



# EMPLOYMENT TRIBUNALS

Claimant  
**Miss S Bi**

v

Respondents  
**Matrix Academy Trust**

## PRELIMINARY HEARING (CONDUCTED IN PUBLIC VIA THE CLOUD VIDEO PLATFORM)

Heard at: **Birmingham** On: **11 December 2025**  
Before: **Employment Judge Perry**

### Appearances

For the Claimant: **In person**  
For the Respondents: **Mrs H Anderson (counsel)**

## REASONS

### Background

1. These reasons relate to my decision dated 12 December 2025 (sent to the parties on 16 December 2025) to grant the respondent's application dated the 22 July 2025 for the strike out of Ms Bi's claim. It was listed for this hearing by Judge Swann at a Preliminary Hearing on 26 September 2025.
2. There were also applications for a deposit, witness order and disclosure which would have needed to be determined by me depending on the decision I reached in relation to strike out.

### The strike out application

3. The strike out application relates to the respondent relaying the sequence of events. It alleges amongst other matters that shortly after Ms Bi commenced employment with the respondent in September 2023, she started to make numerous (it says) unfounded allegations against members of staff and the respondent generally.
4. The respondent alleges they were followed by various referrals of employees and others within the respondent and the Trust of which it is part, to regulators and other statutory bodies including the Teaching Regulation Agency (TRA), Local Authority (LADO), Walsall Safeguarding, Police, Department of Education, Ofsted and Information Commissioner's Office. The respondent asserts that they were all investigated and dismissed.



5. The respondent further alleges that Ms Bi has made, and continues to make, defamatory comments and allegations concerning employees and trustees of the respondent. The respondent argues those allegations have extended to the individuals with care and conduct who have been reported within their lawyers, Browne Jacobson LLP, together with threats being made they will be reported to the relevant Regulator, and Ms Michelle Lockley (Assistant Headteacher and DSL) being reported to the Police for various alleged matters including fraud, perverting the course of justice.
6. As a result of what it describes as Ms Bi's behaviour, on the 3 November 2025 the respondent asserts it obtained an interim injunction restraining Ms Bi from further referrals to external regulatory agencies under the Protection from Harassment Act 1997 and preventing her from engaging in language or behaviour towards any member of staff, employee director or trustee of the Respondent which is threatening abusive or intimidating. I was told a copy of that injunction has not as at the date of this hearing been produced by the Dudley County Court and so was not before me.
7. Whilst the respondent accepts Ms Bi agreed to the injunction (without admitting harassment) and to meet the Respondent's costs of the proceedings (subject to assessment by the court) Ms Bi takes issue with this. Amongst other matters she asserts that due to intimidation by the respondent she withdrew a second claim she made.
8. The breach of injunction aside, Ms Bi is entitled to pursue any claims she has against the respondent provided she does so in a reasonable way. This question for me is whether her conduct goes beyond that.
9. The principal arguments the respondent raises in its application are thus as follows:-
  - 9.1. Ms Bi has made excessive and unreasonable requests for disclosure regarding documents wholly unrelated to matters in issue. The effect of which is that
    - 9.1.1. a further Preliminary Hearing will now have to be held to determine these excessive requests.
    - 9.1.2. witness evidence will have to be delayed until after the application for disclosure is heard.
  - 9.2. Ms Bi's correspondence with the respondent's legal representatives generally has been excessive, including multiple detailed, repetitive, and at times incomprehensible emails on a daily basis which has served to disrupt the proper functioning of staff in their roles and greatly increase the respondents legal costs
  - 9.3. Ms Michelle Lockley was unable to give evidence at the injunction hearing, because she was in fear due to Ms Bi's conduct towards her.
  - 9.4. Ms Bi's behaviour towards the respondent's legal representatives has been abusive and many times during hearings at both the Employment Tribunal and the County Court she has spoken over the Judge and had



to be reminded on several occasions not to do so or interrupt. On one occasion in the County Court, Ms Bi attempted to interrupt the Judge when he was giving his judgment.

