

Neutral Citation Number: [2025] EAT 205

Case Nos: EA-2020-000117-AT  
EA-2020-000683-AT

**EMPLOYMENT APPEAL TRIBUNAL**

Rolls Building  
Fetter Lane, London EC4A 1NL

Date: 22 December 2025

**Before:**

**HIS HONOUR JUDGE JAMES TAYLER**

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**Between:**

**MS R JONES**

**Appellant**

**-and-**

**MINISTRY OF JUSTICE**

**Respondent**

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The **Appellant** was not present nor represented  
**Mr Tom Kirk** (instructed on behalf of Government Legal Department) for the **Respondent**

APPOINTMENT FOR DIRECTIONS

Hearing date: 22 December 2025

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**JUDGMENT**

## **Practice and Procedure**

### **HIS HONOUR JUDGE JAMES TAYLER:**

1. These appeals have a very lengthy and truly extraordinary history. The appeals are now 5½ years old. There are two appeals from orders of the Registrar refusing extensions of time to appeal from case management decisions of the Employment Tribunal made on 17 December 2019 and 24 February 2020.
2. In appeal EA-2020-000117-AT, the appeal was submitted one day out of time. Appeal EA-2020-000683-AT was submitted 43 days out of time.
3. The respondent did not initially object to an extension of time being granted, nonetheless it was a matter for the EAT to determine whether the extension should be granted. The Registrar concluded that extensions of time were inappropriate.
4. The orders of the Registrar were sealed on 23 December 2021. The claimant made applications to appeal from the Registrar's orders and a hearing was provisionally listed to be heard on 18 November 2022. That hearing was postponed because the claimant contended that she was not sufficiently well to attend. It was re-listed to be heard on 18 January 2023. The claimant failed to provide a bundle for that hearing despite having been directed to do so.
5. On 22 December 2022, the respondents informed the EAT that the claimant had not complied with the requirement to provide a bundle. The respondent produced a draft bundle. The ARO hearing listed on 18 January 2023 was postponed on 12 January 2023. At that stage it was noted that the claimant had failed to provide sufficient medical evidence. Despite the fact that the hearing had been postponed, the claimant sought to appeal the order.
6. Attempts were made to put in place adjustments in respect of the claimant's medical condition, specifically her assertion that she had carpal tunnel syndrome, that might allow the proceedings to

advance. At various stages adjustments have been made by the administration of the EAT, which included transcription of letters that the claimant wished to send. This was done by her telephoning and a transcriber writing what she had to say, and by arrangements being made for documents to be read to her.

7. There has, as far as I can see in the file, never been any medical evidence to establish that these adjustments are necessitated by the claimant's conditions. For a significant period of time arrangements were made for a transcription company to undertake the transcription work. However, they had difficulties in dealing with the claimant and eventually were not prepared to continue to undertake that service, as a result of which arrangements were made for a member of the EAT staff to telephone the claimant when there was correspondence that was to be sent to her, to read out the correspondence and to put into writing any correspondence from the claimant.

8. There have been fairly significant administrative delays by the EAT administration as a way forward was sought. Eventually, on 23 May 2023, Caspar Glyn KC, sitting as a Deputy Judge of the High Court, gave directions to fix a new ARO hearing using the adjustments that were then in place. He made provision for the claimant to tell the respondents which documents she wished to have in the bundle. He noted that it would not be just to further adjourn the proceedings. He arranged for the respondent to produce the bundle, for the length of the ARO hearing to be extended to a full day and for a member of the EAT administration to be available at the hearing to help the claimant with the bundle.

9. That was a sensible and pragmatic way forward. It should have got the appeals back on track. Unfortunately, the claimant chose to appeal against the order of Judge Glyn. The application for permission to appeal was dismissed by the Court of Appeal in January 2024. Thereafter, attempts were made by the EAT staff to put into place arrangements under which the EAT staff could assist

the claimant so that the appeals could progress. A considerable amount of time was taken fixing up calls and in reading correspondence to the claimant.

10. The claimant became dissatisfied with the arrangements made by the EAT because she discovered that an EAT member of staff did not immediately type what she was saying but took a complete written note of what she said, from which the correspondence could be produced. As I have previously stated that I can see nothing in that arrangement that was to the disadvantage of the claimant. Members of the EAT staff are not trained transcribers. The EAT staff were doing the best that they could in circumstances in which it had not proved possible for a transcription company to work with the claimant.

11. The case was referred to me. On 8 October 2025, I made an order to fix an appointment for directions in an attempt to find a pragmatic way forward so that the ARO hearings could be listed and that any appropriate adjustments could be made in light of any medical evidence that could be provided by the time of the hearing. Alternatively, arrangements could be made for the claimant to provide the necessary medical evidence after the hearing. I gave the following reasons:

1. By an Order sealed on 23 May 2023, Caspar Glyn KC, Deputy Judge of the High Court directed that the Appeal from Registrar’s Order (“ARO”) proceed to be heard using the adjustments put in place by the EAT (“the adjustments”). On 16 October 2024, the EAT confirmed the adjustments by letter.

