Case No: 3303311/2023

EMPLOYMENT TRIBUNALS

Claimant: **Ms C Punshon**

Respondent: The Royal Latin School

Heard at: Cambridge (by CVP) **On: 9 April 2024**

Before: Employment Judge Green

Representation
Claimant: In person
Respondent: Ms D Grennan - Counsel

RESERVED JUDGMENT

1. The application to strike out the claims is refused.

2. The respondent's application for costs is allowed.

REASONS

1. This is a lengthy judgment. To assist the parties, I have created embedded links to each of the sections of the judgment.

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Allegations of faking and modifying evidence
Derogatory, misleading and/or defamatory comments to third parties
Allegations that the Respondent, Mr. Hudson and Mr. Dart are defying Department for Education Regulations
Rude, aggressive and threatening communications to and/or about staff
Abuse of process

Claims not within jurisdiction of the Employment Tribunal
Claimant's application for an unless order

Unreasonable conduct of proceedings - Claimant's disclosure
Unreasonable conduct of proceedings - Respondent's disclosure
Unreasonable conduct of proceedings - deadlines - ET3
Unreasonable conduct of proceedings - preliminary hearing of 1 September 2023
Retention and sharing of confidential personal data
Unreasonable and vexatious conduct towards VWV
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Introduction

Procedural history

2. The claimant presented a claim form to the Tribunal on 4 April 2023. This was after early conciliation that started on 2 March 2024 and ended on 4 April 2023. She was employed by the respondent, a school, as a Teacher of

Computing from 1 September 2022 to 19 February 2023. The claimant claims race and sex discrimination. In particular, she claims the following:

a. Harassment related to race.

b. Direct race discrimination.

c. Harassment related to sex.

d. Direct sex discrimination.

3. There was a private preliminary hearing before Employment Judge Warren on 1 September 2023. At that hearing, Employment Judge Warren identified the issues between the parties and explained the process involved in preparing for the final hearing. A final hearing has been listed for 7 to 11 October 2024. The hearing was listed to be in person at the Cambridge County Court.

4. On 5 September 2023 the claimant applied to amend her claim [27] [191], to join another claim and to add further respondents to her claim.

5. On 24 January 2024, the respondent applied for an unless order or strike out and/or costs order and a request for a preliminary hearing [114]. The grounds for the application were as follows:

    a. An Unless Order (applied for on 20 November 2023): This request stems from the claimant's continued direct communication with the respondent's potential witnesses and other associated individuals, despite being advised to direct all correspondence to the respondent's legal representatives. The respondent argues that such communications are causing undue stress and anxiety, thereby threatening the Tribunal's capacity to conduct a fair hearing.

    b. A Strike Out Order: The respondent seeks to have all or part of the claimant's claims struck out on the grounds that they are scandalous or vexatious. This request is based on several grounds, including the claimant's behaviour causing stress and anxiety for recipients of their emails, the claimant's intent to cause inconvenience and distress, and the claimant's conduct in proceedings being unreasonable and potentially an abuse of process.

    c. A Costs Order: Additionally, the respondent is seeking a costs order under rule 76(1) (a) of the Schedule 1 to the Employment Tribunal Rules of Procedure 2013. This is to recover significant legal costs incurred as a result of having to address the claimant's vexatious, abusive, and disruptive communications. The respondent argues that the claimant's actions have necessitated additional legal work, compounding the legal expenses incurred by the respondent.

d. A Preliminary Hearing: The respondent also requested a further Case Management Preliminary Hearing. This hearing would not only consider the applications for an unless order, strike out, and costs order but also provide a forum for an Employment Judge to consider the respondent's arguments related to jurisdiction and other pertinent matters as laid out in their amended grounds of resistance.

The underlying reasons for these applications include the claimant's direct and unsolicited contact with the respondent's employees and potential witnesses, making allegations of fraud, defying Department for Education regulations, and insurance fraud, among others. These actions, according to the respondent, are causing undue stress and could potentially undermine the fairness and integrity of the Tribunal's proceedings.

6. On 16 February 2024, the claimant applied to the Tribunal for an unless order [89-92] [197]. The application was in the following terms:

> *Unless Respondents allow Michelle Taylor to directly send to me her entire report, with the full knowledge of allegation of insurance fraud or misappropriation of public funds in whatever non-threatening wording Respondent's solicitors should deem appropriate by Nov 24th, one week in defiance of the existing order, I ask that the court order Respondents to reinstate my salary by Dec 1st as an urgent interim order an emergency injuction*
>
> *1. to remove all unsubstantiated and disparaging mentions of safeguarding, or*
> *unprofessional communication from all training documents,*
> *2. to sign off training as complete,*
> *3. to remove unsubstantiated disparaging remarks "TS1-TS8 for Part One of" and "In*
> *order to complete her final assessment, she now needs to provide consistent evidence to*
> *support Part Two (Personal and Professional Conduct) with a focus on regard for the*
> *ethos, policies and practices of the school, particularly with a view to effective and*
> *appropriate communication. I would recommend that this takes place across the period of half a term" from the written references,*
> *4. to not refer to the written reference as an agreed reference, and to take all necessary steps to rectify documents offered to the Tribunal, steps which*
> *may include Royal Latin School obtaining independent counsel, separate from David Hudson's.*
>
> *…*
>
> *I therefore request an order from the Tribunal under rules 29, 30, 38, and 44 of the ET Rules providing that unless Respondents*

allow Michelle Taylor to send me her entire report, with the full knowledge of allegation of insurance fraud or misappropriation of public funds in whatever nonthreatening wording Respondent's solicitors should deem appropriate, I ask that the court order Respondents to reinstate my salary as an urgent interim order rectify all training documents and written references.

7. This hearing was listed to determine the following:

    a. The claimant's application for an unless order.

    b. The respondent's application for an unless order, for strike out and for a costs order.

    c. Any outstanding issues as to disclosure and assembly of the bundle.

    The hearing was listed for 3 hours.

8. On 29 February 2024 and 3 March 2024, the claimant emailed the Tribunal to state that her proposed amendments to her form ET1 were not on the agenda for the preliminary hearing [504]. The claimant modified her application for an Unless Order acknowledging that she could not obtain interim relief.

9. On 18 March 2024 the claimant emailed the Tribunal alleging solicitor misconduct and stated that the matter should be referred to the Solicitor's Regulation Authority on the grounds of tampering with documents [507]. The Tribunal was invited to strike out the Grounds of Resistance which were described as "incoherent". The respondent's solicitors were accused of not acting in good faith.

10. On 2 April 2024, the respondent's solicitors applied to the Tribunal to have the hearing extended to 1 day given the scope of the matters that required to be determined [518]. The Tribunal did not extend the allocated time and the hearing continued to be listed for 3 hours.

The hearing

The agenda

11. The Tribunal has not extended the allocated time for this hearing. I explained to the parties that the hearing would have to remain as listed for three hours. I would not be able to sit beyond that time as I had another case to hear in the afternoon. Given the number of matters that required to be dealt with at this hearing, it was simply not practicable to deal with all of them within the allocated time of three hours. After some discussion with the parties we agreed that I would deal with the following applications at this hearing:

    a. The respondent's application for an unless order, for strike out and for a costs order.

b. The claimant's application for an unless order.

c. The claimant's application for joinder - this was subsequently withdrawn by the claimant when she was making her submissions.

d. The claimant's application to add further respondents.

12. I explained to the claimant that if the respondent's application to strike out the claims was unsuccessful, a further preliminary hearing would need to be listed to hear the claimant's outstanding applications at a later date.

<u>The documents, witness statements and reading time</u>

13. The respondent filed and served a 529-page digital bundle on 5 April 2024. The claimant initially informed me that as the bundle had only been served on her the previous Friday, she objected to its being referred to at this hearing. She said had not had an opportunity to review the documents contained in the bundle. However, she then told me that she had read the witness statements that had been served on her and had read some of the documents in the bundle that were referred to in those statements. The claimant told me that she had also written many of the documents that were in the bundle. The claimant also told me that she was familiar with the respondent's application for the unless order, strike out order and costs order. However, she had not read the summary of documents prepared by Ms Grennan or the skeleton argument prepared by Ms Grennan.

14. Ms Grennan acknowledged that it was a very large bundle for a preliminary hearing. She said that most of the documents contained therein consisted of the claimant's communications with the respondent, witnesses of the respondent and third parties. She submitted that nothing in the bundle should come as a surprise to the claimant and she should, therefore, be familiar with the documents.

15. I noted that there was no case management order regarding the timetable for filing and serving the bundle and the witness statements. I also noted that the bundle was large.

16. I was concerned to ensure that the claimant had prepared for, and would be able, effectively to participate at this hearing particularly given the fact that she is a litigant in person. As she was familiar with the documents in the bundle, I decided that it would be consistent with the overriding objective to give the claimant extra time to read the document summary and the skeleton argument, and I came off the bench for that purpose. I returned to the bench 40 minutes later to resume the hearing.

17. On 9 April 2024, the respondent tendered a supplementary bundle comprising a witness statement prepared by Police Sergeant 7219 Broughton of the Thames Valley Police in relation to the claimant's complaint of harassment against Mr. Lawrence James. I admitted this document into evidence as it is

relevant to the respondent's application. It is a short document comprising three pages. I allowed the claimant some time to read this document.

18. In addition to the bundle, the respondent has filed and served three witness statements from the following people:

    a. Mr. David Hudson

    b. Mr. Laurence James

    c. Mr. Philip Dart

    These witnesses were not present at the hearing to adopt their statements and to make themselves available for cross-examination. As noted above, the claimant confirmed that she had read these witness statements.

19. The claimant quite correctly pointed out to the Tribunal that none of the statements had been signed by the witnesses. I directed the respondent's solicitors to obtain signed copies of the witness statements which should be filed and served.

20. I heard oral submissions from both sides on their applications.

Findings of fact

<u>Respondent personnel</u>

21. In my findings of fact, I refer to various personnel employed by or otherwise associated with the respondent. Three of these people have provided witness statements, which I discuss below. They are:

    a. Mr. David Hudson, the respondent's Head Teacher.

    b. Mr. Laurence James, the respondent's Head of Computing and line manager of the claimant.

    c. Mr. Philip Dart, the respondent's Chair of Governors.

    In addition, reference is also made to Ms Sally Kay, the respondent's Assistant Head teacher.

<u>The claimant's correspondence with employees, officers and agents of the respondent including the respondent's potential witnesses</u>

22. On 11 May 2023, the respondent's solicitors VWV wrote to the claimant notifying her that they were instructed by the respondent, and they asked her to note that all and any future correspondence should be sent to that firm only marked for the attention of Ms Naseem Nabi, a partner of that firm. Furthermore, the email stated "no correspondence should be sent to our client, directly or otherwise" [211]. Having been a solicitor myself for over 30

years, this is standard practice in the profession when a client retains a solicitor to act on their behalf. There is nothing unusual about this type of letter.

23. Notwithstanding this request by VWV, the claimant contacted employees, officers and agents of the respondent on multiple occasions on the following dates:

a. 15 May 2023: an email to Ms Nabi copied to Mr. Dart [211]

b. 23 May 2023: an email to the Watford Employment Tribunal copied to Ms Charlotte Rose, Ms Nabi, Mr. Hudson and Mr. Dart [214]

c. 30 June 2023: an email to Ms Rose, Ms Nabi and Ms Sharon Nelson [220]

d. 4 July 2023: an email to the Watford Employment Tribunal copied to ICO Casework, Ms Rose, Mr. Hudson and Mr. Dart [224]

e. 14 July 2023: an email to the Watford Employment Tribunal copied to Mr. Hudson, Mr. Dart and someone only identified as “C” [227]

f. 14 August 2023: an email to the Watford Employment Tribunal copied to Ms Rose, Ms Nabi, Mr. Dart and Mr. Hudson [233]

g. 15 August 2023: an email (10:20 hours) to Ms Amanda Bridgen and Ms Rose copied to Mr. Hudson, Ms Kirsten Giles, Mr. Dart and Ms Nabi. An email (11:07 hours) to Ms Rose, Ms Nabi, Mr. Hudson and Mr. Dart [242 & 243]

h. 17 August 2023: an email to the Watford Employment Tribunal copied to Ms Rose, Mr. Hudson, Ms Nabi and Mr. Dart [131]

i. 19 August 2023: an email to Ms Rose, Ms Nabi, Mr. Hudson and Mr. Dart [132]

j. 28 August 2023: an email to Ms Rose, Ms Nabi, Mr. Hudson and Mr. Dart [134]

k. 30 August 2023: an email to the Watford Employment Tribunal copied to Mr. Nick Murrell (a Senior Associate at VWV) , Ms Rose, Ms Nabi, Mr. Hudson and Mr. Dart [136]

l. 4 September 2023: an email to Mr. Murrell copied to Ms Nabi, Mr. Dart and Mr. Hudson [137]

m. 5 September 2023: an email to the Watford Employment Tribunal copied to Mr. Murrell, Ms Nabi, Ms Grennan, Mr. Hudson and Mr. Dart [138]

n. 7 September 2023: an email to Mr. Murrell, copied to Mr. Hudson, Mr. Dart and Ms Giles [139]

o. 11 September 2023: an email (12:30 hours to Mr. Hudson, Mr. Murrell and copied to Mr. James; an email (12:58 hours) to Mr. Murrell copied to Ms Nabi, Mr. Hudson, Mr. Dart and Ms Giles; an email (15:51 hours) to a person only identified as "C" and copied to Ms Nabi; an email sent to Mr. Murrell (16:09 hours) copied to Ms Nabi, Mr. Hudson, Mr. Dart and Ms Giles [140-145]

p. 13 September 2023: an email to Mr. Dart, Mr. Hudson and Mr. Murrell [149]

q. 21 September 2023: an email to Ms Michelle Taylor, Mr. James copied to Mr. Hudson and Ms Nabi [151 & 152]

r. 28 September 2023: an email to Ms Giles, copied to Ms Nabi, Mr. Murrell, Ms Grennan and Ms Amanda Timmington [153]

s. 2 October 2023: an email (11:07 hours) to Ms Taylor and Ms Symington copied to Ms Nabi; an email (19:41 hours) to the Watford Employment Tribunal copied to Mr. Murrell, Ms Grennan, Ms Nabi, Mr. Hudson and Mr. Dart [158 & 159]

t. 3 October 2023: an email to the Watford Employment Tribunal copied to Mr. Murrell, Ms Grennan, Ms Nabi, Mr. Hudson and Mr. Dart [160]

u. 16 October 2023: an email to the Watford Employment Tribunal copied to Mr. Murrell, Ms Nabi, Mr. Hudson and Mr. Dart [161].

v. 13 November 2023: a message from the claimant to Mr. James via the STEM Community [163]

w. 16 January 2024: a message from the claimant to Mr. James via the STEM Community [164 & 165]

24. The claimant did not comply with VWV's request that she should direct all correspondence to Ms Nabi at that firm and not communicate with their client directly or indirectly. She simply ignored that request on multiple occasions.

25. Mr. Hudson, Mr. James and Mr. Dart have described in detail the negative and distressing impact that this correspondence had upon them in their witness statements which I discuss below.

<u>Allegations of insurance fraud, conspiracy to defraud and misappropriation of public funds; allegations of fraud against Mr. James</u>

26. On 16 October 2023, the claimant sent an email to the Watford Employment Tribunal [161] which she copied to Mr. Murrell, Ms Nabi, Mr. Hudson and Mr. Dart, she stated amongst other things:

    I have copied partner, Claire Ainley, who is the Head of Risk Assessment at Veale Wasbrough Vizards LLP, as one of the outstanding issues is possible insurance fraud or misappropriation of public funds in how they are getting paid.

27. On 13 November 2023, the claimant sent a message to Mr. Lawrence via the STEM Community [163]. In that message, she stated, amongst other things:

    Mr. Hudson is either misapproriating public funds or committing insurance fraud to pay the solicitors because defying industry standards like denying me my assessment review that Michelle Taylor wrote, or denying me their own grievance procedures, is not indemnifiable. His solicitors, Chair Phil Dart, and Clerk Kirsten Giles are party to that fraud and, if you don't report this to the Board of Governors and local council, you are too now. You can check this yourself, it's true. Even the possibility is reportable and should be investigated.

    Do you know what they did to Ann-Katrin Latter? I do. This can only get uglier is someone doesn't following the law.

