



EMPLOYMENT TRIBUNALS

Claimant: Mr A Wright

Respondents: (1) Callie Best
(2) Angela Beaston
(3) Natasha Beaston
(4) Jennifer Post
(5) Brian Breen

as trustees of Gateway North East (a registered charity)

Heard at: Newcastle Employment Tribunal

On: 18 March 2026

Before: Employment Judge Sweeney

Appearances

For the Claimant, In person

For the First Respondent, No attendance or representation

For the Second, Fourth and Fifth Respondents, in person

For the Third Respondent, P Mather, counsel

RESERVED JUDGMENT ON RECONSIDERATION

1. The Judgment of the Tribunal dated **30 October 2023** ('the Judgment') is varied to the extent set out in paragraph 1.1 to 1.3 below:
 - 1.1. Pursuant to rule 35 of the Employment Tribunal Rules of Procedure 2024, Natasha Beaston is removed as a party to the proceedings and the Judgment on the basis that she was wrongly included as a party to the proceedings.
 - 1.2. Pursuant to rule 35 of the Employment Tribunal Rules of Procedure 2024, Brian Green is removed as a party to the proceedings and the Judgment on the basis that he was wrongly included as a party to the proceedings.

- 1.3. Pursuant to rule 35 of the Employment Tribunal Rules of Procedure 2024, Joanne Fearn is added as a party to the proceedings and the Judgment on the basis that she was at all material times a de facto Trustee of Gateway North East and ought to have been included as a party to the proceedings from the outset.
2. The **VARIED** Judgment is set out in the Appendix at the end of these Reasons.

REASONS

1. This case has an unfortunate history. The Tribunal heard Mr Wright's claims over three days on **5th, 6th and 20th October 2023**. An Oral Judgment was given and a record of the judgment was sent to the parties on **03 November 2023**. Following a request by the Respondent, written reasons dated **22 December 2023** were sent ('**the Written Reasons**').
2. Having given Judgment and sent the Written Reasons, the Tribunal's role ceased. It heard nothing more about these proceedings until **13 January 2025**, when the First Respondent, Callie Best, contacted the Tribunal. On **21 January 2025**, I directed the administration to reply to Ms Best informing her that it was not the Tribunal's function to carry out an investigation into matters. However, I explained the Tribunal had the power to remove a party apparently wrongly included in the proceedings under rule 35 of its rules. I explained that a party could apply for reconsideration of a judgment, asking to be removed as a party. I noted her stated intention to make an application and that she should do so promptly. Having explained the process, the Newcastle Tribunal heard nothing until **18 August 2025**, when the (then Acting) Regional Employment Judge received correspondence from the Employment Appeal Tribunal ('**the EAT**') on the direction of HHJ Barklem.
3. The EAT had received Notices of Appeal from five Appellants (the five named respondents in these proceedings). Understandably, HHJ Barklem wished to know whether any of the Appellants had sought reconsideration and if not, whether the Tribunal would consider this on its own motion. Following consultation with me, REJ Davies responded to the EAT on **21 August 2025** to explain that I would consider any reconsideration application that was made but that I was not minded to reconsider the judgment of my own motion in the circumstances. Those circumstances included the fact that I had expressly prompted Ms Best to apply for reconsideration but she did not.
4. The Tribunal subsequently received applications for reconsideration from all named respondents with the exception of Callie Best:
 - 4.1. Angela Beaston applied on **27 August 2025**
 - 4.2. Natasha Beaston and Jennifer Post applied on **28 August 2025**.
 - 4.3. Brian Green applied on **30 September 2025**.
5. Due to the age of the claim (and the date by which the named Respondents first raised any concern about the judgment) the Tribunal file had been destroyed save for: judgment, written reasons and records of preliminary hearings (see below). Mr Wright has the only copy of the original final hearing bundle.

6. On **26 January 2026**, the Tribunal listed the applications for reconsideration made by four of the named respondents for a reconsideration hearing on **18 March 2026**. I refer to my findings and conclusions below. Before doing so, however, it is necessary to set out some further history regarding the tribunal's case management of the proceedings leading up to the final hearing.

