



EMPLOYMENT TRIBUNALS

Claimant: Ms Steluta Artimenco

Respondent: Kindwell Group Limited

Heard at: Cambridge Employment Tribunal
(by video)

On: 8 July 2026

Before: Regional Employment Judge Foxwell

Representation:

Claimant: Did not attend but relied on written representations

Respondent: Not applicable

Tribunal appointed interpreter: Ms Alexandra Serban

JUDGMENT

1. The claimant's application for Regional Employment Judge Foxwell to recuse himself from hearing this and other claims presented by her to the Employment Tribunals is dismissed.
2. The claimant's application under rule 14 of the Tribunal Procedure Rules 2024 for the rejection of her claim in case number 6000459/2026 to be reconsidered and the claim restored is dismissed.
3. The claimant's application for this and her other claims currently proceeding in the South East region of the Employment Tribunals ("Watford") to be transferred to the Virtual Region ("VR"), Wales, the North West and/or North East regions is refused.

REASONS

1. These reasons deal with the following issues:
 - 1.1 the procedural background to this and the claimant's other claims;
 - 1.2 the claimant's application that I recuse myself from further judicial involvement in her claims;
 - 1.3 the claimant's application for reconsideration of my decision to reject the claimant's second claim against the Kindwell Group Limited (case number 6000459/2026);
 - 1.4 the implications of my decision on reconsideration on the claimant's other claims, including her first claim against Kindwell (case number 6000207/2026).

The claimant's claims in the Employment Tribunal and this hearing

2. The claimant is Romanian and lives in Romania, although she maintains a correspondence address in Weymouth, Dorset. She requested a Romanian interpreter at hearings and that is why the tribunal arranged for Ms Serban to attend today.
3. In the period between May 2025 and April 2026 the claimant has presented 51 claims to the Employment Tribunals in England & Wales. The respondents to these claims are care providers or agencies. Of these claims, 31 are currently in the Watford office and 26 of those are subject to a stay ordered by Employment Judge Shastri-Hurst to await the outcome of this hearing. The claims not subject to a stay in this Region are these two against Kindwell and three new claims received very recently. The Watford claims comprise ones allocated to this region because of the postcode of the relevant workplace and ones transferred in to this region by the Regional Employment Judges for the region where it originated; such transfers required my consent, which I gave.
4. I allocate cases to judges for case management and hearing in my capacity as the leadership judge for the South East region. I have allocated the case management of these claims to Judge Shastri-Hurst. Nevertheless, I am dealing with the recusal application relating to me personally as the law requires me to do so (see below), and the claimant's reconsideration request as it concerns a decision I made.
5. I attach as an appendix to these reasons a list of the claimant's current claims.

6. There is a pattern to the claimant's claims: all (or at least many) assert that the claimant has been blacklisted in the care industry such that when she applies for jobs she is unsuccessful.
7. Regional Employment Judges (REJs) have judicial responsibility for the workload of the region they lead. As part of this they endeavour to manage cases in accordance with the overriding objective contained in rule 3 of the Employment Tribunal Procedure Rules 2024 ("the Rules"). One aspect of this is to consider whether cases should be combined in a single region to ensure consistent case management or stayed while a particular point common to them is litigated and decided.
8. It is to that end that some REJs have transferred the claimant's claims in their regions to Watford. That is what happened with the Kindwell claims: these were originally presented to the London South Employment Tribunal because the respondent's seat is in West Wickham in the London Borough of Bromley. REJ Khalil, who is responsible for London South, requested comments from the parties concerning a proposed transfer to Watford by letter dated 23 February 2026. He informed them of his decision to transfer on 4 March 2026.
9. The claims were transferred to Watford electronically and referred to me. I directed that claim 6000459/2026 ("459") be rejected under rule 13(1)(a) on the basis that the tribunal did not have jurisdiction to hear it. Unfortunately, it does not appear that claim 6000207/2026 ("207") was referred to me; that claim had already been accepted by the tribunal in London South and served on the respondent. The respondent has made an application to strike that claim out which is yet to be decided.
10. The claimant made an application on 6 March 2026 for the rejection of 459 to be reversed. She also asked that neither I nor REJ Khalil have any further involvement in her claims. In a letter dated 24 March 2026, I informed the claimant that I would treat her email as an application under rule 14 for reconsideration of the rejection of her claim and for me to recuse myself from further involvement. I noted the claimant's request that any hearing be by video but said that I would list a hearing in person at Reading Employment Tribunal because of the complex nature of the claimant's application and the fact that she had asked for a Romanian interpreter. Experience shows that cases involving interpreters generally work better in person than by video. I selected Reading as the hearing centre as the venue closest to the claimant's given address in Weymouth. There was nothing to suggest at that stage that she was living overseas. A notice of hearing for 24 June 2026 was sent to her.