10. Ms Anderson amplified those arguments orally before me asserting in essence that Ms Bi was constantly changing her position such that the respondent did not know the case it had to meet.
11. As a result the respondent argues there can no longer be a fair trial of this case and that no lesser sanction other than strike out could be imposed to ensure a fair trial.
12. For context there have been a number of hearings listed on this claim to date
  - 12.1. 31 October 2024, 11:30:00 AM (postponed no judicial availability)
  - 12.2. 14 November 2024, 10:00:00 AM (heard by EJ Wright)
  - 12.3. 13 February 2025, 10:00:00 AM (heard by EJ Maxwell)
  - 12.4. 26 September 2025, 10:30:00 AM (heard by EJ Swann - that was originally scheduled as a Dispute Resolution Appointment but was converted to a Preliminary Hearing following a second claim being issued by Ms Bi).
13. It is listed for a 10 day final hearing commencing on 20 April 2026.

### **Ms Bi's initial non-attendance today**

14. At just before 8:00 am today and then again shortly after 8:00 am, the tribunal received emails from Ms Bi. The first indicated her daughter was ill, that she would be taking her to hospital, could not attend and had no objection to the hearing continuing in her absence on the basis that she had lodged written submissions.
15. Ms Bi set out her arguments in those submissions why the application should not be granted and stated she had no objections to the hearing proceeding today in her absence. Despite that at the start of the hearing, having identified the papers I should have I asked my clerk to contact Ms Bi to check if she wished to attend at 11:00 am when I intended to reconvene.
16. My clerk informed me that she had managed to make contact with Ms Bi who had told my clerk that she hoped to join by video later, dependent on when her daughter got out of the hospital and but that she would keep the tribunal updated on her progress.
17. On the basis there was no certainty that Miss Bi was going to join, and if so when, I decided to go ahead with the hearing and allow Miss Bi to join if necessary. When coming to that view I took into account that Miss Bi had indicated that she was happy for the hearing proceed on the basis of her written submissions together with a 24 page document and a further one page attachment (that were both attached to her emails this morning).
18. I also had before me:-



- 18.1. a bundle of 125 pages lodged by the respondent including submissions pages [2 to 15]
- 18.2. a further bundle from Ms Bi consequitively numbered to [313] (although that missed out page 312)
- 18.3. bundle of authorities [91] pages
19. Ms Bi joined at 12:00 noon at which point I summarised what had been said by Mrs Anderson before allowing her to make her own representations.
20. I indicated at the start of my oral decision that Ms Bi may want to make a note of what I was going to say. I communicated my decision at the outset and then proceeded to give reasons. As I did so Ms Bi sought to interrupt me. I first warned her before ultimately muting her. From the video footage it appeared she appeared to continue to talk and gesticulate. She then dropped off the call. I noted this but decided to continue.

## The law

21. The respondents' application for strike out was premised on rule 38 of the Employment Tribunal Rules of Procedure 2024 :-

*“Striking out*

*38 (1) The Tribunal may, on its own initiative or on the application of a party, strike out all or part of a claim, response or reply on any of the following grounds:*

*(a) that it is scandalous or vexatious or has no reasonable prospect of success.*

*(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.*

*(c) for non-compliance with any of these Rules or with an order of the Tribunal.*

*(d) ...*

*(e) that the Tribunal considers that it is no longer possible to have a fair hearing in respect of the claim, response or reply (or the part to be struck out).”*

22. The law is set out in Tesco<sup>1</sup> at paragraphs 33-44 so I do not repeat it here in full save in the following limited respects.
23. The cases other than those I refer to above and below that were referenced by the respondent were :-
  - 23.1. Ms A H vs. Ms Ishmail, Mr H Al-Megabry UKEAT/0021/16