2. Ms Jones sought to appeal the Order of Judge Glyn. The ARO was stayed awaiting the outcome of the appeal. Permission to appeal was refused. I then gave directions in April 2025 that an Order should be issued to proceed with the ARO. An Order has not been issued because of problems that have arisen in seeking to apply the adjustments.

3. I further directed that an Order should be issued to proceed with the ARO in September 2025 and a member of EAT staff contacted Ms Jones on 29 September 2025. I have been provided with a file note that records that Ms Jones “does not wish to continue with the current adjustment, as she found that while dictating, the content was not typed. She maintains that this renders the process legally non-compliant.”

4. I consider that progress must be made with this appeal. I note that there does not appear to be any current medical evidence that clearly sets out the medical conditions of Ms Jones and clearly explains what adjustments it is suggested would assist her.

5. If such medical evidence is available Ms Jones should provide it now. The appointment for directions will provide an opportunity to consider what adjustments are appropriate and/or to give directions for the provision of appropriate medical evidence.

6. I cannot see that the approach used by EAT staff that notes were taken during telephone conversations and then typed did not comply with the adjustments. It is always important that parties take a realistic and pragmatic approach to adjustments.

7. These proceedings must be brought to a conclusion within a reasonable period. If no reasonable way forward can be found consideration may have to be given to striking the appeals out.

12. The hearing for directions was listed to take place on 14 November 2025. At 16.03 on 13 November 2025, the claimant wrote asking for a postponement, stating that she was still raising multiple complaints about the adjustments. The claimant stated that she could be available to attend a hearing, including on today's date.

13. I made an Order in the following terms:

1. The Appointment for Directions hearing listed for 14 November 2025 be postponed for the reasons attached.
2. The matter is listed at 2pm on 22 December 2025 before His Honour James Tayler (unless not available) to consider:
  - a. **whether the appeals should be struck out** if they cannot proceed within the reasonably near future
  - b. directions for the listing of the Appeals from Registrar's Orders
  - c. making any necessary adjustments
3. No later than 4:00pm on 12 December 2025 the Appellant is to provide current medical evidence that clearly sets out:
  - a. her current medical conditions
  - b. the prognosis of those conditions
  - c. any adjustments that are necessary for a one to two hour hearing in the Employment Appeal Tribunal
  - d. whether the appellant is currently able to attend a one to two hour hearing in the Employment Appeal Tribunal
  - e. if not, when the claimant will be able to attend such a hearing

4. Any correspondence and material sent to the EAT must be copied to the Respondent.

IT IS DIRECTED that any application for permission to appeal should be made to the Employment Appeal Tribunal within 7 days, or the Court of Appeal within 21 days, of the seal date of this Order

14. I gave the following reasons for the Order:

1. The parties are referred to as the claimant and respondent as they were before the Employment Tribunal.
2. I directed that the appeals be listed or an Appointment for Directions because it is necessary to list the appeals from Registrar's Orders as soon as practicable. If the matter cannot progress in the near future it may be necessary to strike the appeals out.
3. The appeals are against case management decisions of the Employment Tribunal dated 17 December **2019** and 24 February **2020**. There has been excessive delay primarily arising out of disputes about adjustments that the contends are required to enable her to participate because of carpal tunnel syndrome she contends prevents her working with documents.
4. Arrangement for a hearing in the EAT are subject to directions made by the Registrar or a Judge. As the matter is to be listed before me I will deal with the issue of adjustments. In **Heal v University of Oxford** [2020] ICR 1294 Choudhury J (President) held:

18 The duty under section 20 of the Equality Act 2010 to make reasonable adjustments, where a provision, criterion or practice puts a disabled person at a substantial disadvantage in relation to a relevant matter, does not apply to the exercise of a judicial function: see paragraph 3 of Schedule 3 to the 2010 Act, and *J v K (Equality and Human Rights Commission intervening)* [2019] ICR 815 (where the issue was common ground). However, as also stated in *J v K*, "as a matter of general law, the exercise of a judicial discretion must take into account all relevant considerations, and . . . the party's mental condition or other disability would plainly be a relevant consideration": per Underhill LJ at para 33. Numerous cases have made similar points. . .

19 As well as the obligation to take account of all relevant factors, including the fact that a person has a disability, it is now well established that, as a matter of general law and fairness, the tribunal has a duty to make reasonable adjustments to accommodate such disability.

5. I fixed an Appointment for Directions today to list the appeals from Registrar's Orders and to consider the question of adjustments in the light of the fact that the claimant does not feel able to co-operate with the administrative staff of the EAT, insisting that the adjustments that have been put in place are insufficient.

6. I need not rehearse the history here, but irrespective of the claimant's repeated complaints if the appeals from Registrar's Orders cannot progress soon there is unlikely to be any option but to strike out the appeals.

