



EMPLOYMENT TRIBUNALS

Claimant: Mr N Adams

Respondent: Public Heath Wales

Heard at: Wales (via CVP)

On: 7th July 2026

Before: Employment Judge H J Randall

REPRESENTATION:

Claimant: In person

Respondent: Mr J Feeny (Counsel)

WRITTEN REASONS

Introduction

1. The Claimant was employed by the Respondent. He claims that his dismissal on 8th August 2025 was unfair. ACAS was notified under the early conciliation procedure on 4th December 2025 and the certificate was issued on 10th December. The ET1 was presented on 11th December 2025.

Claims and issues

2. The Claimant acknowledged within his claim form that the time limit for bringing his claim was 7th November 2025, and that he had therefore brought the claim out of time. The claim was listed for preliminary hearing to determine:
 - a. Was it reasonably practicable to present the claim within the time limit?
 - b. If not, was it presented within a reasonable period?
3. At the outset of the hearing the Claimant indicated that he also wished to bring a complaint in respect of the Respondent refusing his application for a vacancy within his old department on 5th November 2025. I asked the Claimant on what basis he said the Tribunal had power to determine such a complaint, and allowed him time until the end of the hearing to consider. At that point, the Claimant indicated that he wished to make such complaint under the Employment Tribunals Act 1996 and the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994 as a breach of contract. I explained that that Act and Order only allowed a tribunal to be able to hear a contractual claim brought by an employee, and that the claim must arise or be outstanding on termination of the employee's employment. Since the factual basis of the complaint arose nearly 3 months after the Claimant's dismissal, the Tribunal does not have jurisdiction to hear such a claim.

Procedure, documents, and evidence heard

4. The tribunal heard evidence from the Claimant.
5. There was a tribunal bundle of 125 pages.
6. The Respondent's representative and the Claimant made oral submissions.
7. The Claimant was allowed a break between giving evidence and making oral submissions.

Findings of fact

8. The Respondent is the national public health agency in Wales. The Claimant started employment with the Respondent on 11th July 2023 as a Records Management Officer. He was employed under a fixed term contract, which was initially due to expire on 11th May 2025.

9. In advance of the end of his contract, the Claimant was put on the Redeployment Register on 3rd February 2025. The Claimant began a trial period in an alternative role on or around 12th May 2025, but this was ultimately unsuitable for both parties.
10. The Respondent extended the Claimant's time on the redeployment register to allow the Claimant to continue to apply for alternative roles, and then to process the Claimant's redundancy payment. The Claimant's employment was terminated on 8th August 2025, for reason of redundancy.
11. After the Claimant's dismissal, he became aware that a member of the team in which he had originally been employed was planning to take a career break. The Claimant's evidence is that he discovered this within 5 days of the termination of his employment (13th August).
12. On 4th September, the Claimant sent a message to his former team leader in which he said *"Aimee has told me about her plans, will this mean a vacancy in the RM team?"*, to which he received a response the same day *"Yes there will be... I'm not sure when we'll be able to go out to advert for it... at the moment Aimee will still be with us until about the middle of November I think"*.
13. The Claimant was asked in the course of the hearing whether he made enquiries about an unfair dismissal claim after 13th August. The Claimant responded that he didn't, in part because the information given on 13th August was told to him in confidence, and in part because he was focused on trying to get another job, and trying not to burn bridges with the Respondent.
14. On 8th October, the Claimant made an enquiry about the vacancy, and made an application on 9th October 2025.
15. On 5th November, the Respondent informed the Claimant that he would not be shortlisted for the role because he was not an internal candidate. The Claimant raised a complaint in respect of the decision the same day, to which the Respondent replied, also the same day, justifying its decision.
16. The Claimant gave evidence that it was after the Respondent's rejection of his application that *"the wheels started turning"* in respect of a potential claim of unfair dismissal. When asked how this was consistent with his previous answer of not making enquiries about a claim earlier because he did not want to burn bridges, the Claimant responded that *"burning bridges was more of a hindsight thing"* and that *"once the 5th came, the gears started to turn. Maybe this vacancy doesn't need to exist. The moment the lightbulb came on I started doing the research"*.