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<sup>1</sup> Smith v Tesco Stores Ltd [2023] EAT 11



- 23.2. Mrs B Tree vs. South East Coastal Ambulance Service NHS Foundation Trust UKEAT/0043/17
- 23.3. Rev Dr Hargreaves vs. Evolve Housing & Support and Mr McGrath EA-2022-000569
24. The Overriding Objective **requires** that “*The parties and their representatives shall assist the Tribunal to further the overriding objective and in particular shall co-operate generally with each other and with the Tribunal*”. **[my emphasis]**
25. So far as concerns me the test is threefold (per *Bolch*<sup>2</sup> approved in *Blockbuster*<sup>3</sup>):-
- 25.1. Is the threshold in r.38(1) (as set out above) met?
- 25.2. Is a fair trial possible?
- 25.3. Is strike out a proportionate response?
- and that staged approach is how I intend to approach matters.

## My determinations

26. Addressing the threefold test in turn.

### Unreasonable conduct

27. Miss Anderson that essentially the case that the Respondent had to face was constantly changing - there had been various applications to amend and essentially to use a phrase that a judge had in an earlier decision, the case was being “*litigated by correspondence*”.
28. To illustrate the point Miss Anderson argued that despite the claim having been commenced on 23 June 2024 (before Ms Bi was dismissed) that there were 4 additional documents lodged variously between 15 October 2024 and 9 February 2025 all of which could be viewed as applications to amend (although it should be noted that some were lodged after Ms Bi was dismissed on 15 October 2024).
29. The last of those applications was 4 days before the Preliminary Hearing heard by Judge Maxwell on 13 February. At that Preliminary Hearing Ms Bi sought to amend her claim. The amendment application was granted (at least in part) and the issues clarified. The issues were further clarified by Judge Maxwell in two orders that he sent out on 24 February and 9 April.
30. Following on from the hearing before Judge Maxwell in Miss Anderson’s view Ms Bi again sought to make three further applications to amend by two emails dated 4 March and a further email of 5 March.

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<sup>2</sup> *Bolch v Chipman* [2004] IRLR 140 EAT

<sup>3</sup> *Blockbuster Entertainment Ltd v James* [2006] IRLR 630 CA



31. It was in response to those emails that Judge Maxwell (having permitted certain amendments) in an order sent to the parties on 9 April 2025 warned Ms Bi not to litigate by correspondence. It may be of assistance to set out what his order said (the emphasis is his):-

*“10. The Claimant's email of 5 March 2025 @ 06.58 is not appropriate. **The Claimant cannot and must not seek to litigate this matter by way of correspondence.** As set out above, the fact of the Respondent asserting facts with which the Claimant disagrees is unlikely to involve any unreasonable conduct. It is in the nature of Tribunal litigation that the parties disagree about what happened and each side believes it is the other that has or is behaving unreasonably. Orders have been made for the Claimant's claim to be determined at a final hearing if not resolved by agreement. The Claimant should focus on complying with those orders.*

*11. The Claimant's application for strike out in her email of 5 March 2025 @ 11.25 is refused, as it has no reasonable prospect of success. The Respondent is entitled to contest her claims at a final hearing.*

*12. The Claimant's email of 21 March 2025 is not appropriate. The Claimant must not write to the Tribunal as though an ongoing conversation about her claim is taking place. **The sending of unnecessary correspondence to the Tribunal is likely to amount to unreasonable conduct and must cease.**”*

32. A second claim was issued by Ms Bi against the Respondent on 28 July. On 12 November Miss Bi indicated that she would be withdrawing that claim. Ms Bi sent further emails which in Miss Anderson's view were essentially her seeking to amend yet further.
33. Again, it is helpful to set out what those emails said.
34. The first email timed at 13:35:32 on 12 November 2025, commenced thus:-

