



# THE EMPLOYMENT TRIBUNALS

**Claimant:** Miss G Faulkner

**Respondent:** (1) The Governing Body of Giles Junior School; and  
(2) Miss L Whitby

**On:** 18 October 2024

**Heard at:** Norwich (by CVP)

**Before:** Employment Judge M Warren

**Representation**  
**For the Claimant:** In person  
**For the Respondent:** Mr D Moher, Solicitor

## CASE MANAGEMENT PRELIMINARY HEARING (PUBLIC) SUMMARY

### JUDGMENT

The Claimant's claims of unfair dismissal, disability discrimination, for a redundancy payment and notice pay, are in time; the Tribunal has jurisdiction to consider the Claimant's claims.

### REASONS

1. Miss Faulkner was employed by the Respondent as a Learning Mentor between 21 January 2016 and 21 July 2023. After Early Conciliation between 25 September and 27 September 2023, she issued these proceedings on 3 November 2023.
2. In the Grounds of Response, the Respondents assert that the claims are out of time. At the ET3 Referral stage, an Employment Judge directed the matter be listed for a Public Preliminary Hearing to determine the time issue. The matter came before Employment Judge Brown on 30 August

2024, she postponed the Preliminary Hearing because Miss Faulkner had produced a lot of documentation during the hearing which was not in the Bundle and which left insufficient time for the hearing to be concluded, if the documentation was to be read.

3. I raised with Mr Moher at the outset of this hearing, that it seemed to me that in fact, Miss Faulkner's claims are in time. I referred to Luton Borough Council v Haque [2018] UKEAT/0180/17, which is authority for the proposition that in relation to Early Conciliation, Section 207B(3) and (4) of the Employment Rights Act 1996 are applied sequentially. Section 207A(3) provides that, "the clock stops" during the period of Early Conciliation. The date by which proceedings have to be issued is therefore extended by the period certified in the Early Conciliation Certificate. Section 207B(4) provides that,

"If time would expire between the date Early Conciliation started and one month after Early Conciliation ended, time is extended by a further month."

4. Applying that proposition to this case, the three month time limit (three months after the date of termination of employment) would be 20 October 2023. Two days Early Conciliation extends time to 22 October 2023. The Early Conciliation Certificate was issued on 27 September 2023, (that is Day B per Section 207B) which is within one month of time expiring, (22 October 2023) and so subsection (4) is engaged, (time will end within one month of Day B) one adds a further month, taking the limitation date to 22 November 2023. Thus, the claim having been issued on 3 November 2023, is in time.
5. The principle is that all Claimants should have at least one month to submit their ET1 from the date on which the Early Conciliation period ends.

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**Employment Judge M Warren**  
**Dated: 2 December 2024**

**ORDERS SENT TO THE PARTIES ON:**  
**2/1/2025**

**N Gotecha**  
**FOR THE TRIBUNAL OFFICE.**

**Recording and Transcription**

Please note that if a Tribunal Hearing has been recorded you may request a transcript of the recording, for which a charge is likely to be payable in most but not all circumstances. 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:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>