



EMPLOYMENT TRIBUNALS

Claimant: Pearl Addo

Respondent: The Kingsdale Foundation

RECONSIDERATION JUDGMENT

The claimant's application dated 10 March 2026 for reconsideration of the judgment given on 9 March 2026 is refused.

REASONS

1. By Rule 68 of the Employment Tribunal's Rules of Procedure 2024, the Employment Tribunal may, either on its own initiative or on the application of a party, reconsider any judgment where it is necessary in the interests of justice to do so. On reconsideration, the judgment may be confirmed, varied or revoked.
2. The judgment will only be reconsidered where it is necessary in the interests of justice to do so. This allows the Employment Tribunal a broad discretion, which must be exercised judicially. This means having regard not only to the interests of the party seeking the reconsideration but also the interests of the other party to the litigation and to the public interest requirement that there should, so far as possible, be finality of litigation. Reconsiderations are therefore best seen as limited exceptions to the general rule that employment tribunal decisions should not be reopened and relitigated.
3. If there is no reasonable prospect of the judgment being varied or revoked, the application must be refused.
4. The claimant's application is set out in her 18 pages of submissions and is made on several grounds. I will address each of them.
5. The first ground is that there were fundamental irregularities at the hearing. The thrust of the claimant's argument is that Ms Grennan acted as the respondent's advocate and the judge engaged with her without informing the claimant of Ms Grennan's identity or her authority to act. This renders the hearing fundamentally unfair and void.

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6. Ms Grennan was the respondent's counsel and she was identified as acting for the respondent at the start of the hearing. Whilst it may not have been said that she was the respondent's barrister, this does not make the hearing unfair. The fact Ms Grennan was acting on behalf of the respondent demonstrates her authority to act. At no time during the hearing did the claimant enquire who Ms Grennan was.
7. The second ground is administrative failure because the claimant's case management updates may not have reached the judge.
8. The claimant had made several applications and sent multiple supporting documents piecemeal to the tribunal. However, the only application before me at the hearing was the claimant's application to strike out the response. In this regard, the respondent had submitted a 274 page bundle with all the relevant documents included. I gave the claimant the opportunity to inform me of anything additional she wished to rely on, but when she did so, it transpired that the documents were already in the respondent's bundle. I did not need to see the claimant's own physical bundles.
9. The third ground is procedural unfairness in that the claimant attended from the tribunal premises whilst the respondent's representative and the judge attended remotely. This was because the claimant mistakenly thought that the hearing was in person. The claimant says that this arrangement prevented her from submitting her skeleton argument and bundles.
10. I explained that hearings were sometimes hybrid and I gave the claimant time to settle down and gather her thoughts before we started. She was given the opportunity of reading out any submissions or arguments that she wanted to make, and to inform me of any documents she wanted to refer to that were not already in the respondent's bundle. She did not refer me to any such documents. It would have been a disproportionate response to adjourn the hearing when it was possible to adequately proceed on a hybrid basis.
11. The fourth ground is that there was an error of law in that I failed to apply the binding authority of *Force One Utilities v Hatfield* [2008] EAT.
12. I considered *Force One Utilities v Hatfield* and distinguished it as set out in the written reasons.
13. The fifth ground is that I failed to apply the binding authority of *Szucs v Greensquareaccord Ltd* [2025] EAT 110, which says that abuse of process principles apply in employment tribunals.
14. This was not disputed. The strike out grounds were properly considered. There was no abuse of process.
15. The sixth ground is that I failed to apply the binding authority of *Majrowski v Guy's NHS Trust* [2006] UKHL 24, which establishes vicarious liability for employee conduct.
16. The respondent did not deny that it was vicariously responsible for its employees conduct at work. Therefore, there was no need to consider this case.

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17. The seventh ground is that I failed to consider material evidence, namely evidence of non-disclosure in bad faith, including a safeguarding email concerning a student.
18. This has no bearing on the strike out application. In any event, I considered disclosure and, along with other case management orders, provided for it to take place at the appropriate time in the future. There was no specific disclosure application before me, and such an application would have been premature.
19. The eighth ground is that I failed to consider the claimant's unless order application.
20. This has no bearing on the strike out application and it was not before me at this hearing.
21. The ninth ground is that I made a wrongful assessment of proportionality in finding that a fair trial was possible. The claimant again refers to Force One Utilities and reiterates parts of her argument for strike out.
22. I found that there was no intimidation after considering both parties' submissions and the authority of Force One Utilities. The claimant's disagreement with the judgment is not a good reason to reconsider.
23. The tenth ground is inadequate reasoning.
24. I provided proportionate reasoning orally at the hearing and I have also produced proportionate written reasons.
25. In summary, there is nothing in the claimant's application which justifies a reconsideration.
26. Taking account of the overriding objective of dealing with cases justly and fairly, I conclude that it is not necessary in the interests of justice to reconsider the original judgment as there is no reasonable prospect of it being varied or revoked.

Approved by

Employment Judge Liz Ord

Date 13 March 2026

Sent to Parties.
27 March 2026