    I do not want this to blow up as a problem fo the school, or any of these people that are currently letting Mr. Hudson just do whatever he wants. I think everyone else is being lied to.

    Please will you choose to care? I know you've must be instructed not to respond to me but Mr. Hudson is just on the wrong side. Are you?

28. On 20 November 2023, the claimant wrote to the Watford Employment Tribunal [90 & 91]. She stated, amongst other things:

    Claimant is representing herself in the above matter and all actions against Royal Latin School.

    In accordance with rules 6, 31 of the Employment Tribunal Rules of Procedure 2013 (ET Rules), Respondents were asked at the preliminary hearing Sept 1st to make all relevant disclosures as requested by the Claimant by Nov 17th.

    The Respondents have not complied with this order and continued to resist the disinfecting light of disclosure. But many thanks to VWV solicitors for signposting me to the full numbered rules of the Employment Tribunal. I only had presidential guidance and forms to this point, and no idea I could make written applications like this.

In accordance with rules 29, 30, 38, and 44 of ET Rules, and application that:

Unless Respondents allow Michelle Taylor to directly send to me her entire report, with the full knowledge of allegation of insurance fraud or misappropriation of public funds in whatever non-threatening wording Respondent's solicitors should deem appropriate by Nov 24th, one week in defiance of the existing order, I ask that the court order Respondents to
reinstate my salary by Dec 1st as an urgent interim order.

I don't feel inspection of witness statements by members of the public is productive at this stage, but inspection of the emails alleging insurance fraud and misappropriation of funds by parties with an ethical obligation to disclose makes sense, as per the Statutory documents submitted by the Claimant Nov 17, and pursuant to this the blocking of email contact with the RLS domain should be lifted.
I am happy to avoid contact with the Clerk, Kirsten Giles, as it has been a non-productive exchange regardless, but I specifically have business with the Vice-Chair to report the actions of the Chair of Governors, Phil Dart, that defy industry regulation and school protocols.

…

VWV are not representing Royal Latin School in the matter of possible insurance fraud and possible misappropriation of public funds. They are in fact the beneficiaries of the actions that need investigating, and therefore have a conflict of interest in extending their representation to include this.

Therefore I ask not only that Watford Employment Tribunal by rule 44 dismiss the attempt to block further communication, but that they lift the email ban instituted by the Respondents. They really don't want me confusing anyone with facts.

All the parties in receipt of allegations of insurance fraud and misappropriation of public funds should be uncomfortable, but the reason for their discomfort is that they are required to report their employer. They are not in the habit of restraining their employer, as evidenced by his entitled statement in my Nov 17th disclosures, "I do what I want to do".

29. On 9 January 2024, Mr. Murrell, Ms Nabi and Ms Claire Ainley (a partner at VWV) [406] stating, amongst other things:

    Claire Ainley is again copied as you have not dealt with possible insurance fraud with your legal fees.

30. On 9 January 2024, the claimant wrote to Mr. Murrell and Ms Ainley [407 – 411] referring to her allegation of possible insurance fraud on the part of the respondent in retaining VWV.

31. On 11 January 2024, the claimant emailed Mr. Murrell and copied Ms Nabi and Ms Ainley [414]. She stated, amongst other things:

I have further copied you and Naseem Nabi on requests to the DfE for confirmation of Mr. James arrangements with STEM Learning to ascertain whether he was defrauding me for money or whether he was merely abusing his authority when denying me the chance to be a lead practitioner, which I trained for and was not paid for my time, and for which training the school collected a government subsidy. Do you want the emails substantiating this?

32. On 12 January 2024, the claimant emailed Ms Ainley and copied in Mr. Murrell and Ms Nabi [416]. She stated, amongst other things:

    Seems this was not just abuse of authority but straight up fraud by an RLS employee.

    I need to contact the Vice Chair of Governors since you don't find it necessary to acknowledge crimes by your clients. My code of ethics demands it.

    I will expect contact details within 5 business days

33. On 15 January 2024, the claimant sent an email to the Watford Employment Tribunal, copied to Mr. Murrell, Ms Nabi and Ms Ainley [424]. She stated, amongst other things:

    Please find also attached evidence from the DfE uncovered Jan 2024 of fraud by RLS. Please note that Respondent's solicitors Nick Murrell and Naseem Nabi are copied in all correspondences in this matter.

    It is also a concern that VWV have behaved thus far in the personal interests of David Hudson, who I have applied to be a named respondent separate from Royal Latin School, and have thus not acted in the interests of the school, particularly as the school cannot be made to indemnify actions against DfE regulation, and cannot choose to indemnify actions against DfE regulation. ***VWV have blocked my contact with Mr. James and then fed me evidence that led me to uncover this fraud. The separate entities named in this action should have full knowledge and should probably be separately represented****.*

34. On 16 January, the claimant sent a message to Mr. James via STEM Community [164 & 165]. The subject matter of the message was “Fraud”. The claimant stated, amongst other things:

    Hello Laurence,

    VWV have provided me with emails showing that Sally Kay tried to stop you stopping me from running STEM Learning training, and this led me to a DfE query where Anna Morgan confirmed that this was not just abuse of authority but fraud, since you were engaged to do the exact same course that students wouldn't benefit from.

> *Can you confirm that you reported to Governors that David Hudson should not be indemnified for defying DfE regulation and should not have legal costs covered?*
>
> *Feel free to pas this along to VWV; I copied them on every query to the DfE and they should provide you with those emails since this is a separate crime than what they are already litigating.*

The suggestion in this message is that somebody from the Department for Education had characterised Mr. James' behaviour as both abuse of authority and fraud. Having read the email correspondence between Ms Morgan and the claimant dated [416- 421] this characterisation by the claimant is incorrect. Indeed, it is misleading for the following reasons. The claimant forwarded an email from Ms Morgan to Ms Ainley on 11 January 2024 [416] which she characterised as "not just abuse of authority but straight up fraud by RLS employee". In Ms Morgan's email to the claimant dated 11 January 2024 (17:28 hours) [416] there is nothing to support the conclusion that Mr. James had committed fraud. Indeed, Ms Morgan does not refer to Mr. James' conduct anywhere in the email. In my opinion, this was clearly misleading behaviour on the part of the claimant and it is understandable why Mr. James consider the allegation to be intimidating. The tone of the claimant's message sent via the STEM Community is threatening. Ms Morgan had not confirmed that Mr. James was guilty of abuse of authority and fraud. Using words such as "Can you give me a reason to not report you for fraud?" is threatening.

35. On 22 January 2024, the claimant emailed the Watford Employment Tribunal and copied in Ms Straker, Mr. Murrell, Ms Nabi and Ms Ainley [434]. She stated, amongst other things:

> *The fraud by Mr. James through STEM Learning has been reported to ActionFraud, crime reference #NFRC240106424282.*
>
> *This may constitute conspiracy to defraud, since other employees of Royal Latin School were aware of it.*
>
> *It is my concern that Mr. James is not being updated on the proceedings. I have contacted him through STEM to explain that the school solicitors were copied on every message chasing down this fraud, and I would have copied him too. STEM Community is a messaging board for sharing best practices; following the teacher code of ethical conduct is a best practice. Mr. James has greeted this information with an unfounded report of harassment and I have been suspended from the site and am unable to keep current with reading and research through them. Someone is confused and has also threatened to cancel my designation as a Professional Development Lead, but it's my understanding that expired already due to Mr. James actions.*

36. On 25 January 2024, the claimant emailed the Watford Employment Tribunal and copied in Ms Straker, Mr. Murrell, Ms Nabi and Ms Ainley [174]. The claimant, stated, amongst other things:

> *Prior to this application to the Tribunal, on Jan 19th, within two days of the message quoted, Mr. James made it his priority to try to get me barred and banned from the Stem Learning Community. This is following already having caused the expiry of my PDL status with them, and defrauding me of money that he expected to receive instead.*

37. On 29 January 2024, the claimant emailed Ms Ella Straker (a solicitor at VWV) and copied in Mr. Murrell and Ms Nabi [455]. She stated, amongst other things:

> *Can I please have the schedule, contract and financial information for Sally Kay as well please. I need her birthdate as well just as key ID for ActionFraud.*
>
> *Feel free to tell her I have grounds to add her to a conspiracy to defraud that you've provided to me, but I'm really interested in compelling her witness testimony since there are several contradictory second hand accounts of her in all three disclosures.*

38. Mr. Hudson and Mr. James have described in detail the negative and distressing impact that this correspondence and these allegations had upon them in their witness statements which I discuss below.

<u>Allegations that Mr. James threatened the Claimant with physical violence online and the suggestion that Mr. James may be incited to violence against the claimant</u>

39. On 2 February 2024, the claimant emailed the Watford Employment Tribunal and copied in Ms Straker, Mr. Murrell, Ms Nabi and Ms Ainley [476]. She stated, amongst other things:

> *Since collecting evidence of fraud by Respondent's Mr. James I have experienced an uptick in rude and insolent questions from incel types (involuntary celibates) that I mostly don't respond to. Today I was on a short list asked to answer this:*
>
> *TEXT READS "Have you ever thought of hitting your teacher with a bat?"*
>
> *I take this as credible threat. I have already requested IP information from Quora.com where Mr. James first pursued me romantically. Mr. James knows where I live. I don't know where he lives, and I only knew he drives a white car as per my report to ActionFraud, if that is even still the case*

The email also included a screenshot of Quora webpage she was referring to. There is no evidence to link Mr. James to this question or interaction on the Quora.com website.

40. On 9 February 2024, the claimant emailed Ms Ainley and copied Ms Nabi in to that message [477]. She stated, amongst other things:

I have had a physical threat of violence leveled against me, and this is a credible threat since Mr. James knows what I look like and where I live. As a comparator, Kirsten Giles is unknown to me and I don't know where she lives or works and Mr. Murrell has accused me of threatening her with legal action, and blocked me from accessing the school portal.

Can you ensure that only your solicitors that have not already proven themselves lacking in good faith contact me directly? I can provide you with information, but I can't make you read. I will not respond to or copy Nick Murrell or Ella Straker without some formal apology from them. As a teacher I have a lot of patience, but less with full grown people, most of whom are larger than me.

Is Mr. Murrell just grinding because you charge by the email? Why is he posing threats that I've already responded to? Isn't this what you call vexatious?

41. On 20 February 2024, the claimant emailed Ms Ainley and Ms Nabi [500]. She stated, amongst other things:

I urgently require a full Subject Access Data Request to provide a pattern of behaviour for Mr. Laurence James who has made a threat to physical violence against me.

This is a criminal investigation and time sensitive.

42. On 29 February 2024, the claimant wrote to the Watford Employment Tribunal [180]. She stated the following [188]:

*Since Claimant asserts that Mr. James has made a threat of violence against the Claimant on Feb 1st, received Feb 2nd, I have Feb 20th asked again for a full SADR for the purpose of substantiating a pattern of behaviour for a criminal investigation. It is notable that if I have faked this threat, police would also obtain IP address information that would connect me to the sock puppet accounts that have been harassing me. To date, VWV and RLS have not **acknowledged** this request (29/02/2024).*

If I am killed, Mr. James may be a guilty, murderous patsy or a non-murderous but not innocent patsy. I remind the Tribunal that he knows where I live, and he's given one day off per week, I believe Mondays this year but VWV have failed to confirmed this. I don't believe he would come kill me because Mr. Hudson told him to, but he may be incited to violence. If he's been told I've alleged sexual harassment ut not told that I've stated explicitly to the court there was no groping, etc., if he knows I've lodged the fraud complaint, and if he knows I've lodged the threat to violence complaint with police which may be traced to him by IP information, and if he feels like all incels that his "life is over anyway", he's never going to have a partner and never going to have kids, I believe he could decide on his own or be incited to kill me.

43. On 8 April 2024, Police Sergeant 7219 Broughton settled a witness statement which was produced to the Tribunal. I have reproduced the statement in full as follows:

I am Police Sergeant 7219 Broughton and have been a Police Officer with Thames Valley Police since May 2011. My current role is with the Assessment and Investigation Unit (AIU) based at Milton Keynes Police Station.

I have been asked to provide written testimony about our (Thames Valley Police) interaction with Ms Chandrika Punshon. This is pertaining to a complaint of harassment against a man she named as Mr. Laurence James.

Ms Punshon first contacted Thames Valley Police on the evening of Friday 9th February 2024 using the Police on-line portal. A call-centre operator from our Enquiry Centre telephoned Ms Punshon back with the following questions later that same day:

A) Please tell us what happened and the events leading up to it, to help is identify if an offence has been committed?

The notes from our operator say "The suspect posted a message from a puppet account asking having you thought about hitting your teacher with a bat? This was posed to only a short list of people. About four. And I was the only woman. The suspect has a history of staking and harassing me on this platform. I hadn't reported previously because nothing was directly threatening but now I can't sleep"./

B) Do you feel race, ethnicity, sex, gender, sexuality, disability or religion were a factor in this crime? The notes from our operator say "Yes"

C) Please tell us why you feel race, ethnicity, sex, gender, disability or religion were a factor in this crime?

The notes from our operator say "The suspect works in an environment where racism and misogyny are prevalent, and has data that indicate he's part of the problem. The suspect claims not to have any friends, like a profile of an incel. The suspect has a history of not taking racism and misogyny by others seriously. There's a possibility he has hit a student with his car, and a possibility he's been investigated for sexual harassment before. The suspect failed to complete sexual harassment training as required by our mutual employer".

This call was then allocated to Police Constable 6176 Mungal also of the AIU Department at Milton Keynes Police Station. They were tasked with ascertaining more information pertaining to this allegation from Ms Punshon.

Following a telephone dialogue on Sunday 11th February 2024; they establish the name of the person Ms Punshon is citing as harassing her was Mr. Laurence James. They further learn he was Ms Punshon's line manager from when she was previously employed at the "Royal Latin

School" in Buckingham. We understand Ms Punshon left this employment that same month.

Ms Punshon was specifically asked what Police outcome she would like to see? Constable Mungal noted this as "the person sending the messages to be spoken to". At this point the investigation was allocated to myself (PS7519 Broughton) to take forward.

I asked Ms Punshon to upload the harassing messages/material which she had been receiving via social media. This was invited to be added onto a Police cloud-storage system called "NICE Dems". To date Ms Punshon has only uploaded a single screen shot and no other evidence to support her claim of harassment. That screenshot was lifted from a social media platform called "Quora". The screenshot shows a message thread entitled "Have you ever thought about hitting your teacher with a bat?" To which Ms Punshon has interacted. Neither has Ms Punshon provided an MG11 (written witness statement) or participated in a Video Recorded Interview to further set out her allegations.

The Crown Prosecution Service (CPS) sets out the threshold under which a crime of harassment is verified. This is drawn from the Protection from Harassment Act 1997. In this report from Ms Punshon that threshold has not achieved. A crime of harassment has not been confirmed. No case file has been raised nor has a CPS lawyer's advice been sought.

For safeguarding the Head teacher at the Royal Latin School was contacted. A separate dialogue was held with them pertaining to this allegation. As a criminal investigation the decision was taken to close it on Tuesday 27th February 2024. The Home Office Closure Code applied being Code 16 (Victim not Supporting). This being on the grounds that Ms Punshon was unable to share with Thames Valley Police any substantive material scoping out the harassment she is claiming against her former line manager.

I wrote to Ms Punshon scoping this decision out on Tuesday 5th March 2024. To date Ms Punshon has not offered up any further corroborating material to support her allegation. This report remains closed.

44. Having read the statement, the inevitable conclusion to be drawn is that the claimant made an unsubstantiated allegation of the threat of physical violence against Mr. James. She not only made that allegation to the police but also to other parties. It is telling that she did not provide a witness statement or participate in a Video Recorded Interview to further set out her allegations. The only evidence that she provided to the police was the screenshot from the Quora.com website which, in itself, does not link Mr. James to the alleged threat of violence. It is reasonable to infer from Sgt Broughton's statement that notwithstanding the absence of any corroboration to support her allegation and her not providing a witness statement or attending a Video Recorded Interview, the outcome that the claimant sought was for the police to speak to Mr. James. On that premise, she would be using the police to intimidate Mr. James. In the absence of corroboration, or a witness statement or a Video Recorded Interview it would have been wholly inappropriate for the police to speak to Mr. James. It is reasonable to infer malicious intent on the

part of the claimant in behaving in this way.