*“I am the claimant in the above matter. The respondents representatives have been copied into this matter. I am writing to request the tribunal to make some corrections to their records and also writing to withdraw the second claim , reference number 6019144/2025. which was joined with my first claim. I am not withdrawing my first claim. I am withdrawing the second claim to fully focus on the first claim.*

*1. This is an request to include matters arising straight after termination of my employment which were on the amended particulars of claim dated 09.02.25. The first preliminary hearing on 14 November 2024 was not conducted properly because respondents had requested for amended particulars of claim. ... I assumed the matters were included and since the*



*respondents representative was an experienced solicitor and junior counsel who was constantly misleading the tribunal that such and such was new matter when it wasn't, I didn't want to undermine the judge who had worked so hard with my first statement. I only fully understood of TRA referral not being included when respondents refused to provide key documents as part of disclosure."*

35. Ms Bi then proceeded to refer at length to an issue concerning the TRA. She then concluded:-

*"12. Referring back to matters regarding TRA referral, it will be severely prejudicial if they are not included. As stated above, the amended particulars of claim did include the TRA referral at several points. ...*

*13. I would be grateful if the above corrections could be made soon. ..."*

36. Amongst those various additional letters at 10:29 on 14 November 2025 Miss Bi sent a further email:-

*"Please accept my sincere apologies, my daughter was unwell when I had sent the below email. Please include the following to the below email to be corrected on tribunal files. I would be grateful if the below email ( date 12.12.25) could be read together with this one.*

*In addition to TRA referral which was included at several paragraphs in the amended particulars that was sent to Tribunal prior to 13 February 2025, there was also details of a data policy clauses being amended in June 2024 prior to my dismissal in the amended particulars dated 10 February 2025. These are at paragraphs 70, 64, 66, 68 (c).*

*The TRA referral paragraphs are at paragraphs 32, 33, 42, 48, 49 and 51. I am attaching the amended particulars for ease of reference."*

A document titled "particulars of claim" was attached.

37. Miss Bi indicated that the issue from her perspective was that she had not received the documents in relation to the amendments that had been granted by Judge Maxwell on 24 February and 9 April and did not accept the letters were applications to amend. If that is so she provided no explanation why not, or why she had not actioned those matters earlier.
38. Irrespective of whether Miss Bi feels that they were applications to amendment or not, the issue is whether they could be interpreted as such. In my view they were.
39. One of the issues before me today was that it was clear that Ms Bi remains of the view that various matters that had previously been addressed should be revisited and she disputes various aspects of what the list of issues includes.



The formulation of the issues is fundamental to disclosure, which is currently an area of dispute between the parties. That being so until the issues have been formulated the parties cannot nor can they be expected to understand what disclosure is required. I will return to an example of that in a moment.

40. It may be helpful at this point to relay the chronological sequence including some of the issues concerning disclosure and other points.
41. Whilst Ms Bi argues she made an application for disclosure as long ago as May 2025 Judge Swan recorded this in the case management summary:-

*“(2) Immediately prior to the hearing commencing the claimant had submitted to the respondent (and copied to the tribunal), an updated request for disclosure of documents following the exchange of witness statements for the DRA. The claimant when addressing me on this maintained that it was crucial for her case proceeding that these documents be disclosed to her as she submits they challenge the credibility of the respondent witness evidence and the defences to the claims lodged. The respondent confirmed that the claimant had made a number of previous applications for disclosure which had been responded to as deemed appropriate. ...*

*(3) I made it clear that the respondent must be given the opportunity to reply to the aforesaid disclosure request. I also made it clear that it would be a matter for the tribunal to decide on receiving those comments how it then proposes to deal with any contested matters relating thereto, in what format, on what basis and when. I have therefore made orders below in respect of this application.*

*...”*

and ordered as follows:-

*“5. The respondent will now have until the 17 October 2025 to consider and respond in writing (copied to the tribunal), to the claimant’s application for disclosure of documents submitted to the tribunal and the respondent today the 26 September 2025. The tribunal will then determine how any contested matters (if any) arising from the application will then be dealt with and in what format and when. “*