Case management history

7. Prior to the Final Hearing, the claims had been case managed at preliminary hearings as follows:
- 7.1. On **09 June 2022**, by Employment Judge Jeram,
- 7.2. On **01 September 2022**, by Employment Judge Langridge,
- 7.3. On **05 January 2023**, by Employment Judge Langridge,
- 7.4. On **14 June 2023**, by me (Employment Judge Sweeney).
8. I refer to the above case management preliminary hearings as '**CMPH**' **1, 2, 3 and 4** respectively. There is no record of **CMPH 3**.
9. When the proceedings were commenced in **March 2022**, the named respondent was identified as Gateway North East ('**GNE**'). **GNE** is a registered charity (with the registered charity number 1140476). I refer to it as '**the Charity**'. The Charity must not be confused with Gateway North East Limited, which had been set up by Joanne Fearn but which never employed the Claimant (see the Written Reasons, paragraphs 14 to 21 and 39). On **02 May 2022**, the Charity presented a Response Form denying the claims. The Response was drafted by Joanne Fearn, who managed the proceedings and appeared at all hearings as representative on behalf of the Charity.
10. As at the date of **CMPH 1**, the named respondent was the name of the Charity, **GNE**. Judge Jeram listed a further CMPH, the purpose of which she identified as follows:
- 10.1. To consider the correct name for the Respondent.
- 10.2. To consider the respective parties' cases as to when the claimant began and ended his employment with the Respondent.
- 10.3. To consider the Claimant's claims.
- 10.4. To consider whether there was any time limit issue and if so, what further directions might be required.
- 10.5. To consider any further case management directions that may be required more generally.
11. In Paragraphs 9 and 10 of her case summary of CMPH 1, Judge Jeram wrote:

"The claimant says that he had a contract of employment with the charity, and he did not have a contract of employment with a limited company bearing a similar name. He says he intended to sue the charity, and not the limited company.

The respondent is a registered charity. The correct name of the respondent, I understand, is the name of individuals, sued in their capacity as trustees of the charity. Miss Ferne [sic] has agreed to provide a list of the current trustees, together with the deed/constitution that confirms the capacity in which the charity or its trustees can be sued."

12. At **CMPH 2**, on **01 September 2022** Judge Langridge (having considered evidence regarding the identity of the Claimant's employer) decided as follows:
 - 12.1. *The claimant was employed at all material times by the Trustees of Gateway North East (a registered charity) and not Gateway North East Limited. The claim was therefore brought in time and is allowed to proceed.*
 - 12.2. *The claimant's continuous employment with the respondent began on 5 December 2016 and ended on 6 January 2022. The claimant therefore has the required minimum service of two years in order to bring his unfair dismissal claim.*
13. Judge Langridge amended the name of the respondent to show that the claims had been brought against the Trustees of the Charity. Ms Fearn had confirmed to the Judge that the identity of the Trustees as of **6 January 2022** (the date of the Claimant's termination of employment) was the five named respondents.
14. Although Judge Langridge directed that there be a further preliminary hearing before her on **09 November 2022**, in fact it took place on **05 January 2023**. She listed the final hearing for four days commencing on **15 May 2023**. However, I had postponed that hearing (as Duty Judge) following an application by Ms Fearn. Having done so, I listed **CMPH 4**.
15. At **CMPH 4**, I directed that the final hearing be listed for two days in the period **01 October 2023 to 31 November 2023**. I also listed a public preliminary hearing to consider striking out the Employer's Contract Claim ('ECC').

The Final Hearing

16. Following Judge Langridge's **CMPH 2**, there had been no questions raised regarding the validity of the named respondents as Trustees of the Charity. Although I had concerns regarding Ms Fearn's management of the proceedings as of **CMPH 4**, none of the judges who had been involved in the proceedings had any reason to believe that Ms Fearn had not been in touch with the Trustees. In preparing these reasons, I have checked my notes of the final hearing (which I retain). The Tribunal met with the parties in the morning of the first day to discuss the issues. The parties were sent away as the Tribunal read statements and documents. On resuming at 2pm I can see that I raised a question regarding Ms Fearn's authority to act in the proceedings. None of the Trustees were present at the hearing. Ms Fearn assured us that she did have authority. She specifically referred to Jennifer Post and Brian Green having attended a hearing in person before Judge Langridge. She told the Tribunal that she had become a 'temporary trustee' in about **April 2022** and that the Charity was in the process of winding down.
17. Ms Fearn gave evidence on behalf of the Trustees. It will be clear from the Tribunal's Written Reasons that it took a very dim view of Ms Fearn's evidence – of her credibility and

trustworthiness. We record in paragraph 24 how she had lied – and admitted as much – regarding an employee of the Charity. Ms Fearn had fabricated an allegation against the employee.

