



EMPLOYMENT TRIBUNALS

1st Claimant: Mr. Eric Hodges
2nd Claimant: Ms. Suban Gedi
Respondents: Ubele Initiative CIC

Heard at: Watford

On: 15th of August 2025
Before: Employment Judge Coll

Appearances

For the Claimants: In person – Mr. Hodges speaking for both
For the Respondent: Mr. Magier, Counsel

JUDGMENT WITH WRITTEN REASONS

[References in square brackets are to page numbers in the bundle]
[Claimants' Bundle CB Respondent's Bundle RB]

1. The Claimants' application to strike out the Respondent's responses is dismissed.
2. The Respondent's application to sever the claims is dismissed.

WRITTEN REASONS

Introduction

1. This judgment with written reasons is provided at the request of the Claimants.
2. It concerns the strike out application made by the Claimants, dated 16th of July 2025 and heard on 15th August of 2025 [CB146–149]. The application was made under Rule 38 of The Employment Tribunal Procedure Rules 2024, and relied on two grounds:
 - 2.1. That the Respondent had no reasonable prospects of defending the claims
 - 2.2. That the Respondent had engaged in scandalous, unreasonable or vexatious conduct.
3. The Respondent admitted that its ET3 responses were submitted late [RB190]. For the reasons set out below, however, I do not find that the claims should be struck out.

No Reasonable Prospects of Success

4. I do not accept that the Respondent has no reasonable prospects of success (in defending the claims). Each claim is addressed below.
5. The 1st Claimant alleges that he was automatically unfairly dismissed ("AUD") due to whistleblowing. The Respondent's response is that the 1st Claimant failed his probationary period and was dismissed on that basis, having less than two years' service. The burden of

proof lies with the 1st Claimant to establish the AUD claim. The Respondent has presented a coherent and internally consistent account of events.

6. The Respondent denies the allegations of mistreatment and asserts that the 1st Claimant was suspended and dismissed due to performance and capability issues. These matters require exploration at a full hearing.
7. The Respondent contends that the 2nd Claimant was dismissed due to redundancy. This is a standard defence and not inherently implausible. The Respondent's account is internally consistent and merits investigation at a full hearing.

Scandalous, Unreasonable or Vexatious Conduct

8. The primary issue raised is that the Respondent submitted its responses late. This had been considered previously by a Judge on the papers. The Respondent provided an explanation as soon as it became aware of the missed deadlines [RB 57 & 301–302). The Respondent explained that it had not received the claim forms and therefore could not respond in time. The Judge accepted this explanation and allowed the responses. This cannot therefore amount to scandalous, vexatious or unreasonable conduct.
9. The Respondent submitted a protective Grounds of Resistance (“GOR”) for the 2nd Claimant's claim, stating whether each allegation was accepted or denied. This satisfied the procedural requirements. A further GOR was submitted due to the administrative complexity of joined and unjoined claims. The Respondent could not provide a detailed GOR until the claims were clarified.
10. I find that the claims were generally poorly particularised, overlapping and confusing. Significant time was spent during and after the hearing to clarify the issues. There has been no prejudice to the Claimants: no trial date has been set, and there has been no disclosure or exchange of witness statements. The fairness of the full hearing is not affected.
11. The Claimants argue that the Respondent wrongly referred to the 2nd Claimant being dismissed, even though she was still employed. This arose because the 1st Claimant added the 2nd Claimant to his claim form, which included a claim for unfair dismissal. The Respondent was obliged to deny that the 2nd Claimant had been unfairly dismissed, as that was the claim made. I find this to be a logical and appropriate response.
12. The Claimants did not specify which Tribunal orders were allegedly breached. I do not allow this ground and rely on the reasons already given regarding the late submission of the ET3 and GOR.
13. The Claimants allege that the Respondent made inaccurate statements. There is no evidence to support this. The issue appears to relate to postal problems during renovation works at Wolves Lane Centre [RB 70–71]. The Respondent had made arrangements to receive post during the renovations, but something went wrong. The Respondent does not know what caused the issue but has taken steps to prevent recurrence.
14. Under the rules, a protective ET3 only needs to state whether each allegation is accepted or denied. The claims were poorly particularised, which is understandable given that the Claimants are self-representing. The Respondent could not respond in detail to general allegations or to a claim which did not appear to be a ET claim.

15. The 2nd Claimant's claim was better particularised in relation to unfair dismissal, although it lacked detail such as dates and names of alleged perpetrators [AB 301–302]. Her discrimination claims were not particularised at all. The Respondent could only reasonably deny such claims.
16. In sum, I find none of these grounds are made out and fundamentally, the Claimants have not suffered any prejudice. There has been no disclosure, no witness statements, and no listed date for the full merits hearing.

Conclusions

17. Strike out is a draconian remedy and the threshold for granting it is high. That threshold has not been met in this case.
18. The Claimants continue to make applications to amend and clarify their claims. This indicates that the claims are not yet ready for hearing. There is no prejudice to the Claimants, who are using this time to refine their case.
19. A strike out would cause significant prejudice to the Respondent. I therefore refuse the application for strike out.

Approved by:

Employment Judge Coll

Date:08/10/2025

Sent to the parties on: 8 October 2025

For the Tribunal Office