42. To that end Ms Bi made a number of applications between the hearing on 26 September 2025 before Judge Swann and this hearing. Amongst them she asserted on 7 October:-

*“It was decided on the DRA held on 26 September 2026 by Judge Swann that preliminary hearing about disclosure will be held on 11 December 2025 and the strike out application will be on 17 February 2026. The date for 11 December was to determine why the respondents have still not provided*



*documents they are in possession of and if they are relevant to claim.”*

43. That was clearly at odds with Judge’s Swann’s order which made the position clear at several points and left no room for doubt. On 8 October 2025 Ms Bi then sought

*“I am writing to request for the NoH for strike out to be conducted through written submissions on 11 December 2025 rather than a full day on video call.*

*My 5 year old daughter has [medical condition redacted]. She is changing schools soon. It has been agreed that I will support her to settle at her new school as volunteer in the classroom from end of November until Christmas holidays. The school that has been offered is not a specialist school and due to the transfer taking place mid term, they will not have a TA present to meet her needs as such short notice. They will have one available for January term. ... This is the reason why I have requested to make written submissions or the matter to be rescheduled for the new year.”*

44. A few minutes later Ms Bi emailed again:-

*“Apologies, there appears to be a typing error below. I intend to state that I will submit my written submissions 3 days or a week prior to hearing if tribunal agrees to it. It’s important to allow written submissions as I cannot be present for a whole day video conference on 11 December 2025 because I will be at my daughter’s school. It is also very difficult to communicate on video conference with my laptop and mobile phone. The voices come late and I tend to speak. It then appears that I was talking over the person which is rude. Written submissions are ideal or a rescheduled date for face to face hearing.”*

45. On 14 October she sought a witness order against Des Rickets who is the principal of Bishop Wilson Church of England Primary School.
46. Following this Ms Bi withdrew the second claim and the chain of correspondence I refer to starting at (32) above occurred.
47. Returning to the exchange of correspondence on 18 November 2025 Ms Bi again emailed

*“ ...*

*I have an appointment at my daughter’s school on 11 December 2025. Evidence of this will be submitted shortly. Hence, the full day hearing held on vexatious and scandalous allegations made by respondents representative about me rather than the merits of the case should be cancelled.*

*...”*



48. That was thus an application to postpone and gave a different reason to that previously for her inability to attend. It may be that the reason had changed but no evidence the meeting referred to has been provided from the school as promised.
49. In addition to those matters there were various other applications in relation to this hearing. They included applications:-
- 49.1. to list it in person,
  - 49.2. to change the date submissions were to be lodged by and
  - 49.3. regarding the date for the hearing being inconvenient to Ms Bi.
50. Various reasons were given by Ms Bi with regards to her inability to attend remotely or in person concerning practical difficulties logging on/with regards to accessing IT and phones etc., her availability and concerning her child attending medical appointments/Ms Bi having to attend school appointments.
51. On 4 December Judge Wedderspoon refused Ms Bi's application to postpone the hearing listed on the 11 December 2025. Her reasons were:-
- “Employment Judge Swann made it very clear at the previous hearing that it was imperative to deal with the Respondent's strike out application which has been outstanding for some time. Furthermore, no evidence has been produced by the Claimant to support her contention in the email dated the 18th November 2025 that there is a clash with her child's assessment. At the hearing, and if still necessary, the Judge will deal with the Claimant's application for a witness summons and, if minded, to consider any other outstanding applications.”*
52. In response Ms Bi repeated the application:-
- “I am unable to attend the hearing of 11 December. The respondents were made aware of it since October 2025. Evidence was also given to them couple of weeks back. I have written several times to tribunal since October 2025 regarding the hearing. The disclosure is also pending since May 2025. I sent detailed emails and documents as to why the documents requested for are relevant.[sic.] Again the respondents have sent a bundle to me without including my documents.*
- The tribunal has not dealt with disclosure issues and there according to the respondents even if I have sufficient evidence I cannot apply for strike out of response but they can apply based on false allegations they make . We require a face to face hearing and I also have an appointment at my daughter's school on 11 December.*
- ...”*
53. To that email it appears Ms Bi attached an email she had sent to her daughter's school stating:-