18. We referred to Ms Fearn having been a Trustee of the Charity up until early **2019**, when she became the Charity's Chief Executive Officer and then became a Trustee again on **01 April 2022** (paragraph 11 of the Written Reasons). That information was given to the Tribunal by Ms Fearn.
19. We also record a finding in paragraph 15 of the Written Reasons that Ms Fearn took over the management of finance and helped with the setting up of the limited company and in paragraphs 18 to 20 that Ms Fearn remained in control of day-to-day operations, whereby the legal niceties were lost on those running the Charity. We refer to the opaque and disorganised way in which the respondent had presented its case and in the way it ran the charity. It was clear to the Tribunal that the person running matters was Ms Fearn. She controlled wages and finance and ran the Charity in a shambolic way. We had serious concerns about her credibility and honesty as is apparent from paragraph 28 of the Written Reasons where we found, contrary to her denials, that she had accessed the computer and deleted the content of a letter the Claimant had drafted in which he raised a welfare concern.
20. In paragraph 101 of the Written Reasons, we set out the following conclusion:

*“Ms Fearn was not the employer. However, the Act does not define ‘employer’ for the purposes of section 43H. From our findings, Ms Fearn was still very much running the show up to the end of **December 2021**. Although her ‘status’ was unclear given the very opaque and confused way in which the organisation was run and managed, she was without doubt still operating on behalf of the Trustees, with their authority as if nothing had changed. She may have been doing so reluctantly (although we are not so sure of that) but she was still acting on behalf of the employer. At the very least we are satisfied she was acting as an agent of the employer. She still refers to herself as a ‘volunteer’ yet has single handedly managed this litigation and everything to do with the pay and pensions. She created a company and hoped to enter into a Service Level Agreement (‘SLA’) with the Respondents. She was still in charge of, or largely in charge of, finances and for the purposes of anyone in the position of the Claimant, was acting on behalf of his employer at least up until **21 December 2021**, when the dispute between her and Mr Jackson reached its zenith. Therefore, when Mr Jackson sent the email with his and the Claimant’s name and consent to Ms Fearn, he was for all intents and purposes disclosing information to the employer.”*

21. We record that Ms Fearn was not the employer. That is because it was never an issue before us based on the fact that the employer had been identified (by Ms Fearn) as the five named employees. However, it is clear from our findings and conclusions that Ms Fearn was, so to speak, ‘running the show’ – and doing so in a rather shambolic, opaque way and that the Tribunal had serious concerns about her honesty.

The Reconsideration Hearing of 18 March 2026

22. Each of the four respondents had prepared witness statements. They had also prepared short document bundles as had Mr Wright. I heard sworn evidence from Angela and Natasha Beaston, Jennifer Post and Brian Green. Mr Wright had an opportunity to and did

ask questions of them. From the evidence I set out the following findings of fact, firstly in relation to the four respondents who have applied for reconsideration and secondly in respect of Joanne Fearn.

23. I make the following findings in respect of Natasha Beaston:

Natasha Beaston

- 23.1. Natasha Beaston's name appeared on the Register of Charities for a period of time, which included the date of the Claimant's dismissal.
- 23.2. Natasha Beaston was wholly unaware of this until she found out following a Freedom of Information ('FOI') request in June 2024.
- 23.3. Natasha Beaston had never agreed to be a Trustee. She had never agreed to undertake any work or have any responsibility for the Charity. She was aware of the Charity and its operations only through her mother, Angela and her brother who worked there for a time.
- 23.4. Other than that, Natasha Beaston had never been to the Charity's premises. She had never met the Claimant nor had she any dealings with him. Insofar as Jennifer Post's chronology on page 45 of the bundle for today's hearing is concerned, Ms Beaston knew nothing about what is said there. She never agreed on 7 September 2020 to Jennifer Post as an 'Ambassador'. She knew nothing about this. She did not require approval of accounts for 2018-2019 and 2019-2020 on 19 September 2020 as suggested by the chronology. The chronology had been prepared by Jennifer Post based on information she had seen on a facebook groupchat. The original source of the information was Joanne Fearn.
- 23.5. An email address had been created by Ms Fearn without Ms Beaston's knowledge, namely 'NatashaTrustee@gatewaynortheast.org.uk'. Ms Beaston was wholly unaware of this until alerted by the Charity Commission.
- 23.6. She was wholly unaware of these proceedings and that she was a named respondent, having never been informed by Ms Fearn. She became aware of the proceedings and of her potential liability in **June 2024**.

