



EMPLOYMENT TRIBUNALS

Claimant: Ms J Jandu
Respondent: Kindeva Drug Delivery Limited

Heard at: Leicester Hearing Centre, 5a New Walk, Leicester, LE1 6TE

By video link

On: 26 June 2026

Before: Employment Judge Adkinson sitting alone

Appearances

For the claimant: In person

For the respondent: Mr R Allen, Counsel

JUDGMENT ON RECONSIDERATION

For the reasons set out below,

1. The claimant's application of 24 February 2026 for reconsideration of my judgment dated 5 December 2025 is refused.

CASE MANAGEMENT ORDERS

For the reasons set out below,

1. The claimant's application for specific disclosure against the respondent dated 29 August 2025 is dismissed,
2. By consent
 - 2.1. the case is listed for a judicial mediation. Details of how to prepare are set out in a separate order.
 - 2.2. the existing case management orders are varied as follows:
 - 2.2.1. the file of documents (bundle) shall be agreed and provided to the claimant by **27 August 2026**, and
 - 2.2.2. the parties shall exchange statements by **29 October 2026**.

REASONS

Introduction

1. This hearing was a public hearing to deal with
 - 1.1. The claimant's ("Ms Jandu's") application of 24 February 2026 to reconsider my judgment dated 5 December 2025 made after a hearing on the same date (and sent to the parties on 10 February 2026),
 - 1.2. Ms Jandu's application dated 29 August 2025 for specific disclosure,
 - 1.3. Whether to list the case for judicial mediation, and
 - 1.4. Further case management orders that may be required.
2. Ms Jandu represented herself. Mr Allen, Counsel, represented the respondent ("Kindeva"). Blake Morgan Solicitors instructed him. There was an agreed bundle of 397 pages. As I indicated would be the situation to the parties, I have considered all those pages to which they referred me.
3. The hearing proceeded by dealing with each issue in stages: each party made submissions and then I announced my decision. These are the full written reasons that I indicated I would give to set out why I made the decisions I did.
4. At each stage each party made oral submissions. Each party had also sent to the Tribunal written submissions that deal with the main points for each issue. I have taken all into account at every stage.
5. We took regular breaks. No party requested any other adjustments. I saw no need for any other adjustments.
6. I am satisfied the hearing was fair. No party suggested at the time that it was not.
7. I will deal with each issue in turn, as happened at the hearing.

Reconsideration

Background

8. The relevant judgment and reasons are mine of 5 December 2025, after a hearing on that date. The judgment related to whether Ms Jandu was disabled at the material time i.e. between 11 January 2024 to 16 September 2024 (see paragraph 12 of the reasons). That finding was not challenged in the reconsideration application.
9. I refer to them in full. They should be read alongside this. Of relevance are the following points:
 - 9.1. My findings about how Ms Jandu presented and her mental health from 11 July 2024 to 2 August 2024 (see paragraphs 17.7-17.10 of the reasons) – particularly that Ms Jandu had reported suicidal thoughts, her thoughts centring on work, and that on 2

August 2024 she reported to her doctor (GP) that others saw she was happy again.

- 9.2. My findings that her adverse mental health was an adverse reaction to how she perceived her work situation and that if the situation resolved, her mental health would improve (paragraphs 20-22), and
- 9.3. There was no evidence at the time that the mental impairment was going to last longer than 12 months (paragraphs 23-24).
- 10. After the hearing, Kindeva disclosed it had not included the full text of certain emails in the bundle. It accepts this error should not have happened. It is right to accept this.
- 11. Ms Jandu's application relies on 3 bases:
 - 11.1. The contents of the now-complete emails (in other words the missing parts would paint a different picture and lead to a different conclusion),
 - 11.2. Medical evidence from her GP's notes mainly sick notes that was not before the Tribunal on 5 December 2025, and
 - 11.3. A letter from her GP dated 14 April 2026 to show she has a long-term mental impairment.

Law

- 12. I can allow a reconsideration and vary or revoke my judgment if it is necessary in the interests of justice to do so (**Employment Tribunal Procedure Rules 2024 rule 68**).
- 13. The words "necessary in the interests of justice" mean the Tribunal has a broad discretion to determine whether reconsideration of a judgment is appropriate in the circumstances.
- 14. However, this discretion must be exercised judicially, which means having regard not only to the interests of the party seeking the review or reconsideration, but also to the interests of the other party to the litigation and to the public interest requirement that there should, so far as possible, be finality of litigation: **Outasight VB Ltd v Brown 2015 ICR D11 EAT**. See also **Flint v Eastern Electricity Board [1975] IRLR 277 QBD**; **Newcastle Upon Tyne City Council v Marsden [2010] ICR 743 EAT**; **Ministry of Justice v Burton [2016] ICR 1128 CA**.
- 15. Though in reference to the old procedures, the EAT said in **Stevenson v Golden Wonder Ltd [1977] IRLR 474 EAT** that the reconsideration process is
"not intended to provide parties with the opportunity of a rehearing at which the same evidence can be rehearsed with different emphasis, or further evidence adduced which was available before".
I see no reason why that principle does not apply to the current provisions either. It does not promote the overriding objective or finality to permit "second bites of the cherry" i.e. the chance to rerun the hearing having now realised what might be needed to win.

