



EMPLOYMENT TRIBUNALS

Claimant: Miss K Baxendale

Respondent: Pendle Support Limited

UPON APPLICATION made by letter dated 27th May 2026 to reconsider the judgment dated 13th May 2026 under rule 69 of the Employment Tribunal Procedure Rules 2024, and without a hearing.

JUDGMENT

1. The Preparation Time Order sent to the parties on the 13th May 2026 is hereby revoked. No further order is made.

REASONS

1. At a hearing on the 22nd April 2026 and via a Judgment sent to the parties on the 13th May 2026, I made a Preparation Time Order in favour of the Claimant for the sum of £92.00.
2. The reasons for that order were set out in writing within my Case Management Order. I do not repeat those reasons.
3. On the 27th May 2026, the Respondents sought reconsideration of that Judgment. The Claimant made submissions opposing the reconsideration.
4. The three grounds advanced by the Respondent were as follows:
 - a. It was not clear from the Tribunal's correspondence what was required, in particular the hearing was listed to discuss clarification of both the claim and the response.
 - b. During the hearing the Claimant complained that she had not received a payslip, and that she did not know how the deductions were made up. The

Respondent produced payslips, which had a breakdown of the amounts for each of the deductions made. There was a copy of the payslip in the hearing bundle.

- c. Additionally, the Claimant had, in correspondence with the Respondent prior to the hearing, accepted that certain amounts had in fact been properly deducted, and then to maintain otherwise was unreasonable and misleading. She had confirmed that the Respondent was entitled to make this deduction in an email of 10th October 2025, in which she says, "Induction training £297.00 - I agree with this, I was well aware of this, no problem her
5. On the 10th June 2026, the parties were written to with a provisional view, inviting further representations. The parties were also informed that I was considering determining the application without a hearing under Rule 70(4).
6. I have considered this application without a hearing. Having regard to the overriding objective, the sums in issue, the fact that a final hearing is imminent in July, a separate hearing is not necessary within the interests of justice.
7. I do not consider that there is anything in the first ground of reconsideration advanced. It was clear that the Respondent needed to attend ready to discuss the case and for the issues regarding the defence advanced to be clarified. This did not occur and led to unnecessary further and better particulars being ordered in circumstances whereby such an order should not have been necessary.
8. As to the next two grounds, I do not consider that they affect the threshold for the making of the PTO. That threshold was met by the Respondent failing to prepare for the hearing. Paragraphs 17-29 of the original reasons remain unaffected.
9. However, I do accept that grounds 2 and 3 have the potential to impact on my discretion whether to make a PTO or not. They are relevant factors which impact upon the seriousness of the breach, the extent to which I could have used the hearing time that we did have to narrow the issues, notwithstanding the approach of the Respondent. I consider that it is in the interests of justice to allow the Respondent to make these points via an in time application for reconsideration. I therefore revoke the original PTO.
10. I now carry out the exercise of my discretion afresh. In short, I am undertaking the exercise at para 30 of my original reasoning again. The threshold for a PTO has been met, but I retain a discretion as to whether or not to make a PTO.
11. In exercising my discretion afresh, I note the existence of counter factors which were not there previously. Namely, the relevance of the payslip and the extent to which admissions were already made. The existence of these factors lead me to take the view that there were potential problems with both sides of the case and that whilst the threshold was met, the most just outcome would be to make no order.
12. In the circumstances, the correct outcome is to criticise the Respondent for its approach to that hearing but to exercise my discretion in favour of not making a PTO.

13. Nothing in this Reconsideration Judgment seeks to intrude upon the role of the fact finding Judge at the final hearing. I have not made a finding that the Claimant has misled the Tribunal. I have not made a finding that there have been admissions. Rather, had these matters been before me in this way at the Preliminary Hearing, I would have taken a different approach to a PTO and left any findings of fact as to the rights and wrongs of the overall case to the final hearing.

Employment Judge Anderson

23rd June 2026

JUDGMENT SENT TO THE PARTIES ON
7 August 2026

FOR THE TRIBUNAL OFFICE

Notes

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employmenttribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.