24. I make the following findings in respect of Brian Green:

Brian Green

- 24.1. Mr Green first knew of the Charity when his wife, Jennifer Post, went on a trip to Ghana in about 2019.
- 24.2. Mr Green was never named on the Register of Charities as a Trustee of the Charity.
- 24.3. His name was listed on Companies House as a director of the limited company. However, he did not give consent to this and was unaware of it at the time.

- 24.4. Mr Green never agreed to be a Trustee of the Charity. He only occasionally helped out as a helping hand with the charity because of his wife's involvement. He was unaware that he was named in these proceedings as a Trustee until he attended a case management preliminary hearing (to support Ms Fearn). He is unsure which hearing that was but believes it to be one of the CMPHs before Judge Langridge. In any event, he accepted he had attended a hearing with his wife, Jennifer Post, and noted that he and his wife learned then that they were named respondents to Mr Wright's claims.
- 24.5. Neither he nor Jennifer understood what this meant. Mr Green and Ms Post asked Ms Fearn who told that that it was nothing to worry about and that, if there was any legal problem they would only be liable for £1.

25. I make the following findings in respect of Jennifer Post:

Jennifer Post

- 25.1. Jennifer Post's name was listed as a Trustee on the Register of Charities for a period of time which included the events leading up to and dismissal of the Claimant. The precise period was **01 July 2020 to 25 August 2022**.
- 25.2. Jennifer Post was aware that she was a 'Trustee' and she had agreed to become one when asked by Joanne Fearn.
- 25.3. Jennifer Post did not understand the responsibilities and liabilities of being a Trustee. This was never explained to her by Ms Fearn. Her sole motivation was to do good; to help and support children with special needs. She saw her role as a helpful volunteer in achieving the aims of the Charity.
- 25.4. Jennifer Post was made aware of the proceedings by Ms Fearn. This was on the occasion when she attended a case management preliminary hearing along with her husband, Brian Green, before Judge Langridge. The reason she attended that hearing was because Joanne Fearn had been crying and asked her husband, Mr Green, if he would go with her for support. He agreed. Ms Post remembers that the hearing was in September 2022. She recalls the date because the night before she had a distressing incident whereupon she became lost in some woods and was found, cold and distressed. She came along to the hearing the following day to be with her husband Brian. She recalls it being mentioned that she and Brian were Trustees and that the claim was against the named trustees. Ms Fearn told her not to worry, that if there were any legal problems they would only have to pay £1.
- 25.5. Ms Post was suspicious of this. She spoke to a friend who knew about charities. She stopped having anything to do with the Charity after that.

26. I make the following findings in respect of Angela Beaston:

Angela Beaston

- 26.1. Angela Beaston's name was listed as a Trustee on the Register of Charities for a period of time which included the events leading up to and dismissal of the Claimant.
- 26.2. Angela Beaston was aware that she was a 'Trustee' and she had agreed to become one when asked by Joanne Fearn. She was a Trustee from **01 June 2020** to **23 March 2022**. In June 2020 she received paperwork from the Charity Commission regarding her position as a trustee.
- 26.3. Angela Beaston was aware that Mr Wright had commenced employment tribunal claims. She understood that the claims brought by Mr Wright had been brought by him against the Charity, **GNE**. She became aware of proceedings against **GNE** in about **June or July 2022**. She did not appreciate that proceedings against the Charity were proceedings against the Trustees.
- 26.4. Angela Beaston did not fully understand her responsibilities or liabilities as a trustee. She was unaware of the final hearing dates. She was unaware that she had been personally named as a respondent and that she was liable in respect of Mr Wright's judgment until June 2024. She did not understand the legal implications of the claim being against the Charity.

Joanne Fearn

27. As regards Joanne Fearn, I am able to make the following findings based on the evidence of Angela Beaston and the findings of fact made at the Final Hearing:
 - 27.1. Joanne Fearn had been a registered Trustee with the Charity Commission and during that time, she ran the Charity on a day-day basis
 - 27.2. At some point Joanne Fearn's name was removed from the Charity Register.
 - 27.3. Joanne Fearn's name was again entered on the Register in April 2022.
 - 27.4. Between those two points in time nothing changed. Joanne Fearn continued to run everything to do with the Charity.