7. When I listed this matter for the Appointment for Directions I ordered that claimant should provide such current medical evidence as is available. There is no current medical evidence of any real significance.

8. On 13 November 2025, the claimant sent a lengthy closely reasoned email seeking a postponement of this hearing. The claimant states in the email that it was "dictated and transcribed" on her behalf. I am pleased that this demonstrates that the claimant has access to a computer and is able to arrange for correspondence to be transcribed. That will greatly assist in progressing this matter.

9. The claimant attached a letter from Dr Jadaw, her GP, dated 11 November 2025, in which it is stated:

This letter serves as an update on Ms Jones medical condition. She has a history of high blood pressure and has been experiencing ongoing health issues that have necessitated referrals to various specialists. The number of appointments and the complexity of her medical concerns have become overwhelming and are contributing significantly to her stress.

Ms Jones is going into hospital for surgery on Monday 17th November, this and the hearing have become extremely stressful and a concern for her hypertension. Due to the importance of surgery, it would be in her best interest for her health to prioritise the surgery.

10. I appreciate that the letter is likely to have been produced under pressure of time and I am grateful for Dr Jadaw's assistance. Other than referring to high blood pressure the letter does not state what the claimant's medical conditions are or give any indication of their prognosis. The letter does not say what surgery the claimant is undergoing. The letter gives no indication of whether the claimant is fit to attend a brief hearing in the EAT and, if not, when she will be fit. The letter does not suggest that there are any adjustments that are necessary for an hearing to proceed. Accordingly, I have made the above Order for the provision of the necessary current medical evidence.

11. I am pleased to note that the claimant offered in her email of 13 November 2025 a number of dates on which she would be able to attend a hearing in the EAT, including 22 December 2025, on which date I have fixed the adjourned hearing. The hearing will provide an opportunity to discuss the way ahead, which is likely to be better in person than through correspondence. The making of adjustments is all about finding a practicable way forward. It is about making adjustments that are reasonable. As part of the overriding objective the claimant is required to co-operate with that process. I will not permit the current stasis to continue and look forward to the claimant co-operating to get the appeals moving forward, failing which there may be little option but to strike them out.

15. Because the claimant had not been responding to calls from the EAT, I directed that the Order should be sent to the claimant and read out onto her answering service.

16. Nothing further had been heard from the claimant from that date to the date of this hearing. I am not aware of any appeal from the Order. The claimant has breached my Order in not providing any medical evidence. The claimant did not send any correspondence or telephone the EAT to explain the situation, or suggest that she needs any further time to provide medical evidence.

17. Rule 26 of the **Employment Appeal Tribunal Rules 1993 (as amended)** provides that if there is a breach of an order of the Appeal Tribunal, the Appeal Tribunal may make such order as it thinks just, which can include an order that all or part of an appeal is struck out. The EAT applies the overriding objective which is designed to enable it to deal with cases justly and, so far as practicable, ensure parties are on an equal footing, deal with cases in ways which are proportionate to the importance and complexity of the issues, ensure that appeals are dealt with expeditiously and fairly, and save expense.

18. Parties are required to assist the Appeal Tribunal to further the overriding objective. The EAT deals regularly with litigants who have medical conditions or disabilities and will, so far as is reasonable, take steps to put adjustments in place.

19. Making adjustments is all about taking steps that are practicable to enable parties to take part in litigation. A party can be expected to co-operate with the EAT to ensure that appropriate adjustments are in place. The EAT cannot only consider the interests of a litigant with a medical condition but must also consider justice to the respondent and to other litigants who seek to have their appeals heard by the EAT.

20. The claimant failed to make any contact with the EAT before this hearing, has failed to submit current medical evidence dealing with her condition and any proposed adjustments, or put forward

any material that would suggest that these appeals from the Registrar's orders can proceed in the foreseeable future. The claimant was under notice from my order sealed on 18 November 2025 that consideration would be given to the possibility of striking out the appeals from Registrar's orders, with the consequence that the appeals would be dismissed, but has not responded.

21. I have concluded that this is unfortunately one of those cases in which the appellant has simply ceased to co-operate with the EAT and has put herself in a position where there is no basis to anticipate circumstances in which these matters could come to a fair hearing within a reasonable time. The respondent has been put to very considerable prejudice by the extensive delays in this matter and by the costs that it has incurred in preparing for hearings that have not gone ahead. In all the circumstances, I have concluded that justice requires that these two appeals be struck out.

22. After my Order striking out the appeal sealed on 30 December 2025 was sent to the parties on 30 December 2025, the claimant sent a lengthy email on 1 January 2026 which included a request for a stay of the proceedings pending an application to the ECHR. She clearly was able to read the Order and to arrange the production of a lengthy written response. There is no basis for a stay of proceedings in the EAT because the appeals have been struck out and are no longer extant. The claimant was informed of the time limits for an appeal to the Court of Appeal.