*"Thank you for letting me know that experts for assessments will be at school on 11 December and my attendance is required. I will cancel other appointments and attend the meetings at school.*

*It's noted that the I might be required from 26 November - 12 December and you would like me to attend the meeting on 11th December 2025 too."*

54. Ms Bi's letter was thus equivocal whether her attendance was required and she provided as I say no evidence of the appointment from the school.
55. That correspondence was placed before Judge Gidney who addressed it as an application to postpone the hearing. He refused it on the basis that

*"...nothing has changed since EJ Wedderspoon rejected the Claimant's application for a postponement of that hearing, following the observations made by EJ Swann. ... The Claimant must produce evidence from her child's school that the Claimant must attend at school on 11th December, and that event cannot be postponed before her application can be considered."*

56. That was emailed at just before 1:30 pm. Thirty minutes later from the email address it was sent to came a reply from Ms Bi

*"I have not received any correspondence at all from tribunal about any refusal from Judge Weatherspoon. I have only received this email and one from tribunal yesterday regarding the bundle. ... I find communicating from a broken screen of a laptop very difficult for a video conference. There should be a face to face hearing. ... The matters to be determined are crucial and cannot be discussed behind a broken laptop screen. They require face to face hearing at the tribunal.*

*The [role of member of staff] at school works part time and is not at work today. I will need to wait until Monday to get any confirmation from school"*

57. Despite the contents of that email at just after 6 pm on 8 December Ms Bi emailed to say

*"I am able to confirm that I will attend the hearing held on 11 December through video conference."*

58. Those emails demonstrate in my view a refusal to accept Tribunal orders and to repeatedly argue in relation to directions is a repeated theme.

59. Further despite

- 59.1. the assurances to provide evidence of the meeting at the school it was not forthcoming;



- 59.2. having indicated that she would lodge submissions at least 3 days in advance as ordered by the Tribunal, she lodge a 24 page submissions document at 8.00am this morning; and
- 59.3. having indicated well in advance that she would be making an application to strike out the respondents' case did not do so until she lodged her submissions this morning.
60. Miss Anderson accepts there no evidence in witness statements provided that suggests witnesses are not prepared to attend. Although, I accept the witnesses are concerned for their personal safety, (I am told Ms Bi has found their home addresses) and there is an impact on their mental health.
61. Instead, Miss Anderson focusses instead on Ms Bi's failure to comply with Tribunal orders going forward and the impact that has. Her argument has 4 principal strands:-
- 61.1. non-compliance and adherence going forward with orders,
- 61.2. the extra Tribunal time and resources being devoted to repeated correspondence,
- 61.3. delay or at least the potential for it and
- 61.4. additional costs.
62. Those strands were reinforced today by the repeated interruptions and arguing by Ms Bi and despite having repeatedly asked Ms Bi not to do so she persisted. Whilst I accept she is a litigant in person and feels very strongly about her complaints, there are certain minimum requirements as to the way a hearing can be conducted. I have shown considerable allowances today.
63. Despite Miss Bi saying that she was happy for the hearing to proceed in her absence I made attempts to allow her to join if she wished.
64. When her child was in the background playing on an electronic device that was making noise, I asked her to stop the noise but did not object to her daughter being there (I did so on the basis that Miss Bi told me, and I accept, that her daughter was not well and it was therefore, important for Miss Bi to be able to care for her).
65. Those matters aside Miss Bi made it clear that she was happy for the hearing to go ahead in her absence having made submissions. The steps I have taken today to allow her to engage go well beyond that.
66. With regards to the four strands themselves, the issue of costs can be addressed by other means. The other strands in my view and in particular the failure and the risk of the failure to adhere to tribunal orders or directions going forward cannot. I am not satisfied that Miss Bi will do so.
67. Her behaviour today even whilst I have been giving judgment demonstrates that.
68. It is further demonstrated by her previous conduct and in her submissions, for instance, despite an assurance with her submissions that the issues were



agreed before me she sought to argue that an issue concerning a Teacher Regulation Agency (TRA) referral remained a live one.

