



EMPLOYMENT TRIBUNALS

Claimant

Mr G. Hill

Respondent

Eastern Multi Academy Trust

Before: Employment Judge M. Hunt

JUDGMENT ON RECONSIDERATION

1. The application for reconsideration of the judgment dismissing the Claimant's claims of disability discrimination on withdrawal, dated 6 November 2025, is refused.

REASONS

3. At a hearing on 6 November 2025, the Claimant withdrew his claims to have suffered disability discrimination. His claim of unfair dismissal is proceeding and is listed for final hearing in June this year.
4. Judgment on withdrawal was entered on the disability discrimination claims in accordance with Rules 50-51 of the Employment Tribunal Procedure Rules 2024 (the "Rules"). It can only be reconsidered on an application in accordance with Part 12 of the Rules. Rule 68 provides that a judgment will only be reconsidered when "necessary in the interests of justice". Finality of judgments is an important component of the interests of justice.
5. The Claimant has sought to reinstate his claims to have suffered disability discrimination. I have treated the request as an application for reconsideration. I have also borne in mind the "balance of prejudice" as between the parties that I would have considered had this been an application to amend.
6. The discrimination claim was withdrawn freely, under no duress. The decision was taken after a discussion with me about what the discrimination claims actually were (with reference to the detailed list of issues recorded by

Employment Judge Annand). I outlined what successfully bringing such claims would require. Notably, in relation to the direct disability claim, that requires the Claimant to establish whether he was treated unfavourably because of his alleged disability, at a time at which the Respondent had knowledge of such disability. We also discussed the sort of evidence that would need to be presented by the Claimant and explored at the hearing to establish whether he should be considered disabled for the purposes of the Equality Act 2010; it would involve discussing medical records that he might consider sensitive.

7. The Claimant was not represented, but he was fully and serenely engaged in the proceedings at the relevant time. I was aware of his alleged disability and acted at all times to facilitate his effective participation in the hearing. The context was determining an application to strike out the entire claim on the basis it had no reasonable prospects of success, which necessitated the Claimant having an appreciation of what a claim of disability discrimination entails.
8. The Respondent's application for strike-out, certainly in respect of the discrimination claims, was wholly arguable.
9. In relation to the direct discrimination claim, even assuming the Claimant was disabled and that the Respondent had knowledge of that at the relevant times (neither of which were clear), there was nothing that I saw or heard to suggest such a disability had anything to do with any decisions taken, or treatment given, by the Respondent. Rather, it appears that it took steps to address a complaint raised against the Claimant by a former colleague.
10. In relation to the "reasonable adjustments" claim as recorded by Employment Judge Annand, my preliminary view was that it was bound to fail. Suggesting that a primary school should not investigate safeguarding concerns, or subject its employees to a disciplinary process in respect of such concerns where appropriate, appears to me a fanciful argument. Not rearranging the Claimant's disciplinary hearing due to an infection was not obviously directly related to either the discrimination claims or the Claimant's alleged disability. It is an allegation better considered in the context of the unfair dismissal claim, and I dismissed the application for strike out of that claim in part directly on this ground.
11. Overall, therefore, I considered the disability discrimination claims to be weak. I highlight this consideration for three reasons.
12. Firstly, because I was mindful the Claimant was unrepresented and was alert to him making any unreasonable concessions. I had no concerns about his decision to withdraw his disability discrimination claims; indeed it seemed to me perfectly sensible. It will benefit everyone to focus on the more arguable part of his claim – unfair dismissal.

13. Secondly, as a result of the withdrawal of the discrimination claims, the Respondent's application to strike them out, alternatively to subject them to a deposit order, was not considered further at the hearing. Nor did I investigate whether the Claimant should be considered disabled for the purposes of the Equality Act 2010. My preliminary view was that a deposit order might well have been warranted in respect of the disability discrimination claims, although I had not excluded striking all or some of them out, largely for the summary reasons outlined above. In these circumstances, it is distinctly unfair to the Respondent to allow the Claimant to resile from his concession now. It would no doubt require listing a further preliminary hearing, which may well require the final hearing to be vacated and re-listed.
14. Finally, I consider the merits of the claims relevant to my assessment of whether it is "necessary in the interests of justice" to allow them to proceed. It is not in the interests of justice, let alone "necessary", to revive weak claims, especially when the stronger claim to which they are associated (in this case, unfair dismissal) is continuing.
15. A party is entitled to wish to have all of their claims heard and it would not often be appropriate to prevent that due simply to perceived coercion or mistake. However, the Rules (including the overriding objective) do not provide that they should be allowed to continue once they have been freely and reasonably withdrawn, especially if they have limited prospects of success. The more arguable claim is continuing.
16. I am satisfied that the Claimant has no reasonable prospect of having the judgment revoked and I must accordingly refuse the application.

Approved by
Employment Judge M. Hunt

Date: 5 January 2026

Sent to the parties on: 6 January 2026

For the Tribunal Office