



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr M Jolly

Valhalla Network Limited

Heard at Cambridge by CVP

On: 9 June 2026

Before: Employment Judge Isabel Manley

Representation

For the Claimant:

Mr B Frew, counsel

For the Respondent:

Mr O Studd, director

RESERVED PRELIMINARY HEARING JUDGMENT

- 1 The claim for victimisation is dismissed on withdrawal.
- 2 The application to add two respondents is allowed. Mr O Studd and Valhalla Network Foundation are added as respondents under Rule 35 Employment Tribunal Rules of Procedure 2024. The other suggested respondents are not to be added.
- 3 The application to amend the claims as set out in the amended particulars of claim, and then clarified at the hearing today, is allowed.
- 4 The matter will be considered further at a preliminary hearing on 28 August 2026 by CVP as set out in the attached summary.

REASONS

Introduction and the hearing

- 1 This preliminary hearing was listed at an earlier preliminary hearing on 12 January 2026 to determine (subject to the discretion of the judge and time allowing) whether to allow an amendment to the claim which was to be filed by 13 February 2026; whether to make deposit orders and review the draft list of issues. The case management summary from that hearing sets out the background to this claim which will not be repeated here.

- 2 There are several preliminary issues which remain in dispute since that hearing. I was informed that the respondent does not dispute that the claimant was disabled at the material time so that issue does not need any preliminary determination.
- 3 We discussed, at the outset of this hearing, what matters might be dealt with today and it was hoped that the question of whether to order any deposits be paid as a condition of claims proceeding might be addressed. As we proceeded through the hearing, it was clear to me that further work needed to be done on the list of issues, in light of the decisions I made on amendments, which I reserved, and that any assessment of which (if any) allegations or arguments had little reasonable prospect of success were better left to the next preliminary hearing which had already been listed in August.
- 4 As there was also an application to add four new respondents contained in the amended particulars of claim, that also took time. I reserved that decision as well.
- 5 The applications before me were to consider the amended particulars of claim and the addition of new respondents.

Application to amend

- 6 The application to amend was included in amended particulars of claim which were lengthy and detailed and appeared in the bundle for this hearing between pages 95 to 107. We had to go through that document carefully and compare it to the claim form, an earlier draft list of issues (and that amended by the employment judge in January) and a letter from the claimant's solicitors to ascertain what might need amendments and what did not. The respondent objected to the amendments, arguing that the amended particulars of claim were an expansion to the earlier pleadings but Mr Studd was very helpful in identifying which were most in contention.
- 7 In summary, the disability discrimination claim included claims for harassment and failure to make reasonable adjustments. The harassment claim was identified at the earlier preliminary hearing from the claim form where "*disparaging remarks*" were complained of. Further details of these alleged remarks appear in the amended particulars of claim at paragraphs 33 to 36. The amendments to the claim for failure to make reasonable adjustments are at paragraphs 38 to 40 and now include some PCPs as directed at the last preliminary hearing.
- 8 The amended particulars of claim now identify a claim for direct disability discrimination and are at paragraphs 37 and 41. Although the original particulars of claim refer to section 39 Equality Act 2010, the claimant accepts an amendment might be needed but it

could also be considered to be a re-labelling of what is contained in the original claim. Mr Studd objected to this amendment.

- 9 The claim also included claims for public interest disclosure dismissal and detriment. The amended particulars set out considerable detail on the alleged disclosures but these appear in narrative form between paragraphs 44 to 54 with the alleged detriments in paragraph 55. After some discussion, the claimant's representative agreed that the disclosures were adequately and more concisely set out in the amended list of issues at paragraph 20 identified as PID1, PID2 and PD3. PID4 and PID5 are not pursued. The detriments alleged are in the amended list of issues at paragraph 22 (5 recorded) and then in the amended particulars at paragraph 55 (with dismissal at paragraph 56). In oral argument, it was said that this gave further information on the claimant's claim that he was "*marginalised*".