Submissions

28. Each of the four named respondents submitted that they should be removed as named respondents. Mr Wright, who is a fair man, felt in a very difficult position. On the one hand he wishes to be able to enforce his judgment and on the other hand, he acknowledged that it would be unjust for those who were not trustees to have to face enforcement of his judgment. He accepted that it very much appeared that Natasha Beaston and Brian Green had never been Trustees, even though in Natasha's case her name appeared on the Register. However, he had no faith in the integrity of Ms Fearn who had, he submitted misled everyone, including him, the Tribunal and the Respondents. It seemed unfair to him that Ms Fearn could escape liability and seek to pass it on to others. However difficult it was for him, however, he submitted that Angela Beaston and Jennifer Post should remain as named

respondents as they were Trustees, were aware of this and the existence of proceedings albeit they may not have understood what it meant for them.

29. I was also invited by the Respondents, initially through Ms Mather from whom I heard first, to add Joanne Fearn as a named respondent on the basis that she remained a 'de facto' trustee even though there was a period when her name did not appear on the register. Mr Wright agreed that this would be a just approach.

Legal principles

30. An unincorporated association is a group of individuals linked together by contract or agreement which had no legal identity separate from its members. The unincorporated association has no legal identity separate from its members or trustees. It is permissible for an employee of an unincorporated association to bring a claim in the employment tribunal in the name of the association, or in the name of a representative respondent, provided that the members of the board or management committee or as the case may be, the Trustees were actually aware of the proceedings.

31. It is good practice for a claimant to name a representative respondent who was a member of the management committee of a registered charity at the relevant time and to state that he is sued on his own behalf and on behalf of all other members of the executive committee at the relevant time. Although not so in the civil courts, it is common for claims to be brought in the employment tribunal naming the unincorporated association as the respondent. In the case of **Nazir v Asim** [2010] I.C.R. 1225, Judge Richardson held that it was permissible for an employee to bring a claim against an employer who is the management committee of the unincorporated association by using the name of the association (see paragraph 47 of the EAT judgment).

32. The EAT in **Nazir** identified a number of potential case management questions that may need addressing:

32.1. Do the members of the management committee actually know of the proceedings?

32.2. Is there any objection (either from the association or from any representative respondent) to the proceedings continuing after they have begun?

32.3. Is there any conflict of interest or disagreement between committee members which may require one or more to be added as respondent?

32.4. Is there any likely problem of enforcement unless all or most members of the committee of the unincorporated association are made respondents?

33. To deal with some or all of these potential issues, the ET Rules permit the Tribunal to order any person who may be liable for the remedy claimed to be joined in the proceedings (see paragraph and if there are doubts concerning some of the above questions, it may be desirable for all or more members of the management committee to be joined.

34. The Tribunal has the power under rule 35 of the ET Rules 2024 to remove any party if it appears they have been wrongly included. It also has the power either of its own initiative, or on the application of a party, to add any person as a party if it appears that there are issues between that person and any of the existing parties falling within the jurisdiction of the Tribunal which it is in the interests of justice to have determined in the proceedings.

Discussion and conclusions

35. I have no doubt that it is in the interests of justice to remove Natasha Beaston and Brian Green as named respondents in these proceedings. Put simply, they had never agreed to be Trustees and were unaware that they were put forward as Trustees, in Mr Green's case until he attended a preliminary hearing and in Natasha Beaston's case until she was made aware of enforcement action by Mr Wright.

36. With a heavy heart I am unable to arrive at the same conclusion for Angela Beaston and Jennifer Post. I accept that they did not know the extent of their responsibilities and liabilities as trustees. However, they were aware that they were trustees and they agreed to be trustees. Their agreement was almost certainly driven by a desire to be helpful and to assist disabled children. All along in this case, I have noted the noble cause that lay behind the activity of the volunteers. I had no cause to doubt the honesty and integrity of Angela Beaston or Jennifer Post. I regarded them as truthful witnesses and I can see the effect that these things have had on them and on others. I include Mr Wright very much in this. However, I do not consider them to have been wrongly included as parties to the claim.

37. In addition to being aware that they were trustees, both were aware that Mr Wright had brought proceedings. In Mrs Beaston's case, she was aware from about June or July 2022. She did not understand the implications of this for her. She understood that the claim was against the Charity, not her personally. That is permissible (as can be seen from the above summary under the legal principles). In many cases that would be unproblematic. If a claim is brought against a charity and if the charity has assets, then the successful claimant's judgment is satisfied from charity funds. That is so even if legal liability attaches to the individual trustees. In simple terms, if a charity has assets, the trustees rarely face personal financial exposure. If the unincorporated charity has no funds, however, the trustees who were the legal employer may find themselves personally liable for a judgment (on a joint and several basis). That means that if there were three trustees, a claimant could seek to enforce against any one of them, leaving that person to seek a contribution from the other two.

38. I have no doubt that Mrs Beaston was unaware of any of this and when she noted that the proceedings were against the Charity, did not for one moment think that she may find herself personally liable. However, that does not detract from the fact that she was aware of the fact that proceedings were brought against the Charity from about June 2022. I was concerned by the fact that she was not made aware by Ms Fearn of the final hearing date or of the fact that she was a named respondent. However, that does not in my judgment warrant the removal of her as a respondent in these proceedings. No-one sought to persuade me that the conclusion of the Tribunal as regards Mr Wright's unfair dismissal or breach of section 4 of the ERA 1996 should be revoked. No one sought to argue that the findings of fact that justified a finding of unfair dismissal should in any way be interfered with. The reality is that, had Mrs Beaston been made aware of the final hearing, nothing she could

have said would have made any difference to those claims. The successful claims depended entirely on the conduct of Ms Fearn. It would only cause further injustice to Mr Wright to revoke the judgment as a whole and I repeat, that was not sought.

39. Therefore, I did not consider that the failure of Ms Fearn to keep Mrs Beaston up to date with the claims or to notify her of the final hearing date meant that it was in the interests of justice to revoke the judgment. On the contrary, it goes against the interests of justice in my assessment.
40. I arrived at the same conclusion in respect of Jennifer Post, again with a heavy heart. She was aware she was a trustee and, certainly by September 2022, she knew she was a named respondent, having attended the CMPH before Judge Langridge. Although she did not appreciate the extent of her liabilities, I was unable to conclude that she had been wrongly added as a respondent. She too had not been made aware of the final hearing date, but for the same reasons as apply to Angela Beaston, it was not in the interests of justice to revoke the judgment on unfair dismissal. Nothing that Ms Post could say would alter the facts and conclusions in the case.

Addition of Joanne Fearn as a Respondent in the proceedings

41. I did consider it necessary, however, to add Joanne Fearn as a respondent. This was, in my assessment, very much in the interests of justice. I was struck by how everyone in the room had spoken of having been misled by Ms Fearn. She created email addresses for some without their knowledge. She had added some to the Charities Register without their knowledge. She had informed the Tribunal that Brian Green was a trustee when he had neither agreed to this nor had he ever been registered as a Trustee on the Charities Register. She had added some, Ms Post and Mr Green, to Companies House as directors of a limited company without their knowledge and providing Companies House with an incorrect address for them. She had single-handedly managed the employment tribunal proceedings without keeping those she identified as trustees up to date. I refer back to the Tribunal findings in its Written Reasons where it was clear that she had been running the Charity in all respects: employment of individuals, payment of wages, drafting of contracts, bidding for work. She had been a named trustee on the Charity Register, then she ceased to be named, then she became named again. She made all decisions and also made all decisions in the management of the litigation before the tribunal. Between removing her name from the Charities Register and adding it again in April 2022, nothing changed in terms of Ms Fearn's day-to-day running of and responsibility for the charity's business.
42. The fact that a person is named on the register as a trustee is some evidence that they were a trustee. However, it is far from definitive -as can be seen in the case of Natasha Beaston, who was wholly unaware of the fact that her name was on the register until well after these events. That being so, coupled with the fact that she had nothing to do with the charity, Natasha Beaston's 'registration' was meaningless. She was, in no way whatsoever, at any time acting as a Trustee.
43. Equally, the fact that a person's name does not appear as a trustee on the charities register does not mean that they were not a trustee. There is no doubt from the tribunal's findings of fact as set out in the Written Reasons that Ms Fearn was responsible for controlling the

work, management and administration of the Charity on behalf of those who benefitted from it.