16. In relation to new evidence, the Tribunal must apply the test in **Ladd v Marshall [1954] 3 All ER 754 CA** (see **Outasight VB Ltd v Brown [2015] ICR D11 EAT**), namely:
- 16.1. Could the evidence with reasonable diligence have been obtained for use at the original hearing?
 - 16.2. Would it probably have had an important influence on the result?
 - 16.3. Is it apparently credible?

Application to the facts

The truncated emails

17. I first consider the emails. There are five emails which were incomplete in the bundle on 5 December 2025. They included
- 17.1. A series of emails dated around 18 September in which Ms Jandu appeals her dismissal.
 - 17.2. A series of emails on 23 October 2024 with managers confirming Ms Jandu's appeal against dismissal failed so that her position can be advertised.
 - 17.3. A series of emails from November 2024 about Ms Jandu's grievance.

Ms Jandu did not take me to them in submissions. I have read them but cannot see their relevance to the issue of disability. I put them to one side.

18. There are 2 other sets. These contained the following emails on which Ms Jandu did rely on. Ms Jandu cited in her written submissions the text of the emails that was omitted and which she says are relevant:

- 18.1. Firstly the July email:
- “From: Leona Dalton
- “Sent: Wednesday, July 10, 2024 4:09 PM
- “To: Angela Brooks; James McNeill
- “Subject: Re: JJ Investigation Case
- “Hello,
- “I'm reaching out as I'm unsure what to do about Jas' return to work. Today hasn't been good for her at all. I've had 2 reports of Jas having breakdowns and stating that she has thoughts of ending her life today.
- “I asked her if she wanted to talk and asked her if she was ok to be at work and all I'm getting is 'I'm ok, just emotional' and then further queries about the absence disciplinary and the non-GMP investigation.
- “Not sure what or if there's anything we can do about this?? She clearly doesn't want to tell me how she's really doing.
- “Hopefully catch up with you both tomorrow.

"Kind regards,

"Leo"

18.2. Secondly the August email

"From: Leona Dalton

"Sent: Monday, August 12, 2024 10:57 AM

"To: Angela Brooks; Andrew Williams

"Subject: Investigation Update

"Hello,

"I'm just reaching out to see if there has been anything scheduled in for J's investigation?

"She mentioned to James on Friday that she hasn't heard anything. The investigation is something that is triggering her anxiety issues so I'm hoping there will be a date for her soon.

"Do you need any further information?

"Kind regards,

"Leo"

19. I do not accept that these emails show that the Tribunal might have come to a different conclusion.
20. As I have noted above, I considered Ms Jandu's mental health state at the hearing in December 2025 (i.e. in paragraph 17 of the reasons). It was not enough to show that it was more than an adverse reaction to life circumstances or that the condition was likely to last more than 12 months.
21. These emails only confirm the findings of fact that I made about her mental health in July and August 2024 in paragraphs 17.7 to 17.10 of the judgment of 5 December 2025. They do not show anything that could lead me to conclude that the mental health was not a reaction to adverse life events or that it could well last longer than 12 months.
22. They therefore demonstrate no reasonable prospect of the Tribunal varying or revoking its judgment based on these emails.

Medical notes

23. I secondly consider the medical notes. In short Ms Jandu says that when she presented her medical notes for the hearing in December 2025, she chose to remove some e.g. sick notes because they had on them her national insurance number. She did not think to redact or black out the number. In short, she sent in an edited set of notes.
24. I noted this at the time (paragraph 18 of my judgment) I did not draw any adverse inference from her failure but noted there was evidential gap in the medical evidence.
25. I also note that Employment Judge Clark (as was) ordered in his case management order of 6 June 2024:

“[Ms Jandu] must by 1 August 2025 serve on [Kindeva] copies of any medical notes, reports, occupational health assessments and other evidence in their possession and/or control relevant to the issue of whether [Ms Jandu] was at all relevant times a disabled person under the EQA (“disability issue”). For the purposes of this paragraph: documentation already in existence that can be obtained by [Ms Jandu] by requesting it from their GP or other treating healthcare provider”

26. It is party’s responsibility to prepare for a hearing. They cannot expect the Tribunal or other parties to guide them further as to what to or not to include. It is not for the respondent or Tribunal to review documents and then decide if the claimant ought to be disclosing more documents or seeking certain documents. The order made it very clear the onus is on Ms Jandu to provide copies of relevant medical notes.
27. In the preface to her medical notes, Ms Jandu wrote:
“For the purposes of the tribunal, I have extracted and compiled relevant excerpts from the report. A full copy of the report is available upon request.”
“Report” refers to the medical notes – her GP’s system calls the output the “iGPR report”
28. A reasonable person reading that preface would take it that what followed were the relevant documents.
29. It seems to me Ms Jandu has noted the evidential gap to which I referred and is now seeking to rely on additional evidence to fill that gap. It is a prime example in my view of seeking to rerun the case or present further evidence and arguments that could have been presented the first time. There was nothing that stopped her from presenting the sick notes or other medical notes that she now seeks to rely on. There was nothing to stop her from giving evidence about the gaps. She chose not to do so. It is not necessary in the interests of justice to give her another chance.
30. In any case, it is plain from her own introduction to the notes she had them available to her, because she states that she had the full notes. Applying **Ladd v Marshall**, she had already obtained the sick notes and medical notes, and those she now seeks to rely on could have been used at the first hearing. This part of the application fails at the first step in the legal test.