Application to add new respondents

- 10 As indicated, the amended particulars also applied for five further respondents to be added to the claim. It is submitted that the claimant could not be sure about who his employer or, if he was not an employee, which organisation or individual might be liable for an unlawful conduct. The application was to join the following:

VN Holdings AG
Board of Trustees of Valhalla Network Foundation
Valhalla Network Foundation
Mr Oliver Studd
Mr Matt Gubba

The respondent's objections to the claimant's applications

- 11 These are as set out above with respect to amendments to the particulars of claim. The respondent also objected to any new respondents being added, submitting that it was clear which organisation the claimant had a self-employed contract with and that was the current respondent. There had been no reference for ACAS early conciliation for any other respondents. Mr Studd provided details about Valhalla Network Foundation, which is bound, I am told, by strict rules in Liechtenstein. The claimant was, for a while, on its Council. The current respondent was a special purpose UK company for fundraising purposes.

The Rules and amendments

- 12 The Employment tribunal rules provide for the joinder of parties in certain situations. The rule states:

35.—(1) The Tribunal may on its own initiative, or on the application of a party or any other person wishing to become a party, add any person as a party, by way of substitution or otherwise, 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.

13 *(2) The Tribunal may on its own initiative, or on the application of a party, remove any party that appears to have been wrongly included.*

14 As far as amendments for the claims are concerned, the leading cases are Selkent Bus Co Ltd v Moore [1996] ICR 386 and Vaughan v Modality Partnership [2021] ICR 535. In summary, I should consider the time and manner of the application, whether it is a re-labelling or brings a new claim and, if it does amount to a new claim, whether there are time limitation issues. I should also consider the impact on the progress of the litigation as well as any prejudice to either party.

15 The Presidential Guidance on case management of 2018 also provides very helpful advice to parties on both amendments to claims and the adding (and removing) of respondents.

Conclusions

16 Although this seemed to be a complex matter, partly because of the need to cross reference several documents, there was not as much in dispute as it first appeared. The amendments to the claims for harassment and failure to make reasonable adjustments are, for the most part, clarifications of the claims already clearly made. Where there remain time limitation points, they are to be decided at a later stage.

17 The application to amend to either bring a claim for direct disability discrimination or to clarify that it what is claimed is also allowed. The facts referred to in the amendment reflect those already set out in earlier documents and are, in essence, a re-labelling of the claims in the amended list of issues. The proceedings are at an early stage and not yet listed for a final hearing so there is little or no prejudice to the respondent to deal with this claim. Again, any time limitation questions will be determined at a later stage.

18 After discussion, it was also clear that the amendments to the public interest disclosure claim, which was already clearly set out, are clarifications of that claim. The amended particulars of claim seemed to make that claim more complicated than it was but the amendment is allowed on the basis of the discussion we had at this

hearing. The amendments to the claim are allowed and, as agreed, the claimant's representatives can now draw up a further draft list of issues.

- 19 The question remains of whether to add respondents to this claim. I have decided that there is sufficient evidence of involvement by Valhalla Network Foundation with the claimant and the claims he is bringing to add it as a respondent. The other organisations suggested seem to me to either not exist (Board of Trustees of Valhalla Network Foundation) or I can see no link to the claimant (VN Holdings AG).
- 20 As for the individual additional respondents, particularly as the claimant is bringing a discrimination claim, I am prepared to add Mr Studd as a respondent. He is named directly in the disability discrimination claims and the Equality Act 2010 allows for liability to attach to individuals. I am not satisfied that Mr Gubba has any clear liability for actions he is alleged to have taken and the addition of Valhalla Network Foundation should cover disputes about its involvement. I bear in mind, of course, that, if necessary, those additional respondents can make application to be removed if they can argue they cannot be liable for any unlawful acts as found.
- 21 The matter proceeds for further preliminary matters on 28 August as set out in the case management orders.

Approved by

Employment Judge Isabel Manley

Dated 23 June 2026

Sent to the parties on: 23 June 2026

For the Secretary to the Tribunals