17. The Claimant started conducting research into bringing a claim for unfair dismissal in the week commencing 10th November 2025 and discovered that the time limit for bringing a claim of unfair dismissal was “3 months less a day”, namely in his case 7th November.
18. Following this, the Claimant sought advice as follows:
- a. He called the ACAS helpline on 13th November;
 - b. He contacted Cardiff CAB on 17th November; and
 - c. He contacted the ACAS helpline again on 19th November.
19. The Claimant then emailed the Respondent on 21st November 2025, in which he set out, in terms he said he tried to make deliberately neutral with the assistance of AI, that he considered he had been unfairly dismissed. The Claimant gave evidence that at this stage he didn't want to be accusatory and wanted to “sit down with” the Respondent to discuss the situation.
20. The Claimant had a consultation with solicitors on 3rd December.
21. The Claimant started early conciliation on 4th December.
22. The Claimant exited early conciliation on 10th December.
23. The Claimant issued his claim on 11th December. He conceded in his evidence that “for the most part, the Respondent did everything they were supposed to do”, and that his point of contention within his claim form was that at the point of his dismissal the Respondent knew that a colleague was due to go on a career break, and that the Claimant should have been retained in order to fill the upcoming vacancy.
24. The Claimant has given evidence to the Tribunal as to his mental health and the effect it has had on him. Whilst the Claimant does not have a formal diagnosis, I accept his evidence that he has sought support for his mental health and that clinical diagnoses are being explored. The Claimant in evidence stated that his condition caused him to “hyperfocus” on applying for the vacancy rather than considering bringing a claim before the tribunal within the time limit. Whilst the Claimant has provided NHS letters, none of these mentions hyperfocus, and there is insufficient evidence before me to make a finding that his condition/conditions caused him to hyperfocus in the way described. In any event, in evidence the Claimant conceded that the condition of his mental health did not affect his ability

to bring the claim, and that in the period August-November 2025 he chose to pursue the job application rather than bring a claim.

Law

25. Section 111 of the Employment Rights Act 1996 provides:

- 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.

Conclusions

26. The Claimant concedes that the claim was not presented to the tribunal before the end of the period of three months beginning with the effective date of termination.

Was it reasonably practicable to present the claim within the time limit?

27. The Claimant's complaint is that the Respondent should not have dismissed him on 8th August 2025, because at that time it was aware that there would soon be a vacancy for which the Claimant was suitable, and it should have retained him until such time as the vacancy became available.

28. The Claimant discovered the impending vacancy on 13th August 2025. The Claimant confirmed on 4th September 2025 that the Respondent knew of the impending vacancy. By 4th September 2025, the Claimant was therefore in possession of the facts on which his claim is now based.

29. The Claimant's evidence, which I accept, was that between 4th September and 5th November 2025, he was focused on attempting to secure the vacancy with the Respondent. I find that this was a decision made by the Claimant. In this period he had all the information on which he later decided to base his claim, but did not

conduct any research as to whether he had a potential claim against the Respondent. Whether the Claimant was deliberately deciding not to bring a claim at this stage so as not to rock the boat (as his evidence at the start suggested) or whether that was a conclusion he reached in hindsight looking back at the situation, is to some extent a moot point. The statutory test I must apply is not an analysis of whether it was reasonable for the Claimant to act in the way he did in that timeframe, but rather whether it was reasonably practicable for him to bring the claim.

30. Within the period 4th September to 7th November, the factual matters on which the Claimant now bases his claim were known to the Claimant. Had he considered the facts as were known to him, and conducted the research of which he was capable (and which he did later conduct) he would have known of the potential to bring a claim, and of the time limit for doing so.
31. The Claimant stated in evidence that it was only after his application for the vacancy was rejected on 5th November that *“the wheels started turning”* and he *“started to realize”* that he might have a claim for unfair dismissal. This was still 2 days within the time limit. It was reasonably practicable for the Claimant to contact ACAS in that time period and start the process of early conciliation in advance of bringing a claim. Had he done so, and presented the claim on conclusion of the early conciliation, the claim would have been presented within the time limit.
32. I therefore find that it was reasonably practical for the Claimant’s claim to have been brought within the time limit.

If not, was it presented within a reasonable period?

33. Having concluded that it was reasonably practicable for the Claimant to bring his claim within the time limit, I have no residual discretion to allow the claim. However, if I am wrong on the first part of the test, I further find that the claim was not brought within a reasonable period.
34. The Claimant’s evidence was that he was aware from his own research, in advance of contacting ACAS for the first time on 13th November 2025, that he was outside the time limit for bringing a complaint of unfair dismissal. He thereafter did not start early conciliation until 4th December, and did not present the claim to the tribunal until 11th December 2025 (a period of over 5 weeks).
35. Had the Claimant brought the claim within the week commencing 10th November, when he realized that he was outside the time limit of 7th November, I may have found that to be a reasonable period. However, I do not find a further delay of over

4 weeks to have been reasonable. Both the time limit and the Respondent's position were reasonably clear to the Claimant by the week of 10th November 2025, and it was not reasonable to delay further in those circumstances.

36. For those reasons, the Claimant's claim of unfair dismissal is dismissed.

**Approved by:
Employment Judge H J Randall
14th July 2026**

Judgment sent to the parties on:
16 September 2026

For the Tribunal:
Lauren Chambers