45. In his witness statement, Mr. James speaks to the distress and sense of intimidation that he felt as a consequence of this allegation of physical violence. I discuss this below.

Allegations of faking and modifying evidence

46. On 21 November 2023, the claimant emailed the Watford Employment Tribunal and copied in Mr. Murrell and Ms Nabi [335] she stated, amongst other things, in respect of the respondent's disclosure:

> *This entire disclosures bundle is suspect, but the urgent things is this* report.

47. On 7 December 2023, the claimant wrote to VWV [393] in relation to the bundle in which she inferred that they were tampering with the documentation when she stated:

> *Are you actually not going to offer me proper disclosures at all? I realise it's going to take some time for you to remove Mr. Hudson little flourishes to the truth. Can you provide me with an estimated time?*
>
> *The MT report in the documents proffered is materially different. There's the invention of the notoin that only Michelle Taylor was present for the student DM attending the nursing station, and that she had the impression that the child was seeking contraception. This is a convenient way of cutting out Miranda Schaan's testimony, but it's not true.*
>
> *I will not currently offer you the email that refutes this. Since you have offered an affirmative defence, I want to see what else Mr. Hudson will attempt to lie about. Do you think he's done changing the events?*

48. On 21 December 2023, the claimant emailed Mr. Murrell and Ms Nabi [396]. In relation to the respondent's disclosure [396]. She stated, amongst other things:

> *There are serious falsehoods in these documents. We will not be able to agree on a bundle if everything is creatively coloured through David Hudson who has proven repeatedly he is an unreliable witness.*

49. On 23 January 2024, the claimant emailed Ms Straker [438] she stated, amongst other things:

> *You have had two clear example of your client lying to you and falsifying documents, about confirmation of employment and faking the assessment review by Michelle Taylor. You have another, larger lie when the assessment review was ordered, since it wasn't independent. What measures are you taking to ensure that documents which get submitted to the court are accurate?*

50. On 24 January 2024, the claimant emailed Ms Straker [441] in relation to the respondent's disclosure and stated, amongst other things:

    I note there are at least two corrections of false information in the disclosure you have provided, but there are still several issues

51. On 25 January 2024, the claimant emailed Ms Straker [453] in relation to the respondent's disclosure and stated amongst other things:

    You, Ella Straker, seem to have a problem with evidence being altered. VWV has been copied on my report to the SRA about that.

52. On 8 February 2024, the claimant emailed Mr. Murrell and copied in Ms Straker and Ms Nabi alleging that documents in the disclosure bundle had been altered [482] she referred to going through the respondent's disclosure bundle with a "fine toothed comb, that's how I found altered evidence".

53. On 10 February 2024, the claimant forwarded information that she had submitted to the Information Commissioner to Ms Nabi [490]. In that message, she stated, amongst other things:

    Royal Latin School has denied my SADR and is compiling lies to justify ending my career.

    This is not an exaggeration. In Sept 2023 I've gathered evidence that the headteacher was defaming me in references, and VWV advised that he stop and provide only a confirmation of employment. Then I gathered information that he was refusing to complete a confirmation of employment form in all probability to defame me over safeguarding, which was on the form.

    Now in January I have had to report VWV solicitors, a second time, for falsifying data the wish to use in an Employment Tribunal hearing.

    They are very much failing to apply the legitimate interest criteria when denying my SADR, but in doing so, covering over an additional fraud, and insurance fraud by both school and VWV.

54. The claimant reported VWV to the Solicitors Regulation Authority. A copy of her report is included in the bundle [491]. In the report, the claimant alleged:

    1) Ella Straker on Jan 19th 2024 has sent me a third disclosure bundle for the Employment Tribunal that has evidence that has been altered.

    This is no longer a case of communication problems with the client since VWV have three versions in their possession, and the third version disclosed by Ella Straker has altered evidence previously shared to omit a witness guessing and being mistaken.

    2) VWV now have evidence of fraud by an RLS employee and have blocked appropriate communication channel for reporting this.

3) VWV has had evidence delivered to all solicitors that an assessment review, as mandatory right regulated by the Department for Education, was denied to me by their clients, David Hudson, headteacher at Royal Latin School, and Phil Dart, Chair of the Board of Governors at Royal Latin School, and so should understand that is insurance fraud. They have assured the court that both men are fully indemnified in their job roles. This is not the case.

…

1) For two weeks now the firm has had evidence delivered to all current solicitors that an assessment review, as mandatory right regulated by the Department for Education, was denied to me by their clients, David Hudson, headteacher at Royal Latin School, and Phil Dart, Chair of the Board of Governors at Royal Latin School.
Not only are the firm acting against these regulations by failing to hol their clients to account, attempting to lie that this report was made as a safeguarding report, but they have assured the court that both men are fully indemnified in their job roles. This is not the case. Illegal acts and wilful acts against industry regulation are not insurable.

2) So the firm is also committing insurance fraud. There is a total of four solicitors within the firm that have had contact with me and are acting for the client, Royal Latin School, as well as employing outside counsel, Ms Debbie Greenan of Guildhall Chambers, so this is already a fair sum that should be borne by the individuals, David Hudson and Phil Dart.

55. On 29 February 2024, the claimant wrote to the Watford Employment Tribunal [180]. In referring to the exclusions in the respondent's Professional Indemnity Insurance, the claimant alleged:

The school's insurance RPA Sections 6 Professional Indemnity Exclusions also include:

"4. for any fine or Penalty, punitive, exemplary or non-compensatory damages (other than exemplary damages in respect of libel, slander or defamation)."

This will include court fines for excluding an application to amend, missing deadlines, attempting to move deadlines by pretending to be on holiday; those should be put squarely on the shoulders of the perpetrators, but particularly attempting to pervert the course of justice by submission of a changed assessment review (a.k.a. MT Review, MT Investigation), and attempting to pervert the course of justice to submit a changed application forms, and a changed witness statement from student M. [185].

The claimant further alleged that the respondent's solicitors had tampered with the bundle:

Respondents have attempted to include "evidence" constructed in Nov 2023 to inform an assessment made in Jan 2023. And I say constructed because even to look at it it's been modified.

Respondents consistently deny a SADR for all email communications, whilst trying to defend that the Claimant's communications are unprofessional. In comparing the first, second and third disclosure bundles it is clear that:

a) Karen Bishop, PA to David Hudson has lied and tried to pervert the course of Justice, probably as directed by David Hudson, and this could not have been done without David Hudson's full knowledge

b) Solicitors Nick Murrell and Ella Straker have altered evidence and tried to pervert the course of justice.

c) Assistant headteacher Michelle Taylor has offered faked evidence to pervert the course of justice, and inappropriately involved David Hudson in her assessment review that should have been independent

c) Laurence James has faked assessments that were not given to me, and altered assignments set for students by me in order to pervert the course of justice; only he could have accessed these and known what to try to claim.

I have been through the disclosure bundle offered up by the Respondents line by line and I have sent through several other queries which if they can't substantiate today, their witnesses will have to answer later. Pease see the letter New and Outstanding Queries VWV letter Jan 09. This was written before the third disclosure bundle was made available. See also the VWV Jan 24 Disclosures Letter asking questions about the irregularities in the disclosure bundle.

Most worryingly, even Respondents solicitors have show a propensity to alter "evidence". It may be the only course of action that the Tribunal direct Respondents to permit direct access to the Claimant of a SADR from the internet service provider, Google, who will not compromise veracity for the sake of their jobs, whatever fair wording Respondents will agree to.

56. On 15 March 2024, the claimant emailed the Teaching Regulation Agency, the Local Authority Designated Officer and the Buckinghamshire First Response [513]. She stated, amongst other things:

I have received now three different hearing bundles from Veale Wasborough Vizard, solicitors for The Royal Latin School, clearly full of modified evidence and fabricated evidence that indicates multiple members of the teaching staff at The Royal Latin School intend to lie to the Employment Tribunal. This comprises a broad based cover-up of institutional problems at The Royal Latin School.

For the TRA, these bundles include 'evidence' from children that was incorrectly solicited and indicates an institutional protection, straightforward safeguarding procedures that weren't followed, and all

individual acts are known to at least three RLS employees. There are several teaching staff at RLS that are not upholding their code of conduct aside from faking records for the purpose of subverting the course of justice. If they'll lie to the courts, what will they tell you?

I note that LADO had redirected me to the school funding bodies, though I made no mention of the insurance fraud by the school. I believe it is a completely reneging on LADO's responsibilities to allow the school to make it's own investigations and not act on information, particularly when you can be assured that institutional protection is operating. The Criminal Court has accepted and has listed a criminal prosecution of head teacher

David Hudson and deputy head Marcella McCarthy. Actionfraud has a second report of fraud, and now local police have a report of a threat of violence against me, and the solicitors at VWV have refused to cooperate with a criminal investigation. VWV can only decide this if they are refusing to implicate themselves.

I feel an immediate review by independent, perhaps Ofsted trained, inspectors is in order as a starting step. Or if TRA and LADO want to redeem yourselves, you could assign someone legally trained to look at the inconsistencies in these three bundles. They are about 100 pages each.

Also urgently required, the school does not have representation separate from the representation for the headteacher. Their interests are not the same and it is almost certain those empowered to take steps in that regard are unaware that they should do so.

I understand that no Criminal Court has accepted or has listed a criminal prosecution of Mr. Hudson. For the claimant to have stated this in this email was clearly false and a serious misrepresentation. Furthermore, I understand that VVW were not contacted by the police in relation to any criminal investigation relating to the claimant, the respondent or anybody who works for the respondent.

57. On 18 March 2024, the claimant wrote to the Watford Employment Tribunal and copied in Ms Nabi and Ms Ainley [507]. In that email, she accused VWV of tampering with documents in the bundle:

Please find linked below the three proposed hearing bundle materials submitted by Veale Wasborough Vizard. If compared closely, 80% of these documents have been tampered with in a way to obfuscate and materially change, and unfairly disadvantage me as the Claimant, the third specifically denying most of the evidence submitted to the Tribunal by me. This is particularly absurd when Respondents are completely refusing a SADR with no GDPR grounds provided, no redacted SADR offered, have refused to cooperate in contacting witnesses, and have missed the deadline for witness statements.

…

One set of mistakes could just be client miscommunication, but these is clearly solicitor misconduct that should be referred by the Tribunal to the Solicitor's Regulation Authority. I am happy to attend proceedings to see this through.

VWV have also refused to cooperate in the criminal investigation of the harassment and I have been suffering medical issues and have a referral for physical therapy now, next appointment March 27th.

It's difficult to know how to proceed under the circumstances, but I think the Tribunal should consider striking out the inconsistent, incoherent Grounds of Resistance and concluding these proceedings if Respondents and VWV cannot act in good faith. I believe Mr. Hudson will not stop defaming me and will not rectify my training documents without re-engagement Orders.

58. Mr. Hudson, Mr. James and Mr. Dart have set out in their witness statement the negative impact of the claimant's behaviour which I discuss below.

Derogatory, misleading and/or defamatory comments to third parties

59. On 15 August 2023, the claimant emailed Ms Amanda Bridgen of Astra Alliance and Ms Rose copying in Mr. Hudson, Ms Giles, Mr. Dart and Ms Nabi referring to a "false training assessment" [129]. The Astra Alliance is the School-and Centred Teacher Training provider which works with 60 schools and organisations across Buckinghamshire, Bedfordshire and Hertfordshire. It is a Department for Education accredited Teaching School Hub.

60. On 23 October 2023, the claimant emailed Mr. Murrell and copied in Ms Nabi and Ms Ainley [294]. She stated, amongst other things:

you have a credible allegation your clients are defying Department for Education regulation. It is in your interests to investigate this so you know if you are party to insurance fraud, or misappropriation of public funds. All of the regulation information is publicly available and I have provided you with evidence.

As such, I have again copied Claire Ainley herein, and I have copied her on every email sent to the SRA. I wish to provide complete transparency, and it's my hope that this has been a miscommunication that you will actively seek to rectify. I realise VWV is an LLP, but that's not no liability.

Implicitly, the claimant was not only alleging that the respondent was defying Department for Education regulations but also that it and VVW were party to insurance fraud and misappropriation of public funds. The tone of this email is intimidating and threatening particularly given the reference to the SRA and also to VWV not having liability.

61. On 17 November 2023, the claimant wrote to the Teaching Regulation Authority ("TRA") [169]. In that correspondence, the claimant alleged that Mr. Hudson had been defaming her in a reference that was denied to her and claimed as agreed. The TRA regulates everyone employed to do teaching

work in a school in England. If they find that a teacher has been "convicted of a Relevant Offence", is "guilty of Unacceptable Professional Conduct" or has "behaved in a manner that may bring the teaching profession into disrepute", then they can make a recommendation to the Secretary of State for Education as to whether the teacher is prohibited from teaching. The tone of this message to the TRA is clearly intended to intimidate Mr. Hudson, particularly given the fact that the correspondence was addressed to his professional regulator.

62. Mr. Hudson, Mr. James and Mr. Dart describe the impact of this behaviour in their witness statements which I discuss below.

<u>Allegations that the Respondent, Mr. Hudson and Mr. Dart are defying Department for Education Regulations</u>

63. On 26 September 2023, the claimant emailed Mr. Murrell, Ms Nabi, Ms Rose and Ms Ainley [279]. She stated, amongst other things:

> *You have had evidence that your clients David Hudson and Phil Dart are defying government regulation in denying me the assessment review that was written by Michelle Taylor.*
>
> *Ms Debbie Greenan of Guildhall Chambers has told the Employment Tribunal that Mr. Hudson and Mr. Dart are fully indemnified for anything in their job roles. This cannot be the case if they are wilfully defying government regulation, so you may also be guilty of insurance fraud.*
>
> *I urge you to persuade your clients to comply with the Department for Education regulations. Your clients actions are an ongoing detriment to me.*

64. On 28 September 2023, the claimant emailed Ms Giles copying in Ms Nabi, Mr. Murrell, Ms Grennan and Amanda Timmington [153]. She stated, amongst other things:

> *As you've been informed, Mr. Hudson and Mr. Dart are defying the Department for Education regulation mandating an assessment review upon request by any student or trainee. You will find Amanda Timmington copied above, from the Appropriate Body Astra Alliance, who can explain this to you.*
>
> *Wilfully defying industry regulation or any crime of any sort cannot be insured. You, Mr. Dart, and the solicitor team may be considered party to insurance fraud.*
>
> *You may not think this is your job, but I am suffering ongoing detriment because of the actions of Mr. Hudson and Mr. Dart. If that's not your concern, be concerned for yourself.*

65. On 16 October 2023, the claimant wrote to Mr. Murrell [289]. She stated, amongst other things:

As you've been informed, Mr. Hudson and Mr. Dart are defying the Department for Education regulation mandating an assessment review upon request by any student or trainee. You will find Amanda Timmington copied above, from the Appropriate Body Astra Alliance, who can explain this to you. Wilfully defying industry regulation or any crime of any sort cannot be insured. You, Mr. Dart, and the solicitor team may be considered party to insurance fraud.
You may not think this is your job, but I am suffering ongoing detriment because of the actions of Mr. Hudson and Mr. Dart. If that's not your concern, be concerned for yourself.

…

Sept 4th, July 31st, Feb 9th
7) You have not acknowledged that you have received evidence that David Hudson and Philip Dart are in violation of Department for Education regulation that guarantees me the right to an assessment review.

66. On 23 October 2023, the claimant emailed Mr. Murrell and copied in Ms Nabi and Ms Ainley [294]. She stated, amongst other things:

But I stress that you have a credible allegation your clients are defying Department for Education regulation. It is in your interests to investigate this so you know if you are party to insurance fraud, or misappropriation of public funds. All of the regulation information is publicly available and I have provided you with evidence.

67. On 7 December 2023, the claimant wrote to VVW [393]. She stated, amongst other things:

Perhaps most essentially, Royal Latin School is still in violation of Statutory Induction Guidance 2019 sections 2.45, 2.50, 2.56, 2.62, 4.1, 4.2, 5.3, 5.6, Teaching Excellent Framework 2016 question 10, both of these files were subtitled "for TRA right to appeal" and "for right to appeal" when I sent them to both you and the Tribunal, and TEF year 2 Section 8.22 if they can be expected to be current, Statutory Teachers Pay and Condition 2022 most of part 5, part 7.44, 7,46, 7.49, 7.52, Statutory Teacher Pay and Conditions 393Amendment Order 2023 section 3.60, Royal Latin School's UK General Data Protection Regulations (GDPR) Summary Document point 4, 7, 9, which notably lacks summaries on rectification, as a Schedule 1 entity and data controller, in violation of UK GDPR section 35.2.b, 35.3, 36.3, 38.1.a, 38.1.b, 38.2 (your anonymising is irregular), 38.5.c, 44.1.d.ii, 44.4.a, 44.4.b, 44.4.c, 44.4.e, most of section 45, all of section 46.