11. On 25 March 2026 the claimant made an application to consolidate this claim with others. She referred in this document to whistleblowing disclosures which she says underlie her blacklisting in the care sector.
12. On the same day (25 March 2026) the claimant applied for a reconsideration of the decision to list the hearing of 24 June 2026 in person. There were three grounds for the application: firstly, that I could not make the decision as I was not impartial and was subject to an application for recusal; secondly, that it was perverse for me to suggest that the matter was complex or that interpretation could not be managed by video link; and thirdly, that she was in Romania and did not have the funds to travel to the UK.
13. By letter dated 27 March 2026 I granted the claimant's request for the hearing to be by video (CVP) on the basis that she was in Romania; I had been unaware of this before then. I pointed out that the principle of judicial independence meant that I, and no other judge, had to decide whether I should recuse myself. Once made, this decision would be susceptible to an appeal if I had made an error of law in coming to my conclusion on it.
14. The claimant replied on 28 March 2026 welcoming the conversion to CVP and stating, among other things, her intention to attend the hearing. She maintained however that I could not decide the recusal application.
15. The claimant's correspondence was acknowledged on 1 May 2026 and she was told that she could make her points at the hearing on 24 June 2026. I also reminded the claimant that I had not decided her recusal application, merely listed it for a hearing.
16. Unfortunately, in May 2026 I realised that the hearing on 24 June 2026 had been listed on a day when I was required for other judicial business which could not be rescheduled. I therefore directed by letter dated 27 May 2026 that the hearing be postponed and relisted today, 8 July 2026. I had hoped to be able to apologise in person to the claimant for that change and to explain why it was necessary but her non-attendance has meant that I have been unable to. I take this opportunity to apologise in writing for any inconvenience that that change and short delay may have caused.
17. In the interim the claimant had presented an appeal to the Employment Appeal Tribunal. This was rejected by Deputy High Court Judge John Bowers KC in a judgment sealed on 28 May 2026. Judge Bowers pointed out that an application for a judge to recuse himself did not render proceedings "void" and that the question of recusal fell to be decided by the judge in question, that is me.

18. On 22 June 2026 the claimant made an application for any of her claims proceeding in the South East, South West, Midlands West, Midlands East, London Central and London South regions of the Employment Tribunals to be transferred to the Virtual Region ("VR") or to any region not mentioned in this list (the remaining ones are Wales, North West, North East and London East). In her application the claimant said that there was a "recurring pattern" and that I had acted in excess of my powers by exercising a "self-created jurisdiction". For this reason, she contended that I had no lawful authority to sit as the judge at the hearing now fixed for 8 July 2026. She maintained in particular that a judge could not determine a recusal application made by a party against them, notwithstanding that she had been told that this was incorrect by me and a judge of the EAT. She said that she would not participate in the hearing.
19. On 24 April 2026 the claimant submitted what she termed an "omnibus recusal application" said to capture all judges, including me, who had made orders with which she disagreed, but she set out more specific grounds relating to me in a document dated 26 June 2026. I address the June document in more detail below. More generally, however, the claimant has alleged conspiracy and corruption on my and the part of other judges. She has said that she has complained about me and others to the Judicial Conduct Investigations Office and has copied my office into information she has sent to the Metropolitan Police alleging criminality. I mention these matters simply because they are additional reasons why the claimant says I have no standing to hear her applications.
20. I and the tribunal-appointed interpreter, Ms Serban, were ready to start the hearing promptly at 10.00am on 8 July 2026. As the claimant had not joined the hearing by 10.02, I took the opportunity to introduce myself to the interpreter and to explain in broad terms what applications were before me and to agree the practical arrangements for interpretation during the hearing. This discussion was recorded. As the claimant had still not joined the hearing by 10.10, I asked the clerk to contact her by telephone, which she did. The clerk reported back that the claimant had told her that she did not intend to attend the hearing as she did not consider that I had any lawful power to conduct it. I asked the clerk to email the claimant to say that I had put the hearing back to 10.30 to give her a further opportunity to join to make her points, which the clerk did. The claimant did not join the hearing at 10.30 so I brought it to an end.
21. This is the context in which I now deal with these applications on the papers. My approach is to set out the principles and caselaw I have applied. It would be a disproportionate task to attempt to engage with every point the claimant makes in her many and lengthy documents sent to the tribunal and many others. I have nevertheless attempted to read and understand them so it should

not be assumed that they have been disregarded simply because each document is not mentioned expressly or addressed point by point.

The recusal application

22. The claimant makes five broad points in her submission dated 26 June 2026 in support of her contention that everything I have done in case 459 “is a nullity”. These are:

22.1 That I am disqualified because I have participated in meetings of the National Tribunal User Group (a group organised by the President of the Employment Tribunals in England & Wales through his support office) at which Peninsula Business Services, a well-known firm of litigation consultants, had attended. She has produced the minutes of the March 2026 meeting of the group (which I did not attend) as evidence in support of this contention.