69. There were further examples during the hearing. She sought to raise an issue concerning being treated differently. When I asked how that related to one of the issues identified for determination at trial having referred me to one of the issues, when I drilled down into this with her she accepted it was not.
70. That exchange occurred immediately before I asked her to confirm how I could be satisfied that she would comply with tribunal orders and directions going forward. Having been asked the question she responded saying, "there was another problem here that the Respondent has sneakily got away with the Data Policy" and then went on to raise a Data Policy issue asserting that was not within the issues either.
71. When I asked her if there was anything she wished to add she raised the Respondent's failure to include her documents in the bundle. I explained to Miss Bi how a bundle should be prepared and what it should include. That aside I raised that issue to highlight that unless the issues are fixed, there will inevitably be issues relating to disclosure and the relevance of documents.
72. The failures to comply with time limits, making applications for postponement giving different reasons for them without providing supporting evidence, repeatedly sending emails within a few minutes of each other at some points changing the basis of what was being sought, repeatedly making applications seeking to go behind orders where no good grounds were provided and/or where there is no material change in circumstances and making applications at the last minute all are repeated themes.
73. Those matters in my view demonstrate a refusal to accept and comply with Tribunal orders and/or to conduct the litigation in a reasonable way.
74. The various applications to amend and for disclosure demonstrate the constant changing nature of the case that Ms Bi seeks to bring and despite the earlier warning from the tribunal that Ms Bi continues to litigate the claim by correspondence.
75. In my view those matters above and those I refer to below collectively demonstrate unreasonable conduct by Ms Bi.

### **Is a fair trial possible?**

76. As to the question whether a fair trial is possible and I consider that it is not. Miss Bi has repeatedly demonstrated that she is not prepared to comply with and seeks to go behind Tribunal orders and directions. Even if her attempts to go beyond the issues and raise new or additional matters were not applications to amend as such unless the issues are properly identified disclosure cannot be completed and the bundle agreed (as is demonstrated by the disputes concerning it). As a result the trial cannot properly be prepared and prejudice will be caused.



77. Ms Bi repeatedly re-raising matters that have been determined uses up precious tribunal hearing and other time, causes delay, puts in jeopardy the trial and adds to the costs.
78. I do not accept that Ms Bi will comply with orders going forward. Her conduct previously, immediately prior to today and at the hearing today ably demonstrates that. Her failure to respond to what was a direct question seeking her assurance she would do so and her response which suggested she would do the opposite reinforces that.

**Is a lesser sanction available**

79. I have considered issuing an Unless Order(s). The difficulty with an unless order is that normally gives rise to a binary choice; has Ms Bi complied or not. In this case or subtle questions of compliance arise and thus an Unless Order would not in my view assist. Similarly, in relation to a strike out warning I do not consider bearing in mind what I say above, that that would achieve the objective. Like an unless order all that will potentially do is to generate yet further litigation by correspondence as to whether compliance has taken place.
80. A unusual alternative, prohibiting Ms Bi from representing herself at the Tribunal in practical terms is impossible to achieve in my view in this case given the disputes over basic concerns such as the issues and bundle. Again, it would not allow a fair trial to take place.
81. Whilst, therefore, strike out is draconian sanction in my view no lesser available sanction is proportionate in these circumstances and accordingly the claim shall be struck out.

approved by me

**Employment Judge Perry**

**Dated: 9 February 2026**