68. On 21 December 2023 the claimant emailed Mr. Murrell and Ms Nabi [396]. She stated, amongst other things:

I will need contact with the Vice Chair of Governors to report irregularities with David Hudson and his refusal to follow government regulation and school procedures, irregularities with Phil Dart and his refusal to follow school procedures, to report my continued

> *victimisation with a false and defamatory reference, and now to report more irregularities, failures in safeguarding and failures in GDPR as evidenced by the information you've provided to me. Teachers are mandatory reporters without boundary of school or contract term.*

69. On 9 January 2024, (incorrectly stated as 2023 in the letter) the claimant wrote to Mr. Murrell [407]. The claimant stated, amongst other things:

> *Sept 4th, July 31st, Feb 9th*
>
> *5) You have not acknowledged that you have received evidence that David Hudson and Philip Dart are in violation of Department for Education regulation that guarantees me the right to an assessment review.*

70. It is unclear in what ways the respondent defied Department for Education regulations. The tone of this correspondence is threatening and intimidating. Mr. Hudson, Mr. James and Mr. Dart speak of the negative impact that this had upon them in their witness statements which I discuss below.

<u>Rude, aggressive and threatening communications to and/or about staff</u>

71. In an email dated 19 August 2023 addressed to Ms Rose and copied to Ms Nabi, Mr. Hudson and Mr. Dart the claimant accused Mr. Dart of "Hermeneutical ignorance"[132].

72. In an email dated 13 September 2023 [149] addressed to Ms Giles and copied to Mr. Hudson and Mr. Dart, the claimant said:

> *I need everything you have about the procedure for removing a board member that defies government regulation and school protocols please. And when is the next board meeting?*
>
> *I feel attached to the school and feel I need to act in its interests. I'm already in it now and I have nothing better to do since I'm kept unemployed by Mr. Hudson.*
>
> *There are steps you could take to mitigate all of this at any time. Work with me and there will be less fallout.*

73. Ms Giles forwarded that email to Mr. Dart, Mr. Hudson and Mr. Murrell later on the same day stating:

> *I must admit it made me feel very uncomfortable and there seems to be an undercurrent of a threat.*

74. In an email dated 28 September 2023 addressed to Miss Giles and copied to Ms Nabi, Ms Grennan and Miss Timmington [153] the claimant said, amongst other things:

> *Wilfully defying industry regulation or any crime of any sort cannot be insured. You, Mr. Dart, and the solicitor team may be considered party to insurance fraud.*
>
> *You may not think this is your job, but I am suffering ongoing detriment because of the actions of Mr. Hudson and Mr. Dart. If that's not your concern, be concerned for yourself.*

75. In a message dated 13 November 2023, from the claimant to Mr. James sent via the STEM Community [163], the claimant stated, amongst other things:

> *This can only get uglier is someone doesn't following the law.*
> *I do not want this to blow up as a problem fo the school, or any of these people that are currently letting Mr. Hudson just do whatever he wants. I think everyone else is being lied to.*
>
> *Please will you choose to care? I know you've must be instructed not to respond to me but Mr. Hudson is just on the wrong side. Are you?*

76. The claimant emailed the Watford Employment Tribunal on 2 February 2024 [476]. She stated, amongst other things:

> *Since collecting evidence of fraud by Respondent's Mr. James I have experienced an uptick in rude and insolent questions from incel types (involuntary celibates) that I mostly don't respond to.*

77. I have already referred to the claimant's email to the Tribunal dated 29 February 2024 [188] and discuss below the impact of labelling Mr. James as an incel had on him.

<u>Abuse of process - claims not within jurisdiction of the Employment Tribunal</u>

78. The respondent asserts that the claimant has abused process by seeking to use the Tribunal to address claims of libel, defamation, misuse of private information, negligent misstatement, fraud and conspiracy to commit fraud. In this regard, the respondent refers to the following documents:

    a. The claimant's application to amend her claim on 29 February 2024 [192, 194 & 195].

    b. The claimant emailed the Watford Employment Tribunal on 23 May 2023 [214] copying in Ms Rose, Ms Nabi, Mr. Hudson and Mr. Dart indicating that she would not be providing detailed particulars of claim and indicated that a preliminary hearing would not be productive pending the outcome of a Data Subject Access Request. The Employment Tribunal has no jurisdiction to address Data Subject Access Requests as this falls within the jurisdiction of the Information Commissioner.

    c. This was further evidence in the claimant's email dated 15 January 2024 to the Watford Employment Tribunal and copied to Mr. Murrell, Ms Nabi and Ms Ainley where the claimant states [424]:

Please find attached evidence of four Freedom of Information requests made online at whatdotheyknow.com by the Claimant.

Respondents are in blatant and persistent violation of the Tribunal's orders of Sept 1st, for disclosure by Nov 17th "of the documents in their possession or control relevant to the issues in this case whether they assist their case or not".

d. The claimant's Review of Publically Available Documents which accompanied her applications to the Watford Employment Tribunal on 15 January 2024 [182-190]. In particular:

   i. Requiring the Tribunal to take action to inform the relevant bodies and if it does not, to explain why it is sanctioning the use of public funds to deny rights under the law. The Tribunal has no power to do this.

   ii. Requiring the Tribunal to order Mr. Hudson to bear his own costs rather than being indemnified under the applicable insurance policy. The Tribunal has no power to do this.

Abuse of process - Claimant's application for an unless order

79. On November 2023, the claimant applied to the Tribunal for an Unless Order in the following terms[89-92]:

Unless Respondents allow Michelle Taylor to directly send to me her entire report, with the full knowledge of allegation of insurance fraud or misappropriation of public funds in whatever non-threatening wording Respondent's solicitors should deem appropriate by Nov 24th, one week in defiance of the existing order, I ask that the court order Respondents to reinstate my salary by Dec 1st as an urgent interim order.

80. The claimant resubmitted her application on 29 February 2024 [197-202]. The application was made in the following terms:

Unless Respondents allow Michelle Taylor to directly send to me her entire report, with the full knowledge of allegation of insurance fraud or misappropriation of public funds in whatever non-threatening wording Respondent's solicitors should deem appropriate by Nov 24th, one week in defiance of the existing order, I ask that the court order Respondents an emergency injuction [sic]

1. to remove all unsubstantiated and disparaging mentions of safeguarding, or unprofessional communication from all training documents,

2. to sign off training as complete,

3. to remove unsubstantiated disparaging remarks "TS1-TS8 for Part One of" and "In order to complete her final assessment, she now needs toprovide consistent evidence to support Part Two (Personal and Professional Conduct) with a focus on regard for the ethos, policies and practices of the school, particularly with a view to effective and

appropriate communication. I would recommend that this takes place across the period of half a term" from the written references,
4. to not refer to the written reference as an agreed reference, and
5. to take all necessary steps to rectify documents offered to the Tribunal, steps which may include Royal Latin School obtaining independent counsel, separate from David Hudson's.

81. VWV objected to the original application setting out its reasons for doing so in an email to the claimant dated 21 November 2023 [104]. The respondent had complied with the original order to disclose documents on 17 November 2023. Consequently, there was no basis for the claimant to make your application. Michelle Taylor also sent the claimant a copy of the report on 27 November 2023 [387].

82. I agree with the respondent that there was no reason for the claimant to make a further application for and Unless Order for the reasons given by the respondent.

<u>Unreasonable conduct of proceedings - Claimant's disclosure</u>

83. The respondent alleges that the claimant has deliberately failed to disclose relevant documents that she has confirmed that she has in her possession. They rely upon the following documents:

    a. An email from the claimant to the Watford Employment Tribunal dated 17 November 2023 and copied to Mr. Murrell and Ms Nabi [299]. The claimant attached "some new evidence" to the email and then stated "This isn't all the evidence since I will have to know what Respondents are admitting and what they are denying".

    b. A letter from the claimant to VWV dated 7 December 2023 where she states, amongst other things [393]:

    > *The MT report in the documents proffered is materially different. There's the invention of the notoin that only Michelle Taylor was present for the student DM attending the nursing station, and that she had the impression that the child was seeking contraception. This is a convenient way of cutting out Miranda Schaan's testimony, but it's not true. I will not currently offer you the email that refutes this. Since you have offered an affirmative defence, I want to see what else Mr. Hudson will attempt to lie about. Do you think he's done changing the events?*
    >
    > *I will not and cannot offer which parts of the publicly available documents I will cite since Idon't know how Mr. Hudson will continue to change his narrative, or indeed how much of it is fact. I need full documents of the publicly available in the bundle. Again, this should have been addressed with ACAS.*

    The claimant has not disclosed the email.

c. An email from Mr. Murrell to the claimant dated 18 December 2023 [397]. Mr. Murrell listed documents which had been partially disclosed by the claimant. The claimant has not provided those documents.

d. An email from the claimant to Ms Straker copied to Mr. Murrell and Ms Nabi dated 20 January 2024 [436]. The claimant stated amongst other things:

> *And I have not yet offered evidence that Mr. James was pursuing me romantically because I'm not certain if you're denying this. He has certainly tried to hide his tracks but he's not as technically adept as he thinks.*

The claimant does not disclose this evidence notwithstanding numerous requests from VWV [447 & 449].

e. In the claimant's review of the draft bundle she states the following [445]:

> *P 363, why are there no dates for the text messages?? Why are only some messages printed? I will get you the rest as soon as possible. I don't have very nice phone.*

The claimant did not disclose this evidence despite frequent requests do so [477 & 482].

84. What this evidence indicates is that the claimant has made selective disclosure. She is obliged to disclose all documents that are relevant to the claims and issues (unless those documents are privileged-i.e. subject to solicitor client privilege or litigation privilege (e.g. a document prepared in contemplation of litigation)) and has a continuing obligation to do so. The claimant cannot "cherry pick" the documents that she wishes to disclose and nor can she withhold a disclosure pending disclosure by the respondent.

<u>Unreasonable conduct of proceedings - Respondent's disclosure</u>

85. The respondent alleges that the claimant has repeatedly accused it of failing to comply with its disclosure obligations. Evidence is provided in several documents as follows:

a. The claimant's email to the Watford Employment tribunal copying in Ms Rose, Mr. Hudson, Mr. Dart and Ms Nabi dated 14 July 2023 [126]. In this email, the claimant states:

> *I feel the Tribunal can make a judgement about the balance of probabilities based on the complete and persistent lack of disclosure from Respondents. The Head teacher does not only disadvantage staff, but also students.*

b. The claimant's email to the Watford Employment Tribunal copying in Mr. Murrell and Ms Nabi dated 20 November 2023 [89]. In the email, the claimant states:

Respondent has defied the Tribunal's order for disclosure by Nov 17th. Please find attached Respondent's disclosure index. The index has no page numbers, but you will find item 160, the email they are calling Michelle Taylor's report, on page 477.

c. The claimant's email to the Watford Employment Tribunal Mr. Murrell and Ms Nabi dated 1 December 2023 [388]. In the email, the claimant states:

> *Respondents have made no attempt to send the disclosures due Nov 17th by court order, or even to re-submit the cleaned up 'disclosures' provided and have offered no reason that the 'disclosures' offered contain obscured, unsigned, undated witness statements, in a school that is a paperless environment. At least they have not offered these suspect documents to the court as of yet. Both parties were asked to agree a disclosure bundle by Dec 1st and Respondents have made this impossible.*

d. The claimant's email to the Watford Employment Tribunal copying in Mr. Murrell and Ms Nabi dated 5 December 2023 [389]. The claimant states:

> *Respondent's solicitors can't have failed to notice that the Michelle Taylor report disclosed in the bundle provided Nov 17th is different from the one sent by Michelle Taylor Nov 27th. This is further evidence that Mr. Hudson is an unreliable witness.*
>
> *Respondents are still in breach of the Employment Tribunal order requiring disclosures for Nov 17th as they have made no attempt to clean up and resubmit the disclosure bundle with legible documents, in order to meet the further order of the court to agree a disclosure bundle for Dec 1st.*

e. The claimant's email to the Watford Employment Tribunal copying in Mr. Murrell, Ms Nabi and Ms Rose dated 13 December 2023 [395]. The claimant states:

> *Please also note that Respondents are in violation of Order 6 by Judge Warren, to provide all disclosures. They have not provided me with all the disclosures I requested, and the bundle they sent me was poor photocopies with dates obscured, link shared Nov 17th with the court, and most prominently, the included Michelle Taylor report was different than that disclosed by Michelle Taylor herself to me Nov 27th.*
>
> *I don't think a £1000.00 fine will be a hardship to them, and when the Tribunal is reviewing this they should take up my best attempt at a draft Claimant's Unless Order as previously submitted.*

f. The claimant's email to the Watford Employment Tribunal Mr. Murrell, Ms Nabi and Ms Ainley dated 1 January 2024 [400]. In the email, the claimant states:

> *Whilst Mr. Murrell pretends to be on holiday and fails to provide disclosures, neglects and possibly defrauds his client RLS, and buys headteacher Mr. David Hudson more time to defame me to potential employers, we are objectively living in economic precarity.*
>
> *I need interim relief on an emergency basis now. Please attend to this as soon as is practicable, but consider also that at this stage the only source of funds available to me is credit card debt at some 19.8% interest.*

g. The claimant's email to the Watford Employment Tribunal Mr. Murrell, Ms Nabi and Ms Ainley dated 15 January 2024 [424]. In the email, the claimant states:

> *Respondents are in blatant and persistent violation of the Tribunal's orders of Sept 1st, for disclosure by Nov 17th "of the documents in their possession or control relevant to the issues in this case whether they assist their case or not".*

h. The claimant's email to the Watford Employment Tribunal Mr. Murrell, Ms Nabi, Ms Ainley and Ms Straker dated 25 January 2024 [174]. In the email, the claimant states:

> *Respondents are refusing disclosure*

i. The claimant's email to the Watford Employment dated 20 February 2024 [178]. In the email, the claimant states:

> *Respondents have previously failed to provide all documents to the Tribunal for the Sept 1st preliminary hearing, so I plan to submit all documents to the Tribunal directly with Respondents copied to safeguard against any confusion.*

86. The claimant has failed to identify any specific document relevant to her claim that has not been disclosed by the respondent.

<u>Unreasonable conduct of proceedings - deadlines - ET3</u>

87. The respondent alleges that the claimant has repeatedly accused it of failing to submit its ET3 response in time as evidenced by the following documents:

a. The claimant's email to Ms Nabi and Mr. Hudson copying in Mr. Dart dated 15 May 2023 [211] from which the claimant states:

> *I cannot endeavour to not email your client. I have an ongoing legal dispute with ongoing detriment to me. Your client has actually already failed to respond 'in due course' as the response was due May 2nd.*

b. The claimant's chronology of events [261] "Respondents missed deadline to respond to Employment Tribunal".

c. The claimant's email to the Watford Employment Tribunal copying in Mr. Murrell, Ms Nabi, Mr. Hudson, Mr. Dart, Ms Grennan and Ms Ainley dated 16 October 2023 [288].

88. There is no evidence to substantiate the claimant's allegation that the respondent failed to submit its response in time.

<u>Unreasonable conduct of proceedings - preliminary hearing of 1 September 2023</u>

89. The respondent alleges that the claimant abused the Tribunal process by repeatedly accusing VWV of not providing the claimant's documents to the Tribunal ahead of the preliminary hearing on 1 September 2023[290].

90. On 24 August 2023, Ms Rose emailed the claimant [250] in which she attached the proposed bundle for the preliminary hearing for the claimant to review. The claimant was invited to make any comments about the bundle and was to do so prior to 4 PM on 25 August 2023 which was where Ms Rose was going to upload the bundle to the Tribunal. Ms Rose acknowledged that the claimant had submitted additional documents and these had been included in so far as they were relevant to the matters to be determined at the preliminary hearing. She also recognized that there may be other documents which the claimant wish to bring to the Tribunal's attention and these were contained within a supplementary bundle.