22.2 That I had made the decision to reject claim 459 within 48 hours of its transfer to Watford from London South and “without a Rule 29 order”. In other words, that I acted precipitately showing that I had prejudged the case without it ever having been served on the respondent.

22.3 That following her formal recusal application, I no longer had standing to make decisions in respect of this or her other claims. She describes the steps I have taken or orders I have made as *void ab initio* following the making of this application. I have taken the date of this to be 6 March 2026 when she responded to my rejection of her claim under rule 13(1)(a).

22.4 That the rejection of her claim was unlawful as it was taken prior to the service of her claim on the respondent so that rules 15 to 22 were not given effect to.

22.5 A further ground relied on is the stay of other claims ordered by Judge Shastri-Hurst pending a decision in this case. While that was the decision of another judge, it was one taken in the knowledge of the application before me, so while I am not responsible for the decisions of Judge Shastri-Hurst, I have nevertheless considered what the claimant has to say on this point.

23. **Grounds for recusal** There are three categories of bias which can undermine judicial impartiality requiring the judge to recuse themselves: actual bias, bias giving rise to automatic disqualification and apparent bias. Instances of actual bias are very difficult to prove, particularly as judges may not be

questioned on the influences affecting them. Nevertheless, this is an aspect of the claimant's application and I address it below.

24. Automatic disqualification arises where a judge has a financial interest which might be affected by the outcome of a case: this is where the principle that it is improper to act as a judge in one's own cause is engaged. Historically the cases of automatic disqualification were limited to where a judge had a pecuniary or proprietary interest in a case (see **Grand Junction Canal v Dimes (1852) 3 HL Cas 759**) but in **Pinochet (No 2) [1999] 2 WLR 272** the House of Lords extended the automatic disqualification rule to a limited class of non-financial interests. In that case one of the Judges, Lord Hoffman, had non-financial links with an intervener in the case. This additional class is restricted: Lord Browne-Wilkinson put it this way (at page 284):

Only in cases where a judge is taking an active role as trustee or director of a charity which is closely allied to and acting with a party to the litigation should a judge normally be concerned either to recuse himself or disclose the position to the parties. However, there may well be other exceptional cases in which the judge would be well advised to disclose a possible interest.

25. Because it is the easiest to establish (though "easy" is a relative term only in this context), most applications for a judge to recuse themselves focus on "apparent bias" or "the perception of bias". The classic statement of the law in this context is that of Lord Hope of Craighead in **Porter v Magill [2002] 2 AC 357** (at paragraph 103):

The question is whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the tribunal was biased.'

26. The decision of the Court of Appeal in **Locabail v Bayfield Properties Limited [2000] IRLR 96** provides helpful and practical guidance to courts and tribunals¹ in applying these principles.

27. **My powers under the Rules** An important question is whether the steps I have taken are ones open to me under the Tribunal Procedure Rules: permitted steps are less likely to create the appearance of bias to the fair-minded and independent observer, notwithstanding that a party may be disappointed by, or disagree with the decision made. I start therefore with an analysis of my powers under the Rules.

28. Rule 13(1)(a) says as follows:

¹ See **Ansar v Lloyds TSB Bank plc [2007] IRLR 211**

13. Rejection: substantive defects

(1) Tribunal staff must refer a claim to the Tribunal if they consider that the claim, or part of it, may be—

(a) one which the Tribunal has no jurisdiction to consider,

.....

(2) The Tribunal must reject a claim, or part of it, if it considers that the claim, or part of it, is of a kind described in sub-paragraphs (a), (b), (c) or (d) of paragraph (1).

29. This rule not only gives an Employment Judge the power to reject a claim where the Tribunal does not have jurisdiction, it requires the judge to do so. It is axiomatic that, where a claim is rejected rather than accepted, it is not served on the respondent.²

30. The remedy for a claimant whose claim has been rejected under rule 13 is to make an application under rule 14 for reconsideration. The rule says as follows:

14. Reconsideration of rejection of claim

(1) A claimant whose claim has been rejected (in whole or in part) under rule 12 (rejection: claim form not used or failure to supply minimum information) or 13 (rejection: substantive defects) may apply for a reconsideration on the basis that either—

(a) the decision to reject was wrong, or

(b) the notified defect can be rectified.

(2) An application under paragraph (1) must be in writing and it must be received by the Tribunal within 14 days of the date that the notice of rejection was sent. It must explain why the decision to reject is wrong or rectify the defect and it must state whether the claimant requests a hearing.

(3) If the claimant does not request a hearing, or the Tribunal decides, on considering the application, that the claim is to be accepted in full, the Tribunal must determine the application without a hearing. Otherwise the application must be considered at a hearing attended only by the claimant.

(4) If the Tribunal decides that the decision to reject the claim, or part of it, was correct but that the defect has been rectified, the claim must be

² See *Reynolds v Abel Estate Agents [2025] EWCA Civ 1357* for a discussion about the distinction between the pre- and post-acceptance stages of Employment Tribunal claims

treated as presented on the date that the application containing the rectification was received by the tribunal.

