



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr G Nyanteh

**Respondent:** Maxcare Ltd

## JUDGMENT

The respondent's application dated 13 February 2026 for reconsideration of the judgment sent to the parties on 30 January 2026 is refused.

## REASONS

There is no reasonable prospect of the original decision being varied or revoked, because:

### INTRODUCTION

1. The respondent's application (which was referred to me today) proceeds under three headings:
  - a. Ground 1 – error of law – the Legal Services Act 2007 and Authorised Bodies.
  - b. Ground 2 – error of law – the definition of “legal representative” does not require the individual fee earner to personally hold a right of audience.
  - c. Ground 3 – the judge gave inadequate weight to the unchallenged evidence of supervision by qualified solicitors.
2. That two of those grounds are described as “errors of law” gave me some cause to question whether an application for reconsideration is the appropriate course in these circumstances (Trimble v Supertravel [1982] ICR 440 at 442F). I have nevertheless considered it as an application for reconsideration, and will proceed according to the grounds given by the respondent.

### GROUND 1 – ERROR OF LAW – THE LEGAL SERVICES ACT 2007 AND AUTHORISED BODIES

3. The point made here is that Excello Law is an “*authorised body*”. I accept this, but that does not mean that Excello Law or any of its employees have “*a right*

*of audience in relation to any class of proceedings in any part of the Senior Courts of England and Wales, or all proceedings in county courts or magistrates' court*", which is the relevant test of a legal representative in this case. Being an authorised body gives Excello Law the right to conduct reserved legal activities but does not give its employees a right of audience regardless of their own individual status.

GROUND 2 – ERROR OF LAW – THE DEFINITION OF “LEGAL REPRESENTATIVE” DOES NOT REQUIRE THE INDIVIDUAL FEE EARNER TO PERSONALLY HOLD A RIGHT OF AUDIENCE

4. I accept in principle that the definition of “*legal representative*” does not require everyone who carries out work on a case to hold a right of audience. The only relevant test (rule 73(1) and (2)) is that the receiving party is “*represented by a legal representative*”, not that the “*legal representative*” actually carries out all the work.
5. As regards the question of whether it ought to have been considered whether the respondent was represented by a lay, rather than legal, representative, that was not the basis on which the respondent made its costs application.

GROUND 3 – THE JUDGE GAVE INADEQUATE WEIGHT TO THE UNCHALLENGED EVIDENCE OF SUPERVISION BY QUALIFIED SOLICITORS

6. It follows from those matters that if (as I accept) Karen Coleman and Alasdair Hobbs have the necessary rights of audience, they would count as “*legal representatives*”, and costs claimed in respect of representation by them would not be limited to work carried out by them. But at para 16 of my reasons I say: “*I see nothing to suggest that it was Ms Coleman or Mr Hobbs as opposed to Ms Spencer who was the representative for the respondent*”. Someone carrying out work under the supervision of or with the knowledge of people who would count as “*legal representatives*” does mean that a party has been “*represented by a legal representative*”. The respondent’s position that “*solicitors were involved in the conduct of the proceedings*” does not answer the core question of whether the respondent can be said to have been represented by a legal representative or representatives. As established in para 17, the relevant representatives were either Carole Spencer or Excello Law, neither of whom count as “*legal representatives*”.

Approved by Employment Judge Anstis  
16 June 2026

Judgment sent to the parties on:

25 June 2026

For the Tribunal: