



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms L Hardy

**Respondent:** Tempur UK Limited

## JUDGMENT

The claimant's application dated for reconsideration and relief from sanction dated 25 March 2026 is refused.

## REASONS

1. The claimant has applied for relief from sanction against the effect of the Deposit Order sent to the parties on 28 November 2024 by which the claimant was to pay a total deposit of £150 by 1 February 2025 as a condition of pursuing three particular allegations. Although this is not precisely how the deposit order is framed, based on the reasons given by Employment Judge Cowen when making the order and the respondent's letter of 20 April 2026 the deposits were required as a condition of pursuing List of Issues 2 allegations 1, 3 and 4 (in other words LOI 2.1.1, 2.1.3 and 2.1.4 of the List of Issues attached to Judge Cowen's Record of Hearing sent to the parties on 28 November 2024). See page 12 of my order sent to the parties on 19 March 2026 from which those allegations were omitted without changing the paragraph numbering.
2. Regional Employment Judge Foxwell has allocated consideration of this application to Employment Judge George – to whom the file had been referred because the application was addressed to her. Since the original order was made by Judge Cowen, arguably the application should have come to her but in order to avoid jeopardizing the final hearing and in the interests of avoiding delay the Regional Employment Judge has allocated consideration of the application to Judge George.
3. It appears that the sequence of events is as follows:

- 3.1. 28 November 2024 – the deposit order was sent to the claimant;
  - 3.2. 1 February 2025 – date by which the deposit was to have been paid;
  - 3.3. 3 February 2025 - date on which the deposit was received by the banking team;
  - 3.4. 4 February 2025 – the banking team inform Watford Employment Tribunal that the deposit payment has been rejected as the payee name was incorrect and that they will return it to the claimant;
  - 3.5. 10 November 2025 – the respondent asks whether the deposit was paid;
  - 3.6. 23 January 2026 – the Tribunal wrote to the parties at the direction of Judge Cowen to ask the claimant whether the deposit had been paid after it had been rejected. The claimant does not appear to have replied to this question;
  - 3.7. 27 February 2026 (date apparent on the Tribunal file) – Judge Cowen directs the administration to inform the parties that LOI 2.1.1, 2.1.3 and 2.1.4 had been automatically struck out;
  - 3.8. 4 March 2026 – the Tribunal wrote at the direction of Judge Cowen to confirm that LOI 2.1.1, 2.1.3 and 2.1.4 had been automatically struck out.
  - 3.9. 22 April 2026 – the Tribunal wrote to the banking team to ask whether the deposit order was paid;
  - 3.10. 23 April 2026 – the banking team inform Watford administration that a postal order was received on 3 February 2026 and was banked but the notification attached to that email by the caseworker refers to the receipt of the postal order on 3 February **2025** which was subsequently rejected.
4. Against that information available from the Tribunal file, where the claimant in her recent application dated 25 March 2026 (para.3) explains the steps taken to comply with the order appears to explain why the deposit which was ordered to be paid by 1 February 2025 was not received by the banking team until 3 February 2025. The information on the Tribunal file suggests that this was rejected and there is no reliable information before me that a replacement postal order has been sent to the banking team.
5. Although not invited to do so and not required under the rules, the respondent has replied to the application. Their observations include the following passage which is not understood:
- “Even if the Respondent had highlighted to the Claimant that the documents were returned to it rather than the Claimant, it would not have made any difference – the deadline for payment had already passed.”
6. On the basis of the information available to me, the application is refused. The banking team informed Watford Employment Tribunal on 4 February 2025 that they were going to return the postal order to the claimant. The Tribunal wrote

to the claimant to ask if the deposit was paid after it had been returned on 23 January 2026 and she apparently did not reply to that. The claimant's observations on the merits of the claims the subject of the deposit order do not address those specific alleged detriments but rather whether or not she made a protected disclosure at all. There is no sufficient explanation as to why the deposit was not paid after it had been returned or why it is now in the interests of justice that the specific allegations are reinstated.

7. It may be that the claimant will seek explanation from the respondent of the passage quoted in para.5 above at the final hearing which is due to start on Tuesday 5 May 2026. Depending upon the explanation provided, that may provide information which was not before me when making this judgment.

Approved by

Employment Judge George

Date: 1 May 2026

JUDGMENT SENT TO THE PARTIES ON  
1 May 2026

FOR THE TRIBUNAL OFFICE