



EMPLOYMENT TRIBUNALS

Claimant: Andrew Montgomery

Respondent: Grace Communion International

RECONSIDERATION JUDGMENT

The claimant's application dated 11 June 2025 for reconsideration of the Judgment sent to the parties on 4 June 2026 is refused under ETR 70(2) as there is no reasonable prospect of the judgment being varied or revoked.

REASONS

1. The Claimant's application concerns three grounds; 1) procedural irregularity; 2) determining issues outside the scope of the preliminary hearing; 3) the interests of justice requires reconsideration. What is described as a fourth ground; 4) a remedy is sought – is in fact the proposed 'remedy' the Claimant seeks by reason of the application.

Procedural irregularity

2. This ground alleges the Claimant was not permitted to present or rely on evidence going to disclosures, whistleblowing detriment, causation, safeguarding or governance.
3. The hearing before me had been listed by EJ Butler following a case management preliminary hearing on 8 May 2025. There were three issues that were listed to be determined; whether the Claimant was a worker, whether the Claimant was an office-

holder and whether the Tribunal had jurisdiction to allow the claim to proceed on the basis it was submitted out of time. EJ Butler made orders requiring parties to prepare for that hearing, including exchange of documents they wished to refer to at the hearing, preparation of an agreed bundle and preparation of witness statements. Although I understood having read earlier case management orders that the parties had disagreed about preparation of the hearing file, those orders were complied with.

4. As the Claimant acknowledges on page 4 of the application, the issues the Tribunal was asked to determine were determined at that earlier case management hearing – no application to vary or amend those issues was made by the Claimant. During the morning of the first day of the hearing before me, and after discussing and hearing from the parties, it seemed to me that time limit issue could not be properly dealt with given the Claimant's case concerned 'post-dismissal' detriments. That fact was either misstated or based on a misunderstanding before EJ Butler, causing me to remove that issue from the matters I had to determine. This did not affect the issue of employment/office holder status. No evidence contained within witness statements, oral evidence or the agreed bundle of documents concerning employment/office holder status was jettisoned. The other issues to be determined were unaffected by removing the time limit issue from determination.
5. Neither the Claimant nor his representative said that they believed there was relevant evidence that he, or the Respondent, had not disclosed or that had been disclosed but did not form part of the hearing file. Contrary to the contention made in the application, the Claimant was not prevented from relying on any evidence he considered relevant to his employment/office holder status.
6. Concerning parts of the hearing file being redacted, the Claimant did not state that the redaction was disputed or that relevant evidence as to employment/office-holder status was redacted. Indeed, the matter of redactions had been raised and dealt with on two previous occasions by the ET, first by (then) REJ Heap in July 2025 and then by EJ Phillips during the initial listing of this hearing on 21 November 2025. No application was made after that hearing to un-redact a particular document. In any event, the matters the Claimant contends were redacted concerned who the Claimant's line manager was (something the Claimant made a submission about but led no evidence on) and redaction of a statement by Peter Mill (pg268-271) (which the Claimant's evidence was that he had never seen the fully unredacted version and the relevant section about leadership training is in any event unredacted). Therefore, aside from

the issue being handled procedurally fairly, neither of these matters give substantive reasonable prospect of the Judgment being varied or revoked.

7. Lastly, evidence going to whether the Claimant made qualifying, protected disclosures was not the issue I was asked to decide. Insofar as the Claimant did not present evidence about those matters, the Judgment about employment/office holder status is not unsound because such evidence was not presented.

Determining issues outside the scope of the preliminary hearing

8. The application states that the judgment contains findings relating to whistleblowing, detriment, protected disclosures and causation. In the sense that it reached conclusions about whether qualifying disclosures took place, detriments were perpetrated, and whether those detriments were because of disclosures, this is wrong and it does not.

Interests of justice requires reconsideration

9. This ground is wide ranging, and I deal with each paragraph in turn.
10. First, it contends that the Claimant was disadvantaged by reason of being represented by his wife who is not legally trained and is also dyslexic, putting the Claimant on an unequal footing. I understood the Claimant's representative was not a lawyer and had dyslexia. The Judgment considers complex law on worker status that the Claimant's representative did not make submissions on, very likely because she was not legally trained. I ensured the Claimant was on an equal footing by carefully considering whether any facts or general case advanced by the Claimant might support his position legally even if the Claimant did not make that legal argument.
11. Next, it contends that the Claimant was prevented from presenting evidence about governance structure and safeguarding responsibilities. As above, this is wrong, the Claimant was not prevented from presented any evidence he considered relevant to the issues of employment/office holder status.
12. Next, it contends that I was required to hear evidence before determining employment/office holder status, and cites the first instance judgment in Green v

Lichfield. I agree and the hearing did hear evidence before deciding those issues. As set out in the Judgment, I read and considered that case.

13. Next, it contends that I did not consider the ordaining of elders and deacons as part of the governance structure of the organisation. That is wrong. The Judgment engages often and directly with the role of Deacon and its function within the organisation.
14. Next, it contends, as I understand it, that the absence of training and issues of safeguarding mean that it is in the public interest and/or interests of justice to find the Claimant was a worker or office-holder. I expressly took into account evidence about the Deacon role, its function and any training received and made findings about that in, for instance, paragraph 19. I do not consider that the fact that Deacons may have no or little training (and that, on the Claimant's case, this creates a safeguarding risk) means that he is a worker or office holder.
15. The next matter raised under this heading is a repeat of the contention that the Judgment made findings about whether qualifying, protected disclosures were made and whether detriments were perpetrated. Again, this is wrong and it does not.
16. The last matter raised under this heading is that the Judgment acknowledges the Claimant's allegation of post-employment detriment (which is correct) and that excluding evidence concerning whistleblowing and 'office-holder' status prevents examination and risks further injustice. Again, no relevant evidence was excluded by the Tribunal. The issues to be determined concerned employment/office holder status, not whether the Claimant had made what would potentially be qualifying, protected disclosures or been subjected to detriment because of doing so.
17. Accordingly, the application for reconsideration is refused.

Approved by:

Employment Judge Price

Dated: 16 June 2026

Sent to the parties on

...20 June 2026.....

For the Employment Tribunal

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