31. This hearing was convened to give effect to rule 14 and so that the claimant could be heard. This was explained in the tribunal's letter to her of 24 March 2026.

32. The tribunal's power to make case management orders, including orders relating to hearings, is contained in rule 30 and is wide. The rule says as follows:

30. Case management orders

- (1) Subject to rule 32(2) and (3) (postponements), the Tribunal may, on its own initiative or on the application of a party, make a case management order.
- (2) The particular powers identified in these Rules do not restrict that general power.
- (3) A case management order may vary, suspend or set aside an earlier case management order where that is necessary in the interests of justice, and in particular where a party affected by the earlier order did not have a reasonable opportunity to make representations before it was made.

33. Specific types of order that a judge can make are set out in rules 31 to 40. Notably, rule 35 gives the tribunal power to add, substitute or remove parties from claims and rule 37 gives the tribunal power to identify lead cases where two or more claims give rise to common issues of law or fact. So these are powers judges can exercise in appropriate cases.

34. All of these rules are subject to the overriding objective in rule 3 of dealing with cases proportionately and justly. The rules are designed to give effect to parties' ECHR Article 6 rights to a fair hearing.

35. **Apparent bias** Against that procedural background, I turn to the allegations which appear to be ones of apparent bias (grounds 2, 4 and 5 of the claimant's application).

36. I have done the following things in respect of the claimant's claims:

- 36.1 Rejected claim 459;
- 36.2 Listed a hearing to reconsider that rejection at the claimant's request;
- 36.3 Made a case management order setting a date and place for that hearing;

- 36.4 Reconsidered the place of the hearing at the claimant's request, granting her application for reconsideration on one of the three grounds advanced;
 - 36.5 Postponed and relisted the reconsideration hearing because of a diary clash (for which I apologise);
 - 36.6 Attended the hearing to receive the claimant's submissions, but which she chose not to attend.
 - 36.7 Agreed to the requests of other REJs to transfer their claims to Watford for consideration with the ones already here.
37. All of these steps fall within my powers under the Procedure Rules as described above and could not without more be regarded by the fair-minded and informed observer, having considered the facts, as showing that there was a real possibility that the tribunal was biased.
38. I understand that the claimant nevertheless does think that I am biased against her and components of this are: firstly, the fact that claims have been transferred from other regions to my own so that the majority now sit in the South East; and, secondly, that the judge I allocated to case manage her claims in this region, Judge Shastri-Hurst, has stayed those claims pending the outcome of this application. I am sure that the claimant regards this as "collusion" by judges to defeat her aim of pursuing multiple claims in different tribunal regions (she has referred to this in correspondence as her "litigation strategy"). Furthermore, I am sure that the claimant fears that my rejection of one claim may lead to the rejection or dismissal of many others.
39. For all of that, I do not accept that the fair-minded and informed observer, having considered the facts, would regard these features as indicative of bias against the claimant. Judges have a responsibility to ensure that cases are dealt with fairly and justly and that means that case management is fair and just to both parties. Ensuring that common issues are dealt with in one go is an obvious and proportionate means of achieving this. Requiring a party, whether a claimant or a respondent, to show cause why they should have permission to relitigate the same point on the same facts in subsequent claims is also an obvious and proportionate means of achieving this. The case management powers that I, other Regional Employment Judges and Judge Shastri-Hurst have exercised are all focussed on this end.
40. I therefore reject grounds 2, 4 and 5 of the claimant's application for me to recuse myself. The fair minded observer would not conclude that these case management steps evidence apparent bias.

41. **Actual bias** This limb of the claimant's application appears to have two parts: the first is the suggestion of an improper connection between me and Peninsula Business Services; and the second is the claimant's belief that I have no standing to continue with decision making in this case when a recusal application and complaints to other bodies have been made against me, but have nevertheless purported to exercise a jurisdiction which (according to her) I do not have and which I know I do not have.
42. Both limbs are misconceived.
43. **Peninsula** The fact that I have on occasion attended National User Group meetings organised by the President's Office where I have been referred to by my judicial title and in which I give a short account of the state of things in the South East region, is no more than me fulfilling my role as a leadership judge in the Employment Tribunal. It does not evidence collusion or an improper relationship between me and Peninsula. There is no such relationship.
44. Even were this an allegation of apparent bias, it would fail. The fair minded observer would not conclude that my participation from time to time in these twice-yearly meetings between judges and tribunal users showed the appearance of bias in favour of the attendees as a whole, or any one of them.
45. **No jurisdiction** The claimant has been told not only by me but by a judge of the EAT that a recusal application must go first to the judge a party is seeking to remove. This arises because of two important matters of public policy.
46. The first is the principle of judicial independence: this means that one judge cannot tell another who is seized of a case how to decide it or simply override that judge's earlier decision.³ A judge on appeal can only interfere with the decision where they are satisfied that the first-instance judge has made an error of law. This is a vital constitutional safeguard to the rule of law in a democracy.
47. The second principle is that parties may not choose which judge hears their case: the allocation of judges to cases is a decision made by the judiciary alone. Were it otherwise, there would be endless satellite disputes about which judge each party wanted to hear their case.
48. If the fact of a recusal application or complaint to, for example, the JCIO or police was sufficient to preclude a judge from continuing their work on a case allocated to them, it would give parties an effective veto on which judge hears their case undermining the second principle. The threat of such would interfere with judicial independence, undermining the first.

