15. The Tribunal accepted that the difficult circumstances the Claimant faced

after her dismissal were very stressful for her. However, the Claimant had secured new employment by January 2025.

16. Adopting a liberal construction of the provisions in favour of the Claimant, the Tribunal was satisfied that it was not reasonably practicable to present her claim before 16 February 2026. However, the Claimant delayed for a further 8 days before presenting her claim form and did not offer any explanation for that further period of delay.
17. The Tribunal has concluded that the Claimant did not present her claim within such further period as it considers reasonable. Accordingly, it does not have jurisdiction to hear these complaints, and the claim must be dismissed.

**Approved by:**

**Employment Judge Omambala**

**Dated: 07 August 2026**

Sent to the parties on

...10 September 2026.....

For the Employment Tribunal

...Elliot Barker.....

## **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/](http://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/)