91. On 25 August 2023, Ms Rose emailed the claimant [253]. She indicated that the documents that the claimant had provided to her (cover note and amended ET 1) had been included in the main bundle for the preliminary hearing. Ms Rose was replying to an earlier email sent on 25 August 2023 [253] which was addressed to the Watford Employment Tribunal indicating that the bundle did not include the amended claim and cover.

92. On 28 August 2023, the claimant emailed the Watford Employment Tribunal thanking the respondent's solicitors are sending an up-to-date bundle with the amended ET 1 and cover [265].

93. The summary of the preliminary hearing held on 1 September 2023 [80] records that a copy of the second ET 1 submitted by the claimant was in the bundle before the employment judge.

94. Notwithstanding this, the claimant continued to allege that VWV had failed to provide the Tribunal with her amended ET 1 ahead of the preliminary hearing [290].

95. VWV confirmed again to the claimant that the amended ET 1 and cover were included in the bundle in an email from Mr. Murrell to the claimant dated 20 October 2023 [293].

96. On 23 October 2023, the claimant confirmed in an email to Mr. Murrell [295] the claimant acknowledged that the amended ET 1 and cover were in the bundle sent to the Tribunal for the preliminary hearing.

97. The claimant continued to allege that the amended ET 1 and cover were not in the bundle that was sent to the Tribunal for the preliminary hearing in an email dated 9 January 2024 [410].

98. On 20 February 2024, the claimant emailed the Watford Employment Tribunal further claiming that the respondent had previously failed to provide all documents to the Tribunal for the preliminary hearing on 1 September 2023 [506].

99. In the claimant's "Review of Publicly Available Documents" submitted to the Watford Employment Tribunal on 29 February 2024, the claimant alleged that the respondent had failed to include her application to amend [184].

100. The claimant had no basis for making this allegation about omitting the amended ET 1 and the cover from the bundle for the preliminary hearing 1 September 2023. As a matter of fact, those documents had been included in the claimant had acknowledge that fact. Yet she continued to make the allegations thereafter without any justification whatsoever for doing so.

<u>Retention and sharing of confidential personal data</u>

101. The respondent alleges that the claimant has, on several occasions, retained and shared confidential personal data with third parties without consent. It relies upon the following documents:

a. An email the claimant sent to Ms Rose, Ms Nabi and Ms Sharon Nelson copying in Mr. Hudson, Mr. Dart, "Data Protection", Ms Giles and Mr. Simon Martin [124] She stated, amongst other things:

> *This morning I was contacted by a school that made a conditional offer of employment to me who had Data Protection concerns about the report I shared with them. I find that this concern may be well-founded and, in order to err on the side of caution, I have edited my report to anonymise all parties.*

b. An email the claimant sent to the Watford Employment Tribunal copying in Ms Rose, Mr. Hudson, Ms Nabi and Mr. Dart on 17 August 2023 [131]. The email had the claimant's disclosure for the bundle for the preliminary hearing on 1 September 2023 and a document entitled "Bebras 2022 RLS.xlsx". This document was of no relevance to the claim and contain the personal details of children at the respondent.

c. An email from VWV to the claimant dated 3 October 2023. It stated, amongst other things:

On 17 August 2023 you emailed the Tribunal attaching various documents that you stated you may rely on as evidence at the preliminary hearing on 1 September 2023. One of these documents was a Microsoft Excel spreadsheet entitled "Bebras 2022 RLS" and contained the personal data of 374 pupils and former pupils of the School.

Your employment with the School terminated on 19 February 2023.

It is extremely concerning that you have retained a copy of the "Bebras 2022 RLS" document and the personal data of children that it contains.

For the purposes of this email I use the terms "confidential information" and "school property". These terms have the meanings set out in your contract of employment with the School dated 29 September 2022 and which are as follows:

The School requires the following of you by return and by no later than 4pm on 6 October 2023:

1. Confirmation of all and any confidential information and/or school property that is currently in your possession or control;
2. That you return back to the School all confidential information and/or school property that is in your possession or control;
3. That you irretrievably delete all and any electronic record of all and any confidential information and/or school property that is in your possession or control and that is not directly relevant to your race and sex discrimination and harassment claims;
4. To the extent that you retain possession or control of any confidential information and/or school property after 4pm on 6 October 2023 on the basis that it is relevant to your race and sex discrimination and harassment claims, that you identify what confidential information and/or school property you have retained and why you state that it is relevant to your claims.

Just so that you are aware, your retention of the "Bebras 2022 RLS" document is a data breach and has been reported to the Information Commissioner's Office together with confirmation of the steps that have been taken to rectify this breach.

Given the nature of the data contained in the "Bebras 2022 RLS" document the School has also referred this to the Local Authority Designated Officer together with confirmation of the steps that have been taken to rectify the matter.

You will appreciate that this is an extremely serious and concerning matter. For the avoidance of any doubt, identification of this issue is the reason why the School is now only willing to provide a factual reference confirming your role at

the School and the dates of your employment on receipt of any reference requests relating to you.

I look forward to receiving your responses to points 1 to 4 above at the very soonest opportunity and by no later than 4pm on 6 October 2023.

d. VWV have never received a response from the claimant despite chasing her for one [292].

Unreasonable and vexatious conduct towards VWV

102. The respondent alleges that the claimant has repeatedly accused VWV of acting in bad faith and relies on the following documents:

a. An email sent by the claimant to the Watford Employment Tribunal copying in Mr. Murrell and Ms Nabi [303]. The claimant alleged that:

> *I daresay even the solicitors VWV are acting in bad faith having persisted in withholding the report by Michelle Taylor whilst I, a single parent, struggled to feed my household. They have cooperated with Respondents in the pretense that this was a safeguarding review, which they could not reasonably believe after Sept 7th disclosures by me., and they repeatedly asked me to provide legislation citations when their clients know the documents that confirm my right to an assessment review.* ***If I'm wrong, they are welcome to talk to me about positive steps forward.***

b. An email sent by the claimant to Ms Ainley copying in Ms Nabi [477]. The claimant stated:

> *Can you ensure that only your solicitors that have not already proven themselves lacking in good faith contact me directly?*

c. An email sent by the claimant to the Watford Employment Tribunal copying in Ms Nabi and Ms Ainley [507]. The claimant stated:

> *Please find linked below the three proposed hearing bundle materials submitted by Veale Wasborough Vizard. If compared closely, 80% of these documents have been tampered with in a way to obfuscate and materially change, and unfairly disadvantage me as the Claimant, the third specifically denying most of the evidence submitted to the Tribunal by me. This is particularly absurd when Respondents are completely refusing a SADR with no GDPR grounds provided, no redacted SADR offered, have refused to cooperate in contacting witnesses, and have missed the deadline for witness statements.*
>
> *One set of mistakes could just be client miscommunication, but these is clearly solicitor misconduct that should be referred by the Tribunal to the Solicitor's Regulation Authority. I am happy to attend proceedings to see this through.*

> *VWV have also refused to cooperate in the criminal investigation of the harassment and I have been suffering medical issues and have*
> *a referral for physical therapy now, next appointment March 27th.*
>
> *It's difficult to know how to proceed under the circumstances, but I think the Tribunal should consider striking out the inconsistent, incoherent Grounds of Resistance and concluding these proceedings if Respondents and VWV cannot act in good faith. I believe Mr. Hudson will not stop defaming me and will not rectify my training documents without re-engagement Orders.*

103. The claimant has repeatedly accused VWV of pretending to be on holiday [400, 442, 473 and 185].

104. The claimant has repeatedly threatened and has reported solicitors at VWV with reports to the SRA [279, 287, 294, 174, 453, 490-498 & 507].

105. On 18 March 2024, the claimant accused a VWV of misconduct [507] (see comments above).

106. The claimant has reported VWV to the Information Commissioners Office without any basis [279 & 490].

107. The respondent accuses the claimant of being persistently rude, aggressive, threatening and obstructive to solicitors at VWV and relies upon the following:

a. An email from the claimant to Ms Rose and Ms Nabi dated 31 July 2023 [228]. She stated, amongst other things:

> *I will say this again explicitly because it seems you are trying to miss the point.*

The tone of this email is aggressive.

b. An email to Ms Rose copying in Ms Nabi, Mr. Hudson and Mr. Dart dated 15 August 2023 [243]. The claimant states:

> *I will endeavour to complete this form, although compensation depends on when your client decides to stop indulging his bias, or when you decide that your client is the school and not Mr. Hudson.*

I do not accept this email is rude because it is started with the words “Hello Charlotte” and it ends with “thank you, Chandrika”. However, it does appear to be aggressive towards Mr. Hudson rather than VWV.

c. An email from the claimant to Mr. Murrell copying in Ms Nabi, Mr. Hudson, Mr. Dart and Ms Giles dated 11 September 2023 [145]. The claimant states, amongst other things:

I note that you are still avoiding the statutory required report. Your clients have known about this for some time even if you are new to the case, and you have been made aware of it for 10 days now, and your predecessor longer than that. This is already unreasonable. What is your time frame for compliance? Do you need an ICO report, too? What does that do to a law firm, cumulatively?

I can't promise not to contact the board, the headteacher and the chair of governors. I have business with them separate from the Tribunal claim. I can promise to copy Naseem Nabi and he can continue to watch me for "harassment".

Unless you want to tell me that reporting to the board of governors is part of your job?

I don't want the clerk to the board, the headteacher or the chair of governors to claim they didn't know their role and/or forgot, and/or didn't see the evidence, or weren't contacted by you. I can't afford to leave it to you and this loose timetable.

The tone of this email is aggressive and threatening (i.e. a threat to report the VWV to the Information Commissioner).

d. An email from the claimant to Mr. Murrell and Ms Nabi, dated 7 December 2023 [391]. The claimant states "Glad to see you are more often getting the name of the school correct now." The tone of this email is sarcastic. It was in response to an email sent by VWV to the claimant on 7 December 2023 [391]. VWV stated, amongst other things:

We are becoming increasingly concerned by the nature of your communication and unfounded allegations including:

o abuse of process;
o suggesting our client is defying Department for Education regulation (albeit without naming such regulation);
o suggesting we and/or our client are/is party to insurance fraud, or misappropriation of public funds;
o making defamatory statements of our client.

We consider your communication is becoming increasingly vexatious, abusive and disruptive. In accordance with rule 76 of the Employment Tribunal Rules of procedure, we could apply for a costs order where it is considered that a party has acted vexatiously, abusively, disruptively or otherwise unreasonably in the way that the proceedings (or part) have been conducted. Your communication, as we have described, is, we consider, vexatious abusive and disruptive. Please note, should this continue we will made an application to the Tribunal in accordance with rule 76, seeking costs.

e. An email to the Watford Employment Tribunal copying in Mr. Murrell, Ms Nabi and Ms Ainley dated 1 January 2024 [400] in which the claimant stated, amongst other things:

> *Whilst Mr. Murrell pretends to be on holiday and fails to provide disclosures, neglects and possibly defrauds his client RLS, and buys headteacher Mr. David Hudson more time to defame me to potential employers, we are objectively living in economic precarity.*

By any measure, this email is gratuitously offensive to Mr. Murrell and makes a serious allegation that he may be defrauding his client as well as enabling Mr. Hudson to defame the claimant.

f. An email to the Watford Employment Tribunal copying in Mr. Murrell, Ms Nabi and Ms Ainley dated 11 January 2024 [414]. She states:

> *The RLS reply will not be in due course as these disclosures are all overdue, except the one made yesterday. Let's not sacrifice accuracy for niceties you wish to include. You are in violation of the Sept 1st Tribunal order for disclosure "of the documents in their possession or control relevant to the issues in this case whether they assist their case or not".*
>
> *…*
>
> *When do you expect to have cleaned away the prevarications added by David Hudson to the disclosure bundle you have provided?*

The tone of this email is sarcastic and suggests that VWV are guilty of tampering with documentary evidence. It is offensive.

<u>The witness testimony</u>

108. I am mindful of the fact that none of the witnesses who provided statements to the Tribunal for the purposes of this hearing were present to give oral evidence and to be cross examined. In the absence of their evidence being available for challenge under cross examination I must decide what weight to give these witnesses' statements. I have decided to give these statements weight on the basis that they refer to a substantial volume of contemporaneous documentary evidence that corroborates their testimony. Whilst there is no requirement for corroboration in these proceedings, the fact that there is a significant volume of supporting documentary evidence adds significant cogency to the witness statements.

David Hudson

109. Mr. Hudson has been employed as the Head teacher at the respondent since 1 January 2010. The school is a state grammar school providing secondary and sixth form education for pupils aged 11 to 18.

110. Mr. Hudson has outlined the specific claims made by the claimant against the respondent that relate to his alleged conduct. These include accusations of harassment related to race, direct race discrimination, and sex discrimination, stemming from various incidents including his response (or lack thereof) to emails, accusations of poor communication skills, jeopardizing the claimant's teacher training, and informing prospective employers that her communications were unprofessional.

111. Mr. Hudson describes the claimant's conduct during the proceedings as unreasonable and vexatious, including direct contact with him despite instructions to communicate through the respondent's solicitors, making unfounded allegations against him and the respondent, and making derogatory and defamatory comments about him and his colleagues to third parties.

112. Mr Hudson has detailed the personal and professional impact of the claimant's conduct, including stress, anxiety, disruption, and a sense of being personally targeted and harassed. This has affected his work and personal life, including concerns for his family's safety.

113. Mr. Hudson has identified instances of direct contact by the claimant and the allegations she has made, including accusations of insurance fraud, conspiracy to defraud, and defamatory statements to third parties.

114. Mr Hudson describes the strain the claimant's actions have placed on his colleagues and the overall school environment, highlighting the emotional toll on individuals like Laurence James and others, and the broad impact on the school's operation.

115. Mr. Hudson is concerned that the continuous stress and harassment might impact his ability to assist the respondent in its defence at the final hearing scheduled for October 2024, especially given his upcoming retirement.

116. The key dates and events in Mr Hudson's statement are as follows:

a. 11 May 2023: The first instance where VWV (the respondent's solicitors) requested the claimant to cease direct contact with school staff and communicate through them instead.

b. 15 May 2023: The claimant directly contacted Mr Hudson, disregarding VWV's request to cease direct communications.

c. 14 August 2023: The claimant emailed the Tribunal, making defamatory statements about Mr Hudson, claiming he was racist and sexist.

d. 15 August 2023: The claimant made allegations in an email to Amanda Timmington of Astra Alliance, questioning the fairness of her reference and training assessment provided by Mr Hudson.

e. 7 September 2023: The claimant emailed VWV, including Mr Hudson in the communication, claiming that Mr Hudson was responsible for ending her teaching career and causing her financial and personal distress.

f. 13 September 2023: the claimant emailed Kirsten Giles, claiming she was being kept unemployed by Mr Hudson.

g. 14 August to 16 October 2023: A series of emails sent directly by the claimant to Mr Hudson and other school staff on various dates, despite repeated requests not to do so.

h. 16 October 2023: The claimant wrote to the Tribunal, accusing Mr Hudson of defamation and obstructing her employment opportunities.

i. 13 November 2023: The claimant made allegations against Mr Hudson and Laurence James on a third-party website, accusing them of insurance fraud and conspiracy to defraud.

j. 17 November 2023: The claimant emailed the Teaching Regulation Agency, claiming Mr Hudson defamed her in a reference.

k. 15 January 2024: The claimant emailed the Tribunal, making further allegations of fraud and misconduct against Mr Hudson and others.

l. 16 January 2024: The claimant sent an email accusing Laurence James of fraud and threatening to report him.

m. 2 February 2024: The claimant accused Laurence James of making a threat of physical violence against her in an email to the Tribunal.

n. 15 March 2024: The claimant emailed the Teaching Regulation Agency and other bodies, making false claims about a criminal prosecution against Mr Hudson and Marcella McCarthy.