³ See *Serco v Wells* [2016] ICR 768 for an example of this in practice.

49. The claimant is wrong in suggesting that I am acting in my own cause or in excess of my powers in dealing with these claims simply because she has complained about me. On the contrary, I am seized of these matters and it is my judicial obligation to deal with them. I reject grounds 1 and 3 of the application.

50. **Conclusion on the recusal application** The outcome of any recusal application is binary: if a judge finds that there are grounds for recusal they must stand down; on the other hand, if they find that there are no such grounds it is their duty to continue with the case. It is not open to them to step away simply because it might improve the confidence of one party or another in the process. In **Ansar** (*supra*), Burton J (cited with approval in the Court of Appeal) put it this way:

4. It is the duty of a judicial officer to hear and determine the cases allocated to him or her by their head of jurisdiction. Subject to certain limited exceptions, a judge should not accede to an unfounded disqualification application: Clenae Pty Ltd v Australia & New Zealand Banking Group Ltd [1991] VSCA 35 recited in Locabail at paragraph 24.

51. I am satisfied that there are no grounds for me to recuse myself and I do not do so.

Reconsideration of the rejection of 459 under rule 14

52. This section of my reasons deals with the extent of the Employment Tribunal's whistleblowing and blacklisting jurisdiction. It should not be taken as suggesting that claims of this type are not actionable at all, for example by a claim in the County Court of High Court, as it is not for me to comment on that; I address simply the question whether they can be pursued in the Employment Tribunal.

53. **The pleadings** At section 8.1 of her claim form in 459 she ticked the box which said: "*I am making a whistleblowing claim including dismissal or any other unfair treatment after whistleblowing*".

54. She gave a fuller explanation of her claim at box 8.2 of the form in the following terms (reproduced in full):

THE FIFTH RESPONDENT: KINDWELL GROUP LIMITED

Kindwell Group Limited operates a digital platform that connects care agencies across the United Kingdom. This platform allows agencies to share information about care workers, including subjective assessments and allegations that may be false or unverified.

When I was removed from the Grinyer placement, my name was entered into the Kindwell system. Every agency that uses Kindwell could then see that I had been flagged. This is why Everycare (Central Surrey) Ltd suddenly had a “family withdrawal” after accepting me. This is why I cannot find work anywhere in the UK care sector.

Kindwell has facilitated and profited from an illegal blacklisting operation. Without Kindwell’s platform, individual agencies could not coordinate to block workers across the entire sector. Kindwell is the infrastructure that makes industry-wide blacklisting possible.

I submitted a Subject Access Request to Kindwell. In their response, they claimed to know nothing about any blacklist. This is a lie. Their entire business model depends on sharing information about workers between agencies. They have my data. They have shared my data. They have lied about it.

Kindwell’s expansion as a business is directly correlated with my exclusion from work. The more agencies that joined Kindwell’s platform, the more completely I was blocked from employment. Kindwell has profited from destroying my career.

Kindwell Group Limited operated the platform that made coordinated blacklisting possible. Without Kindwell, individual agencies could not have systematically blocked me across the entire sector. Kindwell processed my personal data unlawfully, shared it between agencies without my consent, and lied about their involvement.

Kindwell’s damages are calculated separately because their wrongdoing is distinct from and additional to the wrongdoing of the individual agencies. Kindwell enabled and profited from the entire blacklisting scheme. Their liability should reflect the full scope of harm their platform caused.

Loss of earnings attributable to Kindwell’s platform (entire career destruction): £100,000

GDPR violation (unlawful data processing and sharing): £25,000

Injury to feelings (systematic exclusion from profession): £45,000

Aggravated damages (lying in SAR response): £30,000

55. At box 9.2 she gave some further limited information regarding the remedy she was seeking as follows:

*Compensation: "From Respondent 5 (Kindwell) Separately: £200,000
Amount requested: £200000"*

56. The claimant does not suggest that she was an employee or worker of the respondent in her grounds of claim, rather she complains of not being selected for employment, nor does she state that her treatment was related to trade union activity. Her claim is clearly advanced as one of blacklisting as an applicant for employment or engagement as a worker. While the claimant does not refer to specific whistleblowing disclosures in her grounds of claim, I have assumed in her favour that these underlie it. The claimant has mentioned potential whistleblowing disclosures in her subsequent correspondence with the tribunal.

57. **Whistleblowing** The Employment Tribunal's powers in respect of whistleblowing claims are contained in Part IVA and section 103A of the Employment Rights Act 1996. The tribunal can only deal with such claims insofar as they fall within these provisions.

58. Section 103A creates a right for employees not to be dismissed for the sole or principal reason that they had made a whistleblowing disclosure. The claimant does not claim to have been an employee of the respondent so self-evidently this section does not apply.

59. The scheme in Part IVA applies to "workers", a concept which includes but is not limited to employees. The meaning of "worker" in this Part is set out in section 43K which says as follows:

- (1) For the purposes of this Part "worker" includes an individual who is not a worker as defined by section 230(3) but who—
 - (a) works or worked for a person in circumstances in which—
 - (i) he is or was introduced or supplied to do that work by a third person, and
 - (ii) the terms on which he is or was engaged to do the work are or were in practice substantially determined not by him but by the person for whom he works or worked, by the third person or by both of them,
 - (b) contracts or contracted with a person, for the purposes of that person's business, for the execution of work to be done in a place not under the control or management of that person and

would fall within section 230(3)(b) if for “personally” in that provision there were substituted “(whether personally or otherwise)”,

- (ba) works or worked as a person performing services under a contract entered into by him with NHS England under section 83(2), 84, 92, 100, 107, 115(4), 117 or 134 of, or Schedule 12 to, the National Health Service Act 2006 or with a Local Health Board under section 41(2)(b), 42, 50, 57, 64 or 92 of, or Schedule 7 to, the National Health Service (Wales) Act 2006,
- (bb) works or worked as a person performing services under a contract entered into by him with a Health Board under section 17J of the National Health Service (Scotland) Act 1978,]
- (c) works or worked as a person providing services] in accordance with arrangements made—
 - (i) by NHS England under section 126 of the National Health Service Act 2006, or Local Health Board under section 71 or 80 of the National Health Service (Wales) Act 2006], or
 - (ii) by a Health Board under section 2C, 17AA, 17C,. . . 25, 26 or 27 of the National Health Service (Scotland) Act 1978, or
- (cb) is or was provided with work experience provided pursuant to a course of education or training approved by, or under arrangements with, the Nursing and Midwifery Council in accordance with article 15(6)(a) of the Nursing and Midwifery Order 2001 (S.I. 2002/253), or
- (d) is or was provided with work experience provided pursuant to a training course or programme or with training for employment (or with both) otherwise than—
 - (i) under a contract of employment, or
 - (ii) by an educational establishment on a course run by that establishment;

and any reference to a worker’s contract, to employment or to a worker being “employed” shall be construed accordingly.

- (2) For the purposes of this Part “ employer ” includes—
 - (a) in relation to a worker falling within paragraph (a) of subsection (1), the person who substantially determines or determined the terms on which he is or was engaged,

- (aa) in relation to a worker falling within paragraph (ba) of that subsection, NHS England, or the Local Health Board referred to in that paragraph,
 - (ab) in relation to a worker falling within paragraph (bb) of that subsection, the Health Board referred to in that paragraph,]
 - (b) in relation to a worker falling within paragraph (c) of that subsection, NHS England or the board referred to in that paragraph, and
 - (c) in relation to a worker falling within paragraph (cb) or] (d) of that subsection, the person providing the work experience or training.
- (3) In this section “educational establishment” includes any university, college, school or other educational establishment.
- (4) The Secretary of State may by order make amendments to this section as to what individuals count as “workers” for the purposes of this Part (despite not being within the definition in section 230(3)).
- (5) An order under subsection (4) may not make an amendment that has the effect of removing a category of individual unless the Secretary of State is satisfied that there are no longer any individuals in that category.

60. Despite its length, the extended definition of “worker” does not include applicants for employment or engagement as a worker. This was confirmed by the Court of Appeal in ***Sullivan v Isle of Wight [2025] EWCA Civ 379***. In that case the Court of Appeal considered not only the position under the provisions in the Employment Rights Act 1996, but in the context of Articles 10 and 14 of the ECHR. The Court’s analysis under the Human Rights Act 1998 did not result in any extension of the tribunal’s whistleblowing jurisdiction to include job applicants.

61. While some legal and political commentators may consider it an omission, the current state of the law therefore is that applicants for employment or engagement as a worker cannot bring whistleblowing claims under the Employment Rights Act 1996.

62. As this Act is the only vehicle for such claims in the Employment Tribunal it follows that the tribunal does not have jurisdiction to hear the claimant's complaint as one of whistleblowing.

63. **Blacklists** As the claimant has identified in her submissions, the Employment Relations Act 1999 (Blacklists) Regulations 2010 ("the 2010 Regulations") empower the Employment Tribunal to hear certain claims about blacklisting. There is a linked right under section 104F of the Employment Rights Act 1996 not to be unfairly dismissed because of blacklisting. As with all unfair dismissal rights, however, this only applies to employees and the claimant does not claim to be that.

64. Regulation 3 of the 2010 Regulations says as follows:

3.— General prohibition

- (1) Subject to regulation 4, no person shall compile, use, sell or supply a prohibited list.
- (2) A "*prohibited list*" is a list which—
 - (a) contains details of persons who are or have been members of trade unions or persons who are taking part or have taken part in the activities of trade unions, and
 - (b) is compiled with a view to being used by employers or employment agencies for the purposes of discrimination in relation to recruitment or in relation to the treatment of workers.
- (3) "*Discrimination*" means treating a person less favourably than another on grounds of trade union membership or trade union activities.
- (4) In these Regulations references to membership of a trade union include references to—
 - (a) membership of a particular branch or section of a trade union, and
 - (b) membership of one of a number of particular branches or sections of a trade union;and references to taking part in the activities of a trade union have a corresponding meaning.

65. This regulation relates to blacklisting for participation in trade union activities (see regulation 3(3) in this regard). In *Morais v Ryanair* [2025] EWCA Civ 2025, for example, the Court of Appeal had to consider whether striking aircrew were participating in trade union activity so as to fall within the scope of the Regulations and regulation 3 in particular.

66. Regulation 3 does not create a freestanding right (that is, one unconnected to the activities of a trade union) to bring a blacklisting claim in the Employment Tribunal. There is no such general right, nor any statute giving the Employment Tribunal power to decide such a claim. It is trite to say that the Employment Tribunal is a creature of statute and can only do what it has been permitted by Parliament through legislation to do.

67. In this case the claimant makes no reference to involvement in trade union activity.

68. **Conclusion on jurisdiction** One of the claimant's complaints is that I reached the decision to reject this claim quickly. The reason for that is that it was obvious to me at an early stage that the Employment Tribunal could not hear these claims. It does not help the claimant for us to take on jurisdictions we do not have, nor is it fair to respondents to expend time and money defending claims which are fruitless in the Employment Tribunal. I was satisfied that the tribunal did not have jurisdiction when I first rejected the claim and remain so.

69. We cannot hear whistleblowing claims from applicants for employment nor can we deal with blacklisting unless it is trade union related, so the tribunal does not have jurisdiction in this case. For these reasons the claimant's application for the rejection of claim 459 to be reconsidered is dismissed.

The claimant's transfer request

70. I can deal with this briefly. I refuse the request as it appears to me that the only reason the claimant has for asking for a transfer of her claims elsewhere is that she is dissatisfied with the outcome on this case and how it might affect others in the South East. There is no obvious geographic connection with the favoured regions given that the claimant's postal address is on the south coast and she is presently in Romania.

71. The Virtual Region is a bank system for matching judges with cases that would be otherwise unallocated; it is not a region in the sense of the 10 geographical regions in England & Wales. There would have been no prospect of transferring these claims to it even had grounds for a transfer been made out.

The impact of this decision on other current claims

72. A first instance decision does not bind other judges so my rejection of the claimant's claim in this case does not mean that other similar claims are automatically dismissed. This includes 207 which had been accepted and

served prior to its transfer to the South East; that remains a live claim, albeit with an unresolved application by the respondent to strike it out.

73. That said, this judgment may have persuasive effect on other judges considering case management of the claimant's other claims and they may invite her to show cause why similar claims should not be struck out under rule 38(1)(a) as having no reasonable prospect of success. That would be a case management decision for them.
74. The claimant has the right, of course, to challenge any or all aspects of this decision by an appeal to the Employment Appeal Tribunal. A judge of the EAT may revoke or vary my decision if they are satisfied that I have made an error of law. An appeal against this decision will not stay other claims automatically but it is within a judge's discretion to order such a stay to await the outcome of an appeal.

Approved by:

**Regional Employment Judge
Foxwell**

13 July 2026

Judgment sent to the parties on:.

13 July 2026

For the Tribunal:

Notes

All judgments (apart from judgments under Rule 51) and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.

If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings and accompanying Guidance, which can be found at www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/