44. As such, it seems to me that she remained a 'de facto' trustee throughout, whether or not she was also paid as a CEO for any part of that period. I note our findings as to the opaque way in which Ms Fearn ran this charity. She very much held herself out to the other trustees and others that she had responsibility for the charity. If, as it very much appears, she was a de facto trustee at the time of Mr Wright's dismissal and – as we found at the Final Hearing - was instrumental in repudiating Mr Wright's contract of employment, then it is only right that she be added as a named respondent, even after judgment.
45. I recognise that Ms Fearn was not present at this Reconsideration Hearing. I also recognised that she may wish to make representations and apply for a reconsideration of this judgment, asking to be removed as a named respondent. I will, of course, hear such representations – at a hearing, if so requested by Ms Fearn.
46. With that in mind, I have issued orders that Ms Fearn be added to the proceedings as a respondent; that a copy of the varied judgment and this reconsideration judgment be sent to her and that, if she wishes to seek a reconsideration of this judgment she must do so by the date ordered.

Summary

47. The judgment sent to the parties on 03 November 2023 is varied as follows:
 - 47.1. Removal of Natasha Beaston as a Respondent
 - 47.2. Removal of Brian Green as a Respondent
 - 47.3. Addition of Joanne Fearn as a Respondent

Employment Judge Sweeney

Date: 27 March 2026

Note

Public access to employment tribunal decisions

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<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>

APPENDIX

Claimant: Mr A Wright

Respondents: (1) Joanne Fearn
(2) Callie Best
(3) Angela Beaston
(4) Jennifer Post

as trustees of Gateway North East (a registered charity)

Heard at: Newcastle Employment Tribunal

On: 5th, 6th and 20th October 2023

Before: Employment Judge Sweeney
Stuart Moules
Steve Wykes

Appearances

For the Claimant, In person

For the Respondent, Ms J Fearn

VARIED JUDGMENT PURSUANT TO RULE 69 ET RULES 2024

1. The Claimant's claim of ordinary unfair dismissal is well-founded and succeeds.
2. The Claimant's claim that he was automatically unfairly dismissed on grounds that he made a protected disclosure is not well-founded and is dismissed.
3. The Claimant's claim under section 48 Employment Rights Act 1996 that he was subjected to a detriment in contravention of section 47B of that Act is not well-founded and is dismissed.
4. The Respondent unreasonably failed to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures. The compensatory award is increased by 10%.
5. At the date of commencement of proceedings, the Respondent was in breach of section 4 Employment Rights Act 1996.

REMEDY

6. The Respondent is ordered to pay to the Claimant the sum of **£22,943.73** consisting of:

- 6.1. A Basic Award of **£2,880**
- 6.2. A Compensatory Award of **£20,063.73**

7. For the purposes of the Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 Regulations the Prescribed Period is 06 January 2022 to 15 March 2023. The Total Award payable is **£22,943.73** and the Prescribed Element is **£18,745.73**.

8. The calculations in arriving at the above amounts are as follows:

BASIC AWARD:

£2,880 (£384 X 1.5 X 5 years' service)

COMPENSATORY AWARD:

£20,063.73 consisting of:

- 8.1. £16,338.85 (loss of salary from 06 January 2022 to 15 March 2023: no losses having been claimed in the period after 15/03/2023)
- 8.2. £702.72 (loss of pension 06 January 2022 to 15 March 2023: no losses having been claimed in the period after 15/03/2023)
- 8.3. £500 (loss of statutory rights)
- 8.4. £1,754.16 (10% uplift pursuant to section 207A Trade Union and Labour Relations (Consolidation) Act 1992)
- 8.5. £768 (payment of two weeks' pay pursuant to section 38 Employment Act 2002 for failure to provide updated particulars in contravention of section 4 Employment Rights Act 1996)

TOTAL OF BASIC AWARD AND COMPENSATORY AWARD = £22,943.73

9. The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 Regulations apply to the compensatory award in respect of immediate loss of earnings for the period covered by the award, being 06 January 2022 to 15 March 2023. We have applied the Regulations as follows:

- 9.1. Prescribed Period: 06/01/2022 to 15/03/2023
- 9.2. Prescribed Element: **£18,745.73**

10. The Prescribed Element is calculated as follows:

- 10.1. Loss of earnings from 06/01/2022 to 15/03/2023 = £17,041.57
- 10.2. Increased by 10% under section 207A Trade Union and Labour Relations (Consolidation) Act 1992 = **£18,745.73**

(Note: the figure of £20,140.52 for the compensatory award and the total figure of £23,020.52 which were stated orally at the hearing were incorrect. The correct amounts as are set out in this judgment. Namely £20,063.73 and £22,943.73)