Laurence James

117. Mr James has been employed by respondent as the Head of Computing since 1 September 2016. In his statement he details a series of interactions and allegations related to the claimant as follows:

a. 1 September 2022 to 19 February 2023: The period during which Mr James was the line manager to the claimant, during her employment at the respondent.

b. 11 May 2023: The respondent's solicitors, VWV, first requested the claimant to cease direct contact with the school's staff.

c. 11 September 2023: The claimant included Mr James in an email to Mr Hudson, despite previous requests to cease direct contacts.

d. 21 September 2023: Mr James received a direct email from the claimant, indicating her monitoring of his activities.

e. 13 November 2023: The claimant sent an email via the STEM Community website, making allegations against the respondent and Mr James.

f. 14 – 17 November 2023: Correspondence with STEM learning regarding the claimant's message, leading to an investigation by STEM.

g. 16 January 2024: Another email from the claimant to Mr James via the STEM Community website, alleging fraud.

h. Late January 2024: Mr James was informed that the claimant had reported him to the police via Action Fraud.

i. 2 February 2024: The claimant accused Mr James of threatening her with physical violence online. It is noteworthy and merits reproducing just how offended Mr James felt when he was referred to as an “incel”. In paragraph 45 of his statement he says:

> *In her email of 2 February 2024, the Claimant appeared to liken me to or imply that I am an "incel type." I understand that to be a derogatory phrase used to describe embittered misogynistic men often with extremist views. This felt personally insulting and rude. It is very offensive to me to be mentioned in the same sentence as "incel types". I also felt a sense of irony, given the Claimant's unreasonable and vexatious conduct to date.*

j. 9 February 2024, 20 February 2024, and 29 February 2024: The claimant repeated allegations against Mr James. In relation to the statement by the claimant starting with the words “if I am killed, Mr James may be guilty…” [188]. Mr James’ response to this as set out in paragraph 48 of his witness statement is:

> *I am completely astounded by this paragraph. I am upset and shocked to the core to be painted as an incel, violent person and a potential murderer. It makes me feel sick having to defend myself against baseless allegations*.

118. Throughout these interactions, the claimant's actions are described as unreasonable, vexatious, and including baseless accusations of fraud and physical violence. These interactions have caused significant stress and anxiety for Mr James, impacting his ability to participate in the proceedings and affecting his well-being.

Philip Dart

119. Mr. Dart is the Chair of Governors at the respondent. Appointed to that position on 24 February 2020 having been a governor since September 2014 He has described the following key dates and incidents as follows:

   a. 2 February 2023: The claimant raised a grievance, which Mr. Dart investigated and concluded was without merit by 16 February 2023.

   b. 11 May 2023: The school's solicitors, VWV, first requested the claimant to cease contacting school staff directly.

   c. 23 May 2023 - 16 October 2023: Mr. Dart received multiple direct emails from the claimant, despite instructions to cease such contacts.

   d. 19 August 2023: The claimant emailed criticisms of Mr. Dart's handling of her grievance review process.

   e. 21 September 2023, 28 September 2023, 23 October 2023, and 17 November 2023: The claimant made allegations against Mr. Dart, accusing him of defying Department for Education regulations and committing insurance fraud.

   f. 25 August 2023, 28 August 2023: The claimant requested through Tribunal submissions for Mr. Dart to step down as Chair of Governors.

   g. 2 October 2023, 23 October 2023, 24 November 2023, 21 December 2023, 1 January 2024, 12 January 2024, and 25 January 2024: The claimant pursued actions to remove Mr. Dart from his position and sought the contact details of the Vice-Chair of Governors.

   h. 22January 2024: The claimant reported Laurence James, a colleague of Mr. Dart, to the police for fraud.

   i. February 2024: The claimant accused Laurence James of making threats of physical violence.

120. Mr. Dart describes the claimant's conduct as a campaign to destabilize the respondent and personally target him and other staff members, including Laurence James and David Hudson. The ongoing situation has led to a significant additional workload, necessitated risk assessments, and caused considerable stress among the staff. Mr. Dart expresses concern about the impact of the claimant's actions on the respondent's reputation and the wellbeing of its employees, fearing that the claimant's behaviour could escalate further as the final hearing approaches in October 2024.

The submissions

<u>The respondent's application for an unless order, for strike out and for a costs order.</u>

121. Ms Grennan prepared a skeleton argument which she expanded upon in oral submissions. In summary, in her skeleton argument she submits the following:

Strike-Out or Unless Order

122. Scandalous, Unreasonable, or Vexatious Conduct: The respondent argues that the claimant's conduct in the proceedings has been scandalous, unreasonable, or vexatious. This is based on Rule 37(1) (b), which allows for a claim to be struck out if the proceedings have been conducted in a manner that is scandalous, unreasonable, or vexatious.

123. Impact on Fair Trial: The respondent contends that the claimant's actions have jeopardized the possibility of a fair trial. It is argued that her conduct has been oppressive, dishonest, vexatious, and unreasonable, adversely affecting the respondent's witnesses to the extent that their ability to give evidence at the final hearing may be compromised.

124. Behavior Increasing in Severity: Despite warnings and the lodging of applications by the respondent for orders against her, the claimant allegedly escalated her behavior. She reportedly sought alternative methods to harass and distress the respondent's witnesses after being blocked from direct contact, including unfounded complaints to third-party organizations and the police.

125. Risk to Witness Participation: There is a concern that key witnesses may withdraw from participating in the final hearing due to the stress and distress caused by the claimant's conduct, potentially leaving the respondent unable to fully present its case.

Costs Order

126. Conduct Falling within Rule 76(1) (a): The respondent submits that the claimant's conduct meets the criteria for a costs order under Rule 76(1) (a), which pertains to parties acting vexatiously, abusively, disruptively, or otherwise unreasonably in the bringing or conducting of proceedings.

127. Escalating Legal Costs and Complexity: The respondent highlights that what should have been a relatively straightforward case has become overly complicated and costly due to the claimant's conduct, evidenced by a disproportionately large preliminary hearing bundle.

128. Disproportionate Inconvenience and Expense: It is argued that the claimant's actions have caused significant inconvenience, harassment, and expense to the respondent, out of proportion to any potential gain for the claimant, indicating an abuse of the tribunal process.

129. The respondent suggests that the severity and continuation of the claimant's conduct, even after previous Tribunal interventions, indicate that less drastic measures than a strike-out may not be sufficient to curtail her behavior, thus justifying the extreme step of striking out her claim. They also contend that the claimant's actions have clearly crossed the threshold for awarding costs against her, advocating for the tribunal to use its discretion to impose such an order to address the undue burden placed on the respondent by the claimant's conduct.

130. In her oral submissions, Ms Grennan emphasised the application was predicated on the claimant's conduct in these proceedings and not the merits of the underlying claims. She repeated that the submission was being made under rule 37 (1) (b) and rule 76 (1) (a). She referred me to her skeleton argument and the summary of documents. She submitted that the claimant had displayed a pattern of behaviour that was both continuous and extraordinary and impossible for her to justify. Her behaviour related to the conduct of the proceedings and was aimed at witnesses with the sole purpose to cause them distress and to upset them. The claimant was continuing to behave in this way even when she had been warned that she should not do so.

131. Ms Grennan said that the evidence demonstrated that once the claimant was asked to desist from taking a particular course of action she would find another way to get at Mr. Hudson, Mr. James and Mr. Dart. The claimant had been asked to stop corresponding with witnesses and yet continued to do so. Her email accounted been blocked. On that occurrence, she used an alternative platform to contact Mr. James. That platform was also blocked. When that happened, she made unfounded complaints to the police with regard to Mr. James and her allegations became increasingly extreme causing alarm and distress to Mr. James and others at the sharp end of her invective.

132. Ms Grennan submitted that anything other than a strike out order would be inadequate. However, if the Tribunal was not with her on this point, then an unless order would have to do. However, she was concerned that even when faced with such an order, the claimant would find a way around to threaten and worry the respondent's witnesses. The history of her behaviour in this claim clearly demonstrated that this would be a likely course of action that she would pursue.

133. Ms Grennan submitted that the respondent had a very real concern that its key witnesses would not give evidence at the final hearing. These witnesses deserve protection at the very least.

134. Ms Grennan accepted and acknowledge that a strike out order as a Draconian measure to take. It is the heaviest weapon in the Tribunal's armory. The Tribunal had to consider carefully whether this would be an appropriate course of action to take. The Tribunal had to consider whether the high threshold for making a strikeout order had been met. The volume of documents contained in the bundle provided very clear evidence that the threshold had been met. If I agreed with Ms Grennan, I then had to consider what the prospects were for there being a fair trial. In this regard, I was referred to the witness evidence provided in the statements. I would also have to consider whether a strike out order would be a proportionate response or whether something less would be appropriate.

135. The claimant had been told time and again about the impact of her behaviour. Nothing had changed in her behaviour. Indeed, it had got worse. I was invited also to consider the claimant's response to the summary of documents at the beginning of this hearing which she simply characterised and dismissed as being "rubbish".

136. On the question of costs, I was invited to consider all of the same points that had been made regarding making a strike out order or an unless order. In any event, costs should be awarded. The application proceeded under rule 76 (a). This should have been a straightforward case given the fact that the claimant had only worked for the respondent for some five months. The bundle was already very large with more than 500 pages. The documents in that bundle largely dealt with how the claimant had been conducting this case. The costs of defending this claim were likely to be excessive. Ms Grennan acknowledged that if the Tribunal was minded to make a costs order, given constraints on time, it would not be possible to quantify costs at this stage. If an order was made, quantification could be made at a later date.

137. The claimant submitted that she is unemployed. Regarding the police report that she said that they had decided not to investigate. She accused Ms Grennan with lying with regard to her characterisation of that report. She accused the respondent are not cooperating. She then started to make representations about the underlying merits of her case and accused the respondent of making allegations about her conduct and having strayed away from the substance of the case. She said that the respondent knew full well that they were not complying with Department for Education regulations. She accused VVW of filtering information that have been provided to them by the respondent. She said that she was trying to pursue a criminal investigation. Had the police decided that her complaint was unmerited, they could have taken steps against her and investigated and fined her. The claimant said that she had legitimate interest in pursuing this matter. She accused the respondent of having a misogynistic and racist culture. This was why the three key witnesses had refused to deal with the Subject Access Request. They were the harassers rather than the claimant. She said that they could make it go away tomorrow if there were to cooperate with the investigation.

She said there was evidence that would support a police investigation. Only the police could track down information about the IP address of the person who had sent her the message. The agencies that she had reported to conduct their own investigations. That is their job. They had not been misled.

The applicable law

138. It is the overriding objective of the rules to enable the Tribunal to deal with cases fairly and justly (rule 2). Dealing with a case fairly and justly includes, so far as is practicable: (a) ensuring that the parties are on an equal footing; (b) dealing with cases in ways which are proportionate to the complexity and importance of the issues; and (c) avoiding unnecessary formality and seeking flexibility in the proceedings; (d) avoiding delay, so far as is compatible with proper consideration of the issues; and (e) saving expense. Not only must the Tribunal seek to give effect to the overriding objective in interpreting, or exercising any power given to it by, the Rules, but there is an obligation on the parties and their representatives to assist the tribunal to further the overriding objective and to co-operate generally with each other and with the tribunal. The overriding objective is to be given effect through other rules, not instead of other rules.

139. A claim or response (or part) can be struck out on the following grounds:

a. That it is scandalous or vexatious or has no reasonable prospect of success — rule 37(1) (a).

b. That the manner in which the proceedings have been conducted by or on behalf of the claimant or the respondent (as the case may be) has been scandalous, unreasonable, or vexatious — rule 37(1) (b).

c. For non-compliance with any of the tribunal rules or with an order of the tribunal — rule 37(1) (c).

d. That it has not been actively pursued — rule 37(1) (d).

e. That the tribunal considers that it is no longer possible to have a fair hearing in respect of the claim or response (or the part to be struck out) — rule 37(1) (e).

The respondent relies on rules 37(1) (b).

140. The word “scandalous” in the context of rule 37 (1) (b) means irrelevant and abusive of the other side. It is not to be given its colloquial meaning of signifying something that is “shocking” (**Bennett v Sub London Borough Council 2002 ICR 881, CA**). In the case of **Jones v Wallop Industries 17182/81** J claimed that he had been unfairly selected for redundancy and, to back up his claim, alleged fraud, mismanagement, misrepresentation, criminal conspiracy, intimidation and “other torts” against the employer. The Tribunal found that J was “hellbent on causing the respondent company and a number of individuals as much inconvenience, distress, embarrassment and expense

as possible" and ordered that the whole claim should be struck out as being largely scandalous or vexatious.

141. A "vexatious" claim has been described as one that is not pursued with the expectation of success but to harass the other side or out of some improper motive.

142. In considering whether a claim should be struck out on the grounds of scandalous, unreasonable, or vexatious conduct, the Tribunal must consider whether a fair trial as possible. In **De Keyser Ltd v Wilson IRLR 324, EAT** I am reminded that the EAT made it clear that certain conduct, such as the deliberate flouting of a Tribunal order, can lead directly to the question of striking out order. However, in ordinary circumstances, neither a claim nor defence can be struck out on the basis of a party's conduct unless the conclusion is reached that a fair trial is no longer possible. In **Bolch v Chipman 2004 IRLR 140, EAT**, the EAT set out the steps that a Tribunal must ordinarily take when determining whether to make a strike out order as follows:

g. Before making a strike out order under rule 37 (b) the Employment Judge must find that a party or their representative has behaved scandalously, unreasonably, or vexatiously when conducting the proceedings.

h. One such a finding has been made, they must consider in accordance with **De Keyser** whether a fair trial is still possible, as, save in exceptional circumstances, a strike out order is not regarded simply as a punishment. If a fair trial is still possible, the case should be permitted to proceed.

i. Even if a fair trial is unachievable, the Tribunal will need to consider the appropriate remedy in the circumstances. It may be appropriate to impose a lesser penalty, for example, by making a costs or preparation order against the party concerned rather than striking out their claim or response.

143. In **Emuemukoro v Croma Vigilant (Scotland) Ltd and Ors 2022 ICR 327**, the EAT rejected the proposition that the question of whether a fair trial is possible must be determined in absolute terms; that is to say, by considering whether a fair trial is possible at all, not just by considering, where an application is made at the outset of a trial, whether a fair trial is possible within the allocated trial window. CV Ltd had failed to comply with any of the tribunal's case management orders that had been made in preparation for the hearing. E had made an application for the response to be struck out for that reason, but it had not been practicable to deal with that application in advance of the hearing. The strike-out application was renewed on the first morning of what was scheduled to be a five-day hearing. The strike-out order was granted by the tribunal, which found that it was no longer possible for a fair trial to proceed. It was not feasible to remedy the deficiencies in the time available, and an adjournment, which would have been for many months due to the tribunal's backlog of cases, would have caused E prejudice owing to

the two-year delay since dismissal and the fact that E's considerable losses continued to grow substantially from week to week. CV Ltd appealed against the strike-out decision to the EAT, which rejected the appeal. It held that there was nothing in any of the authorities to indicate that the question of whether a fair trial is possible must be determined in absolute terms. The EAT considered that, where a party's unreasonable conduct has resulted in a fair trial not being possible within that the allocated window, the power to strike-out is triggered. Whether the power ought to be exercised depends on whether it is proportionate to do so. The EAT found no error in the tribunal's approach to proportionality. Striking out was considered to be the least drastic course to take in this case. It was a highly relevant factor that the strike-out application was being considered on the first day of the hearing. The parties were agreed that a fair trial was not possible in that hearing window. There was no other option other than an adjournment, which would have resulted in unacceptable prejudice to E (a conclusion that was not challenged by CV Ltd). The EAT therefore concluded that the tribunal had not erred in striking out the response.

144. In **Gainford Care Homes Ltd v Tipple and anor 2016 EWCA Civ 382**, CA the Tribunal struck out the respondent's response and debarred it from taking any further part in the proceedings in circumstances where two of its members had verbally and physically intimidated claimant who was also acting as a witness in another claimant's case. GCH Ltd, a family company, was managed by MK, his wife, SM, and their son, IK. T and R, both former employees, brought claims against GCH Ltd for unfair dismissal and discrimination. Are supported T's case and was due to act as a witness. At the Tribunal premises MK verbally threatened R to induce her to withdraw her support for T. She was also subjected to physical intimidation by IK who intentionally drove his car at speed close to her as she was using a zebra crossing in the car park outside the Tribunal building.

145. The Tribunal decided that GCH Ltd should be barred from taking any further part in the proceedings, whether in relation to liability or remedies, in both claims. Both acts of intimidation were so closely associated with the proceedings that they formed part of the manner in which they had been conducted by or on behalf of GCH Ltd. Also, the second act, set in the context of the first, amounted to scandalous and unreasonable conduct. The Tribunal recognised that it was an extreme and draconian step to strike out GCH Ltd.'s response but it was a consequence brought upon by GCH Ltd itself. The Tribunal also carefully considered whether there was some alternative response short of barring GCH Ltd, in particular GCH Ltd.'s suggestion that it could invite the two individuals responsible for the acts not to attend or give evidence. However, it did not think that this would address the ability to have a fair trial in all the circumstances, nor that it was proportionate to deal with the prejudice to the wronged party. Permission to appeal against the substance of the tribunal's decision was subsequently refused by the EAT. The question of whether the tribunal had given sufficient reasons for its decision to debar GCH Ltd was pursued to the Court of Appeal, which concluded that it had.

146. Intimidation of witnesses does not automatically mean that a fair trial is no longer possible. In **A v B EATS 0042/19** the claimant, a litigant in person, had sent strongly worded and abusive correspondence to the respondent's representative and witnesses. One of the witnesses, C, was a senior married colleague with whom the claimant had had an affair during her employment with the respondent. Initially the Tribunal sought to address the claimant's conduct through 'robust case management' and made orders that she should immediately desist from repeating allegations previously made in correspondence, should correspond professionally and politely with the respondent's representative, and should not contact or attempt to contact any witnesses until a witness list had been agreed. The claimant subsequently sent two further emails to C, informing him (among other things) that she had decided to add C's wife as a witness and was contemplating adding his sister and mother. The Tribunal subsequently struck out her claims on the grounds that the emails were intimidatory, and thus constituted 'scandalous, unreasonable or vexatious' conduct under rule 37(1)(b), and were sent in breach of Tribunal orders, falling foul of rule 37(1)(c).

147. The EAT observed that witness intimidation is an obvious example of 'scandalous, unreasonable or vexatious' conduct in that it tends to subvert the process of justice and has the potential to impair the fairness of the trial. However, even if the claimant's emails to C could be said to be intimidatory, in the sense that they were intended to prevent him from giving evidence, the EAT considered that the tribunal had erred in law in failing to address the question of whether strike-out under rule 37(1) (b) was necessary because a fair trial was no longer possible. In the instant case, the Tribunal was in a position to prevent the claimant misusing its procedures by refusing to allow her to lead irrelevant witnesses and by preventing her from asking C questions that were not relevant to the case. There was therefore no imminent risk to the fairness of the hearing. Nevertheless, the tribunal had been entitled to strike out the claims under rule 37(1) (c) for non-compliance with tribunal orders. That non-compliance was sufficiently serious to justify strike-out since the tribunal could have no confidence that the claimant would act with appropriate restraint in her future correspondence or at the hearing itself.

148. The question of proportionality is determined according to the same principles as adumbrated in **Blockbuster Entertainment**.

149. In **Hargreaves v Evolve Housing and Support and anor 2023 EAT 154** an employment tribunal considering whether to strike out H's claims found that his objective was to use the proceedings to create a damning public narrative that would (a) destroy the business of the first respondent and (b) harm the political career of the second respondent. In correspondence in which H had made an offer for settlement, he threatened the respondents with a 'relentless' campaign 'through protracted legal actions' continuing 'for years' and 'high profile media political campaigning in forthcoming local and national elections' to change the 'narrative' to what H wanted it to be. The tribunal considered that H's conduct was a clear example of abuse of the tribunal process and therefore scandalous, vexatious and unreasonable. H's goal was

'to subject the [respondents] to inconvenience, harassment and expense out of all proportion'. His settlement demands went well beyond what he could reasonably expect to achieve even if he won his claims. In light of H's openly declared intentions to use the proceedings to pursue his campaign against the respondents and their witnesses, and considering the extent to which he was prepared to go to inflict damage on anyone he considers has done wrong to him, and irrespective of how the matter is viewed by the tribunal, the tribunal concluded that a fair trial was not possible.

150. On appeal, the EAT held that it was not clear why a fair trial was no longer possible. The tribunal had not received evidence from any of the respondents' prospective witnesses to the effect that they were fearful of giving evidence, or of involvement in the claim, or intimidated by H. Rather, the tribunal's reasoning was based upon its assumed effect of H's conduct. While the EAT acknowledged the tribunal's concerns at what it termed H's weaponisation of proceedings and the high hurdle that H's appeal had to reach, it nevertheless decided that the tribunal's conclusion that a fair trial was not possible was an error of principle, or perverse on the material with which it had been provided. That being so, the tribunal also erred in proceeding to strike out the claim. Among other things, the fact that no alternative order was merited or appropriate could not itself serve to establish that the draconian sanction of strike-out was warranted. Such an approach would lead to the sanction being simply a punitive measure. Furthermore, however justified the criticism that the employment tribunal attached to H's conduct, the respondents' remedy for any repetition of it lay elsewhere (such as in an application for costs). The tribunal had the applicable legal test well in mind, but it erred in the application of that test. The EAT ordered that H's claims be reinstated and remitted for an open preliminary hearing at which all necessary directions enabling the matter to proceed to a substantive hearing would be considered.

151. The Tribunal has a discretionary power to make a costs order or Preparation Time Order ("PTO") under rule 76(1) (a) of the Tribunal Rules where it considers that a party (or that party's representative) has acted 'vexatiously, abusively, disruptively or otherwise unreasonably' in either the bringing of the proceedings (or part) or the way that the proceedings (or part) have been conducted. The fact that a claimant or respondent may ultimately be successful does not necessarily prevent the tribunal from making an order of costs against him or her based on unreasonable conduct.

152. Where the conduct of a party (or of his or her representative) is 'vexatious, abusive, disruptive or otherwise unreasonable', rule 76(1) provides that the Tribunal shall consider whether to make a costs order or PTO. Therefore, it has a duty to consider making an order but has discretion as to whether or not to actually make the award. In other words, rule 76(1) imposes a three-stage test: first, the Tribunal must ask itself whether a party's conduct falls within rule 76(1)(a) — in other words, is its costs jurisdiction engaged?; if so, secondly, it must go on to ask itself whether it is appropriate to exercise its discretion in favour of awarding costs against that party; the third stage is the determination of the amount of any award

153. It is appropriate for a litigant in person to be judged less harshly in terms of his or her conduct than a litigant who is professionally represented. According to the EAT in **AQ Ltd v Holden 2012 IRLR 648, EAT**, an employment tribunal cannot, and should not, judge a litigant in person by the standards of a professional representative. Justice requires that tribunals do not apply professional standards to lay people, who may well be embroiled in legal proceedings for the only time in their life. Lay people are likely to lack the objectivity and knowledge of law and practice brought to bear by a professional legal adviser. The EAT stressed that tribunals must bear this in mind when assessing the threshold tests in the then equivalent to rule 76(1) of the Tribunal Rules 2013. It went on to state that, even if the threshold tests for an order for costs are met, the tribunal still has discretion whether to make an order. That discretion should be exercised having regard to all the circumstances. In this respect, it was not irrelevant that a lay person may have brought proceedings with little or no access to specialist help and advice. This was not to say that lay people are immune from orders for costs: far from it, as the cases make clear. Some litigants in person are found to have behaved vexatiously or unreasonably even when proper allowance is made for their inexperience and lack of objectivity. However, the EAT concluded that, in the instant case, the employment tribunal had been entitled to take into account the fact that H represented himself when refusing the employer its costs.

154. The term ‘vexatious’ was defined by the National Industrial Relations Court in **ET Marler Ltd v Robertson 1974 ICR 72, NIRC**. The Court stated that: ‘If an employee brings a hopeless claim not with any expectation of recovering compensation but out of spite to harass his employers or for some other improper motive, he acts vexatiously.’ Of course, what applies to an employee bringing a claim applies equally to an employer or other respondent resisting a claim. So, it would appear that for conduct to be vexatious, there must be evidence of some spite or desire to harass the other side, or the existence of some other improper motive. Simply being ‘misguided’ is not sufficient to establish vexatious conduct — **AQ Ltd v Holden 2012 IRLR 648, EAT.**

155. However, the Court of Appeal in **Scott v Russell 2013 EWCA Civ 1432, CA** (a case concerning costs awarded by an employment tribunal), cited with approval the definition of ‘vexatious’ given by Lord Bingham in **Attorney General v Barker 2000 1 FLR 759, QBD (Div Ct)**. According to His Lordship, ‘the hallmark of a vexatious proceeding is… that it has little or no basis in law (or at least no discernible basis); that whatever the intention of the proceedings may be, its effect is to subject the defendant to inconvenience, harassment and expense out of all proportion to any gain likely to accrue to the claimant, and that it involves an abuse of the process of the court, meaning by that a use of the court process for a purpose or in a way which is significantly different from the ordinary and proper use of the court process’. This suggests that where the effect of the conduct falls within Lord Bingham’s stringent definition, this can amount to vexatious conduct, irrespective of the motive behind it.

156. A tribunal may also make a costs order or PTO against a party who has acted abusively or disruptively in bringing or conducting proceedings (or his or her representative has done so). For example, in **Garnes v London Borough of Lambeth and anor EAT 1237/97** — a case which concerned a complaint of race discrimination — the tribunal office had made four attempts to fix a hearing but had adjourned on the first three occasions at G's request. In addition, G had failed to attend two interlocutory hearings as he objected to their being held. At the fourth hearing, which was fixed for 15 days, G again said he could not proceed. The tribunal offered to adjourn for five days but G said he would not attend at any time during the 15-day period. The tribunal then adjourned for an hour to allow G to consider his position. The tribunal warned G that if he did not attend after the hour the case might be struck out and costs awarded against him. When G did not attend, the tribunal struck out the case and awarded the respondent the costs of attending the tribunal hearing. The tribunal held that G had conducted the proceedings 'unreasonably, vexatiously and disruptively' and this was upheld by the EAT on appeal.

157. A costs order or PTO may also be awarded against a party under rule 76(1) (a) where the party (or his or her representative) has acted unreasonably in bringing or conducting proceedings. 'Unreasonable' has its ordinary English meaning and is not to be interpreted as if it means something similar to 'vexatious' — **Dyer v Secretary of State for Employment EAT 183/83**. It will often be the case, however, that a tribunal will find a party's conduct to be both vexatious and unreasonable.

158. In determining whether to make an order under this ground, a tribunal should take into account the 'nature, gravity and effect' of a party's unreasonable conduct — **McPherson v BNP Paribas (London Branch) 2004 ICR 1398, CA** . However, the tribunal should not misunderstand this to mean that the circumstances of a case have to be separated into sections such as 'nature', 'gravity' and 'effect', with each section being analysed separately — **Yerrakalva v Barnsley Metropolitan Borough Council and anor 2012 ICR 420, CA**. The Court of Appeal **in Yerrakalva** commented that it was important not to lose sight of the totality of the circumstances. The vital point in exercising the discretion to order costs (or a PTO) is to look at the whole picture. The tribunal has to ask whether there has been unreasonable conduct by the paying party in bringing, defending or conducting the case and, in doing so, identify the conduct, what was unreasonable about it, and what effect it had.

159. Reasonableness is a matter of fact for the employment tribunal, and it will be difficult to argue that it has made an error of law unless it can be shown that it has neglected relevant considerations or taken into account irrelevant ones. In **Khan v Heywood and Middleton Primary Care Trust 2006 ICR 543, EAT,** for example, the Appeal Tribunal stated that whether conduct could be characterised as unreasonable required an exercise of judgment about which there could be reasonable scope for disagreement among tribunals, properly directing themselves. It went on to uphold an

employment tribunal's decision to award costs against K. While accepting that not all employment tribunals would characterise K's conduct as unreasonable, the EAT noted that there had been nothing wrong with the way in which the tribunal had exercised its discretion to order costs.

160. It may be that a party's conduct, taken as a whole, amounts to unreasonable conduct (**Sahota v Dudley Metropolitan Borough Council EAT 0821/03**)

Discussion and conclusions

The overriding objective

161. I remind the claimant that in employment tribunal litigation, the overriding objective is a central principle designed to ensure that cases are dealt with justly and fairly. This objective, defined under the Rules of Procedure, requires that cases are handled in a way that is proportionate to the complexity and importance of the issues, ensures expediency and fairness, and seeks to limit costs and delay. This objective applies to all parties involved, including solicitors, represented parties, and litigants in person (those who represent themselves).

162. The overriding objective dictates conduct in several ways and I remind the claimant that she should ensure that her conduct must not waste time or resources, including the Tribunal's time. This includes complying with case management orders and timelines, avoiding unnecessary adjournments, and keeping evidence and submissions concise and relevant.

The claimant's correspondence with employees, officers and agents of the respondent including the respondent's potential witnesses

163. An unrepresented party, often referred to as a "litigant in person," is not bound by the same professional and ethical standards that govern solicitors. This means that while solicitors are expected to adhere to certain rules, these do not apply to individuals who are not legal professionals.

164. It is generally permissible for solicitors representing one party to communicate directly with an unrepresented opposing party. Therefore, an unrepresented party may continue to communicate directly with the other side's client or witnesses unless there is a specific court order prohibiting such communication.

165. Even though direct communication is allowed, it is advisable for solicitors to clarify any legal implications and boundaries to the unrepresented party. This is to ensure that the unrepresented party is aware of the potential consequences of their actions, such as the risks of inadvertently harassing or intimidating witnesses.

166. I am very concerned that the tone and frequency of the claimant's communications with the respondent's employees, officers and agents including the respondent's potential witnesses amounted to harassment and intimidation. Consequently, I consider it necessary to provide instructions to the claimant on how to conduct herself in this litigation. She must address all communications to VWV. She must not contact any of the respondent's employees, officers or agents or witnesses or potential witnesses either directly or indirectly which includes but is not limited to:

a. Copying and blind copying said persons in emails

b. Sending messages via online communities or groups

c. Delivering hard copies of messages to said persons

d. Sending text messages or using social media to send messages to said persons.

e. Calling said persons via mobile or landline and/or leaving voicemail messages.

I have made a case management order to that effect which is set out in a separate document. The claimant is required to comply with that order. **If she does not, she faces the very real risk of her claim being struck out for non-compliance.**

Allegations of insurance fraud, conspiracy to defraud and misappropriation of public funds; allegations of fraud against Mr. James

167. My findings of fact inexorably point to the conclusion that the claimant has made several unfounded allegations of insurance fraud, conspiracy to defraud and misappropriation of public funds against Mr. Hudson, Mr. James and Ms Kay. These allegations have also been repeated to the Tribunal and to VWV. I agree with Ms Grennan that these allegations are scandalous and unreasonable and were designed to cause as much anxiety and stress as possible for the respondent's witnesses. This is borne out by what each of those witnesses state in their statements.

Allegations of fraud against Mr. James

168. My findings of fact clearly point to the conclusion that the claimant made numerous and unfounded allegations of fraud against Mr. James and also reported him to the police. She has also communicated those allegations to VWV and to the Tribunal. I am particularly concerned by the claimant's behaviour in respect of her dealings with Ms Anna Morgan of the Department for Education when she told Mr. James that Ms Morgan had confirmed that Mr. James was not only guilty of abuse of authority but also fraud. This was misleading. There was no evidence that Ms Morgan held those opinions. There is no evidence that Ms Morgan made those comments. Mr. James found this intimidating. It is an allegation that has serious consequences for Mr. James' reputation.

169. The claimant also threatened Mr. James when she said “can you give me a reason not to report you for fraud”. She was attempting to coerce Mr. James to assist her by threating to report him to the police.

170. I agree with Ms Grennan that this allegation is scandalous and unreasonable. It was calculated to cause as much stress and anxiety for Mr. James as possible. It had that effect on him as set out in his witness statement. It was threatening, bullying and intimidating behaviour.

Allegations that Mr. James threatened the Claimant with physical violence online and the suggestion that Mr. James may be incited to violence against the claimant

171. I am particularly concerned about the claimant’s behaviour in respect of these allegations. The police investigated the allegation and found no evidence to support it and took no further action. I am troubled by the fact that the claimant did not attend an interview or make a statement and yet she wanted, and thought it appropriate for, the police to speak to Mr. James. The reasonable inference to be drawn from this is that the claimant wished to use the police as a weapon to intimidate Mr. James. How could she think that was acceptable in circumstances where she did not provide supporting evidence and did not give a statement or attend an interview?

172. To make such an allegation is scandalous and unreasonable. It shows an intention by the claimant to threaten and intimidate Mr. James and to cause him stress, all of which she achieved as per Mr. James’ witness statement.