SCHEDULE OF CURRENT CLAIMS

Case Number	Claimant	Respondent	Region	Date of Receipt
6019390/2025	Steluta Artimenco	Dove Home Care Agency LTD	Watford	24 May 2025
6036673/2025	Steluta Artimenco	BN Care Holdings Limited	Watford	4 Oct 2025
6038772/2025	Steluta Artimenco	Abicare Services Ltd	Watford	20 Oct 2025
6040953/2025	Steluta Artimenco	Bluebird Care Leeds North	Watford	6 Nov 2025
6042403/2025	Steluta Artimenco	District Home Care LTD	Watford	17 Nov 2025
6044408/2025	Steluta Artimenco	ABClivein Care Ltd	Watford	2 Dec 2025
6047288/2025	Steluta Artimenco	Valentin Smochina și Andreea Tiplea	Watford	19 Dec 2025
6047506/2025	Steluta Artimenco	MUMBY'S Introductory Live in Care	Watford	20 Dec 2025
6047629/2025	Steluta Artimenco	Home Instead Construct house	Bristol	21 Dec 2025
6048184/2025	Steluta Artimenco	ILARNA LTD	London Central	25 Dec 2025
6048277/2025	Steluta Artimenco	Birchgrove Management Services Ltd	Watford	26 Dec 2025
6048444/2025	Steluta Artimenco	Pearson Anderson	Bristol	29 Dec 2025
6048446/2025	Steluta Artimenco	UB CARE HOLDINGS LIMITED	Watford	29 Dec 2025
6048449/2025	Steluta Artimenco	NEWMARK PARTENERS Ltd	Watford	29 Dec 2025
6000036/2026	Steluta Artimenco	Elite Live in Care Services is run by Mayfair Limited	Bristol	1 Jan 2026
6000207/2026	Steluta Artimenco	Kindwell Group Limited	Watford	2 Jan 2026

6000456/2026	Steluta Artimenco	Blossom Bridge Healthcare Solutions Ltd	Midlands West	5 Jan 2026
6000459/2026	Steluta Artimenco	Kindwell Group Limited	Watford	5 Jan 2026
6000475/2026	Steluta Artimenco	Everycare Central Hants Ltd	Bristol	5 Jan 2026
6000478/2026	Steluta Artimenco	Everycare Central Surrey Ltd	Watford	5 Jan 2026
6000485/2026	Steluta Artimenco	Bluebird Care Exeter (W&S Flint Services Ltd)	Watford	5 Jan 2026
6000505/2026	Steluta Artimenco	Bluerock Group Ltd	Watford	5 Jan 2026
6001946/2026	Steluta Artimenco	Asisters Limited	Bristol	14 Jan 2026
6003409/2026	Steluta Artimenco	TRUST ON TAP Ltd	Watford	24 Jan 2026
6003674/2026	Steluta Artimenco	Plymouth City Council, Colin Priest, CareMach Ltd-(Abicare Services Ltd)	Watford	27 Jan 2026
6005038/2026	Steluta Artimenco	My Life My Care Limited, Future Care Solutions Limited	London Central	5 Feb 2026
6005215/2026	Steluta Artimenco	Vanguard Care Ltd	Bristol	6 Feb 2026
6005223/2026	Steluta Artimenco	Walfinch Kingston & Weybridge	Watford	6 Feb 2026
6005393/2026	Steluta Artimenco	Access Care Management Limited	Bristol	9 Feb 2026
6005491/2026	Steluta Artimenco	Colin Priest	Watford	10 Feb 2026
6005831/2026	Steluta Artimenco	Edyn Care (Curam)	London East	12 Feb 2026
6006379/2026	Steluta Artimenco	KD Healthcare	Watford	18 Feb 2026
6006501/2026	Steluta Artimenco	Gladys Care	Bristol	19 Feb 2026

6006927/2026	Steluta Artimenco	Added Care Ltd	Midlands West	24 Feb 2026
6006930/2026	Steluta Artimenco	The Good Care Group, Consultus Care and Nursing Ltd	London Central	24 Feb 2026
6007949/2026	Steluta Artimenco	Independent People Home Care Services	London East	5 Mar 2026
6008220/2026	Steluta Artimenco	Kindwell Group Limited	London South	8 Mar 2026
6008229/2026	Steluta Artimenco	Tribe (Bronz Software Labs Ltd)	Midlands West	8 Mar 2026
6008231/2026	Steluta Artimenco	Able Community Care (Est,1980)	Watford	8 Mar 2026
6008232/2026	Steluta Artimenco	Altogether Care Services Ltd	Bristol	8 Mar 2026
6008253/2026	Steluta Artimenco	Constantia Care Ltd	Watford	8 Mar 2026
6008348/2026	Steluta Artimenco	Paragon Home Healthcare	Watford	9 Mar 2026
6008441/2026	Steluta Artimenco	Hometouch Care Ltd	London Central	10 Mar 2026
6008777/2026	Steluta Artimenco	Care Seakr	Watford	12 Mar 2026
6008779/2026	Steluta Artimenco	Smart Staff-Hire (Pop Vlasin Loredana)	Midlands East	12 Mar 2026
6008786/2026	Steluta Artimenco	Care and Choice Limited	Watford	12 Mar 2026
6008922/2026	Steluta Artimenco	Cheriton Homecare Limited	Watford	13 Mar 2026
6009003/2026	Steluta Artimenco	Best Care Co	Watford	13 Mar 2026
6009071/2026	Steluta Artimenco	New Age Recruiters	Watford	14 Mar 2026
6014971/2026	Steluta Artimenco	Live New Life Ltd	Watford	27 Apr 2026