



# EMPLOYMENT TRIBUNALS

**Claimant**

**Respondent**

Ms D Rogers

v

The Roundabout Nursery Limited

**Heard at:** Bury St Edmunds

**On:** 12 October 2018

**Before:** Employment Judge Laidler

**Appearances**

**For the Claimant:** Mr M Raffael, Consultant

**For the Respondent:** Mr O Isaacs, Counsel

## JUDGMENT ON PRELIMINARY HEARING

1. The tribunal is satisfied that the claim form was received in time on 25 January 2018.
2. Case management orders have been made.

## SUMMARY

1. There had been an issue as to whether the ET1 had been received in time. Mr Raffael had produced evidence that he had lodged the claim form on 25 January 2018 and received an online response giving a claim reference number of 1FG9-427X. The administration have no record of the claim and he submitted it again on 1 May 2018 and therefore it appeared to the respondent to have been submitted out of time. Employment Judge Warren asked for enquiries to be made by the administration. They were unable to locate any reference as above, however, the department responsible for online claims indicated in an email to the Watford Employment Tribunal on 22 August 2018, (the contents of which were read out by the judge at this hearing), that there had been an issue in August of this year when 66 ET1s and 11 ET3s submitted on 6 August and early on 7 August were missing from the system.

2. The respondent made no submissions on this matter, leaving it to the employment judge. The judge was satisfied that on the evidence given by Mr Raffael that the ET1 had been submitted on 25 January 2018. Not only had he the online print out, but he had started early conciliation on 5 December 2017 and the certificate was issued on 19 January 2018. He produced a screen shot from his own system showing that the particulars of claim were last updated on 25 January 2018, and he had also been in correspondence with the then solicitors for the respondent in January. All of this supported his contention that the claim form had originally been lodged on 25 January 2018.

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Employment Judge Laidler

Date: 6 November 2018.....

Sent to the parties on: 15 November 2018

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For the Tribunal Office