173. I am also concerned about the claimant’s allegations that Mr. James threatened her with physical violence that she made on Quora.com. She also communicated the allegation to the Tribunal. The claimant has not provided any evidence that Mr. James was connected to the post “Have you ever thought of hitting your teacher with a bat?” The allegation was also communicated to the Tribunal and to VWV.

174. The claimant’s letter to the Tribunal of 29 February 2024 suggesting that Mr. James may be incited to violence is both offensive and without justification. The reference to Mr. James being an “incel” is also offensive and scandalous to which Mr. James took particular exception, as per his statement.

175. The claimant’s behaviour in respect of that allegation was scandalous and unreasonable. It was intended to cause Mr. James distress and anxiety. The claimant achieved that outcome as per Mr. James’ witness statement. The claimant’s behaviour was bullying and intimidating.

Allegations of faking and modifying evidence

176. The claimant has made several allegations that the respondent and VWV faked or modified evidence. These allegations were communicated to

the Tribunal and to the Information Commissioner's Office, the Teaching Regulation Agency, the Local Authority Designated Officer and Buckinghamshire First Response.

177. This is an extraordinary and very serious allegation to make for several reasons:

a. It damages the reputation of the respondent in the eyes of regulators and other important stakeholders with potentially catastrophic consequences for the respondent.

b. Solicitors are bound by strict ethical guidelines set by regulatory bodies such as the Solicitors Regulation Authority ("SRA"). These guidelines demand integrity, honesty, and upholding the law. Faking or modifying evidence directly contravenes these principles and can severely undermine the trust in the legal profession.

c. Fabricating or altering evidence is a criminal offence. If a solicitor is found to have engaged in such activities, they could face criminal charges, including perverting the course of justice, which is a serious crime that can lead to imprisonment.

d. The integrity of the judicial process relies on the accuracy and authenticity of evidence presented in court. Manipulating evidence can mislead the court, resulting in wrongful decisions, miscarriages of justice, and an erosion of public confidence in the legal system.

e. If a solicitor is suspected of such misconduct, they would likely face investigations by their firm and the SRA. This could lead to severe sanctions including suspension, being struck off, and other penalties, effectively ending their legal career.

f. Accusations of faking or modifying evidence can irreparably damage the reputation of the solicitor and their firm. This can lead to a loss of client trust, diminished business prospects, and a tarnished professional image that might extend beyond the individual to affect the firm as a whole.

g. Apart from criminal consequences, there might also be civil liabilities. Affected parties may seek compensation for damages caused by the actions of the solicitor if such manipulation of evidence leads to financial loss, emotional distress, or other harm.

178. The severe and negative impact of these allegations on Mr. Hudson, Mr. James and Mr. Dart could not be clearer as per their statements.

179. Given the gravity of such an accusation, it is imperative that any claim of evidence manipulation is supported by substantial proof before being raised. False accusations can themselves have serious implications, potentially exposing the accuser to legal action for defamation or malicious

falsehood if the claims are proven baseless. Therefore, thorough investigation and careful consideration should precede any formal allegations against a solicitor or law firm. The claimant has made unfounded allegations which is very serious and clearly scandalous and unreasonable behaviour.

Derogatory, misleading and/or defamatory comments to third parties

180. I have identified numerous instances where the claimant has made unfounded allegations which are misleading and defamatory. I am particularly concerned about the following:

a. The claimant's email of 15 March 2023 to the Teaching Regulation Agency, the Local Authority Designated Officer and Buckinghamshire First Response. She made multiple allegations including that the respondent faked and modified evidence, was dishonest, had engaged in a cover-up, and had failed to follow safeguarding procedures and had failed to follow the respondent's Code of Conduct, subverting the course of justice and insurance fraud. In so doing, the claimant falsely alleged that a criminal court had accepted this and that a criminal prosecution had been listed against Mr. Hudson and Ms McCarthy. That was untrue and misleading.

b. The claimant had also alleged, in the same email, that VWV had failed to cooperate with a criminal investigation relating to the claimant, the respondent and anyone who worked for the respondent. That was misleading.

181. In my opinion, it is reasonable to infer that the claimant's motivation in making these allegations was to intimidate and threaten the respondent, its witnesses and VWV into disrepute. This is amplified by the fact that the allegations were made to the Teaching Regulation Authority, the official body responsible for taking action in relation to serious teacher misconduct. The consequences for the respondent and its staff for these unfounded allegations were potentially very serious.

Allegations that the Respondent, Mr. Hudson and Mr. Dart are defying Department for Education Regulations

182. The claimant has made this allegation several times to different people. She has not provided any detail as to how the respondent defied these regulations and how they relate to her claims.

183. Given the lack of substance and the persons to whom they were addressed, the reasonable inference to be drawn is that the claimant was motivated with the intention to cause distress and anxiety to Mr. Hudson, Mr. James and Mr. Dart. She achieved that outcome as per their witness statements. Her behaviour was harassing, hostile, intimidating and bullying.

Rude, aggressive and threatening communications to and/or about staff

184. The claimant has sent several emails to different members of staff at the respondent. I have already expressed my opinion on the claimant's email

to the Tribunal dated 29 February 2024 and, in particular, the offensive nature of referring to Mr. James as an "incel".

Abuse of process

185. In the context of employment tribunal litigation, abuse of process refers to the misuse of tribunal procedures in a manner that deviates from their intended purpose, specifically to harass, oppress, or gain an unfair advantage over the opposing party. This abuse can manifest in various ways, impacting the fairness and efficiency of the tribunal proceedings. These include:

a. Filing claims that have no legal basis or are not intended to be taken to a conclusion, but are instead used to pressure an employer into a settlement or to tarnish the employer's reputation.

b. Repeatedly bringing claims against the same party with similar or identical issues that have been previously resolved, often indicative of a desire to harass or burden the opponent rather than seek a genuine legal remedy.

c. Engaging in behaviors that unnecessarily delay the tribunal process, such as failing to comply with tribunal directions, missing deadlines without reasonable cause, or continually requesting adjournments without justifiable reasons.

d. Altering, fabricating, or destroying evidence that is relevant to the case, or encouraging witnesses to give false testimony.

e. Utilizing the tribunal for purposes other than to resolve a genuine employment dispute, such as attempting to gain a negotiating advantage in unrelated matters or using the litigation process to inflict financial or reputational damage on the employer.

Claims not within jurisdiction of the Employment Tribunal

186. The evidence shows that the claimant used employment tribunal proceedings to address allegations of libel, defamation, misuse of private information, negligent misstatement, fraud and conspiracy to defraud, data subject access and Freedom of Information requests and injunction.

187. The Tribunal does not have jurisdiction to hear these types of claim. The correct fora are various including the County Court/High Court, the Crown Court and the Information Commissioner's Office.

188. In this regard, I am prepared to give the claimant the benefit of doubt in that I believe that she was simply ignorant of the correct forum in which to make such claims. For example, she recognised that she could apply for an injunction from the Tribunal and withdrew that request. I do not find that there was an abuse of process.

Claimant's application for an unless order

189. There was no legal basis for the claimant to make this application. The document requested was the “Michelle Taylor Report” had already been disclosed to the claimant. I regard her application to be an abuse of process.

Unreasonable conduct of proceedings - Claimant's disclosure

190. The evidence shows that the claimant engaged in a process that can best be described as selective disclosure. The parties are required to disclose documents to the other party as follows:

a. On which they rely

b. Which adversely affect their own case (i.e. support the other party’s case).

191. Documents that are privileged (i.e. lawyer/client communications and documents prepared in contemplation of litigation) do not require to be disclosed.

192. The duty to disclose documents is a continuing obligation.

193. By engaging in selective disclosure, I find that there was an abuse of process by the claimant. She did not comply with the Tribunal’s order for disclosure.

Unreasonable conduct of proceedings - Respondent's disclosure

194. The claimant repeatedly accused the respondent of failing to make disclosure of documents. She has not identified any specific document relevant to her claims that she asserts were not disclosed.

195. From the evidence it can be inferred that repeatedly making these allegations without providing any detail was done for purposed of harassing the respondent. I hold that this was an abuse of process.

Unreasonable conduct of proceedings - deadlines - ET3

196. The evidence is equivocal and I am prepared to give the claimant the benefit of the doubt. I believe she may have been confusing an ET3 and Grounds of Resistance for a response for further information. I do not regard this as an abuse of process.

Unreasonable conduct of proceedings - preliminary hearing of 1 September 2023

197. The claimant had no basis for making this allegation about omitting the amended ET 1 and the cover from the bundle for the preliminary hearing 1 September 2023. As a matter of fact, those documents had been included in the bundle and the claimant had acknowledge that fact. Yet she continued to

make the allegations thereafter without any justification whatsoever for doing so.

198. From the evidence, it is reasonable to infer that there was an abuse of process the intention of which was to harass the respondent.

Retention and sharing of confidential personal data

199. This matter should, in my opinion, be pursued elsewhere and not in the Tribunal.

Unreasonable and vexatious conduct towards VWV

200. I am very concerned by the contumelious, threatening and hostile tone taken by the claimant that amounts to a sustained, unreasonable and vexatious campaign by the claimant against VWV. I agree with Ms Grennan that the claimant has been persistently rude, aggressive, threatening and obstructive to VVW and individual solicitors in that firm. The correspondence amply demonstrates this. This has included reporting named solicitors to the SRA for professional misconduct and threatening to report the firm to the ICO. The purpose of such behaviour was motivated and intended to ensure that VWV behaved according to her agenda rather than being based on any arguable grounds for alleging misconduct.

Conclusions and further steps

201. Employment litigation, especially for claimants who represent themselves (a.k.a. litigants in person) is an emotional roller coaster. Losing a job triggers a sense of grievance and, frequently, feelings of grief and bereavement. To many people a job is more than “just a job”. It is a career or a vocation in which people invest a lot of themselves and derive a strong sense of their self-worth and validation from what they do. When the employment relationship breaks down, a claimant may feel angry and upset and may want to punish the respondent. Those feelings are amplified when allegations of unlawful discrimination are involved as these go to protected characteristics that are fundamental to a person’s identity. That said, there are certain standards of behaviour expected by the Tribunal of claimant litigants in person to ensure that there is a fair trial. These are as follows:

a. It is crucial for unrepresented claimants to educate themselves about the legal and procedural aspects of employment tribunals. Understanding deadlines, required forms, evidence submission processes, and hearing protocols is essential. Resources are available from the Tribunal's public offices, and online guidance is often provided by governmental websites.

b. Always interact with opponents, Tribunal staff, and judges with respect and professionalism. This includes using appropriate language, maintaining a calm demeanour, even during stressful or adversarial interactions.

c. Follow the Tribunal's rules and orders strictly. This includes meeting deadlines for submitting documents, adhering to directions regarding evidence and witness statements, and respecting the formats required for any submissions.

d. When communicating with the opposing party, whether orally or in writing, be clear, factual, and devoid of any emotional or inflammatory language. Ensure all communications are relevant to the case and seek to clarify or resolve issues.

e. Organize all case materials, including correspondence, documents, evidence, and legal research. Preparation is key, particularly when presenting the case in hearings, where understanding the key facts and legal points, and having ready access to supporting documents, is crucial.

f. Do not exaggerate or misrepresent facts. Credibility is critical in legal proceedings, and misleading the Tribunal can have serious consequences, including adverse judgments or sanctions.

g. While representing oneself, it is important to seek advice or assistance when necessary. This can include consulting legal advice clinics, seeking guidance from charities specializing in employment law, or occasionally hiring a solicitor or barrister for specific issues or representation at the hearing.

h. Handle any personal or sensitive information with the confidentiality it requires, both in relation a claimant's own documents and those disclosed by the other party.

i. Concentrate on the legal issues relevant to the case rather than personal grievances. Focus discussions and arguments on how the facts apply to the law as it pertains to the claim.

j. Consider the strengths and weaknesses of the case realistically. Be open to negotiation and settlement if it can provide a suitable resolution without the need for a full tribunal hearing.

202. The claimant has not displayed these standards of expected behaviour. Having reviewed the evidence, **which is voluminous**, I have no doubt in finding that the claimant's conduct, taken as a whole, was scandalous and unreasonable. Her behaviour was clearly motivated by the desire to cause the respondent and a number of individuals, including key witnesses, as much inconvenience, distress, embarrassment and expense as possible. She has embarked on a multi-faceted campaign of harassment, threatening and intimidating behaviour including making unsubstantiated allegations to the police concerning Mr. James' behaviour. The claimant has attempted to have Mr. Dart removed from his position of Chair of the Board of Governors and she has accused Mr. Hudson of threats of violence and fraud and has made

very serious allegations to third parties including professional regulators. Her behaviour towards VWV has also been hostile and intimidating including reporting named individuals in that firm to the SRA in circumstances that have been motivated by her anger that VWV were not prepared to stop acting for the respondent's key witnesses rather than having any underlying merit as to the substance of an allegation of professional misconduct.

203. The claimant does not or will not understand that professional indemnity, employers' liability and Directors' and Officers' insurance policies will indemnify the insured in these types of claim in respect of legal expenses incurred in defending the claim. For the avoidance of doubt, what insurance policies do not do, for example, is to pay the fine imposed on an employee or director or officer who has been convicted of an offence.

204. The first stage for making a strike out order has been met. That is not the end of the matter as I have to consider whether a fair trial is still possible given the claimant's behaviour to date. I remind myself that a fair trial in employment litigation, as in any legal setting, is one where all parties are given an equal opportunity to present their case, without undue advantage or disadvantage. This concept is deeply rooted in principles of natural justice and procedural fairness, and it is crucial for maintaining the integrity of the judicial process. This includes professional conduct; the parties should behave professionally in all interactions with the Tribunal, the opposing party, and witnesses. This includes using respectful language, honesty and integrity and being truthful and upfront in all aspects of the case, including evidence and interactions with the Tribunal and other parties. A party should not be aggressive or disrespectful towards the other party, their representatives and their witnesses. The purpose of questioning witnesses should be either to clarify the their testimony or to challenge the evidence, **not to intimidate or harass**.

205. Given the claimant's scandalous and unreasonable behaviour, the prospects of a fair trial are hanging by a thread. However, I believe that with robust case management, including case management orders which clearly spell out how the claimant will be required to behave, a fair trial can still be conducted. I am also mindful of the distress that the claimant has caused to Mr. Hudson, Mr. James and Mr. Dart. Her behaviour has been hostile, bullying, aggressive and threatening and it is reasonable to infer that the claimant seeks to deter those individuals from giving evidence at the final hearing. Should she succeed in that objective, there cannot be a fair trial as the respondent would be denied the opportunity of presenting its oral evidence in defending the claims. Having said this, I believe that this behaviour can be curtailed and stopped by robust case management orders. Furthermore, those witnesses should be given the opportunity to give their evidence remotely so that they do not have to attend the hearing centre in person and be physically present in the hearing room at the same time as the claimant. This is often the case in criminal trials to ensure that best evidence can be obtained from a witness so that they can be confident that when they give their testimony, they can do so without fear and intimidation. The Tribunal frequently conducts hybrid hearings of this nature and it would be appropriate in this case should the respondent's witnesses wish to do.

206. I am acutely conscious that that striking out a claim is a draconian step and one that I am not prepared to make at this juncture. **However, the**

claimant must be under no illusion or misapprehension that if she fails to conduct herself as ordered by this Tribunal, she faces a very real risk of her claim being struck out.

207. I have refused the application for an unless order and have set out my reasons for doing so in a separate document addressing the parties' applications for case management orders.

208. I now turn to the respondent's costs application. In so doing, I am mindful of the fact that the claimant is a litigant in person. Notwithstanding this, the overwhelming body of evidence concerning the claimant's behaviour justifies its characterisation as being abusive, disruptive and unreasonable in the manner in which the claimant has conducted these proceedings. Consequently, the costs jurisdiction is engaged. I find that given the egregious, multifaceted and sustained nature of the claimant's behaviour, it would be appropriate for the Tribunal to exercise its discretion in awarding costs against the claimant. In her closing submissions, Ms Grennan acknowledged that it would not be practicable for the Tribunal, at this hearing to determine the amount of any award. There was simply no time to do so. I agree. This is something that will have to be dealt with by the Tribunal at a later date, either at a separate costs hearing before the final hearing, at the final hearing or after the final hearing.

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Employment Judge Green

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Date 16 April 2024

RESERVED JUDGMENT & REASONS SENT TO THE PARTIES ON

1 May 2024...

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FOR EMPLOYMENT TRIBUNALS