Medical report

31. The third thing is her medical report. It is dated April 2026, i.e. after the material time and after the hearing in December. Ms Jandu has not persuaded me that, with reasonable diligence, she could not have obtained it for the hearing on 5 December 2025. She could have asked her doctor well before then for a report. Applying **Ladd v Marshall**, I cannot consider it and this ground fails too.
32. In any case the thrust of the report is to provide evidence about events after the material time. For example
 - 32.1. It tells me she was diagnosed with mixed anxiety and depressive disorder on 16 December 2025. This is after the material time to this claim and after the hearing.

- 32.2. It reports that the mixed condition is ongoing and continues to have depressive episodes.
- 32.3. It talks about her current medical situation, not how it was in the material time,
33. As I noted in paragraph 15 of my judgment, the question for the Tribunal is whether at the material time any mental impairment could well last 12 months or more, and that after-the-event evidence of subsequent impairments is not admissible. It follows that the letter cannot have influenced the result because it would be inadmissible. Therefore it does not pass the second stage of the test in **Ladd v Marshall** either.

Conclusion

34. I am not persuaded for the above reasons that it is necessary in the interests of justice to set aside or vary the judgment of 5 December 2025 that Ms Jandu was not disabled. The application is dismissed.

Specific disclosure

Introduction

35. Ms Jandu made an application for specific disclosure. Originally it was for a wide class of documents. At today's hearing she narrowed it to the following which were in her application. I include the pre-amble for context:

"Request for Grievance Documentation

"On 07 October 2024 I submitted a grievance against the Kindeva due to ongoing anxiety, depression and deterioration in my mental health caused by the disciplinary process. The grievance was raised after 14 September 2024....

"1. Grievance Hearing - 18 November 2024.

"To support my claim of unfair dismissal and disability discrimination, I formally request copies of all correspondence and records related to the grievance process.

" ...

"Internal communications between Claire Dodds, Craig Wood, and Toni Newcombe regarding the grievance raised on 28 October 2024.

"Internal communications between Claire Dodds, Craig Wood, Toni Newcombe, and Angela Brooks concerning disciplinary and grievance matters.

"Internal communications between Claire Dodds, Craig Wood, Toni Newcombe, Rob Birtles, and Leona Dalton regarding disciplinary and grievance matters.

"Internal communications between Claire Dodds and Andy Williams regarding the investigation process.

"Internal communications between Claire Dodds and Domonic Storr regarding the disciplinary appeal."

[my emphasis to highlight which documents Ms Jandu sought disclosure of]

Law

36. The **Rules** give me the power to order specific disclosure. In my view there is only one case I need to refer to understand the law and to explain my decision: **Santander UK plc v Bharaj [2021] ICR 580 EAT**. In my opinion the following principles can be derived from the case:
- 36.1. The rules and principles for specific disclosure are the same as in the county court and in particular in **CPR 31.6** and **CPR 31.12**;
 - 36.2. An order for specific disclosure is an order that a party must do either (a) disclose documents or classes of documents specified in the order; (b) carry out a search to the extent stated in the order; and/or (c) disclose any documents located as a result of that search.
 - 36.3. For standard disclosure the test is not relevance but if a document falls in the categories identified in **CPR 31.6**. Only then is it disclosable. That means that a document is disclosable if it is a document on which the party relies; or it is a document which (i) adversely affect their own case; (ii) adversely affect another party's case; or (iii) support another party's case;
 - 36.4. Standard disclosure requires a reasonable search to be undertaken by the discloser. What is reasonable depends on (a) the number of documents involved; (b) the nature and complexity of the proceedings; (c) the ease and expense of retrieval of any particular document; and (d) the significance of any document which is likely to be located during the search.
 - 36.5. Seeking disclosure in order to see if something of relevance turns up (fishing) is not allowed;
 - 36.6. When deciding whether to order specific disclosure there is a 3-stage assessment:
 - 36.6.1. Has the applicant shown the document is likely to support or adversely affect one or other party;
 - 36.6.2. If so, is disclosure necessary for the fair disposal of the proceedings;
 - 36.6.3. If so, should the Tribunal exercise its discretion to order disclosure.
 - 36.7. Applications should be supported by evidence. This need not be a statement but must be material that supports their application.
37. **Bharaj** makes it clear the power must also be exercised in line with the overriding objective.

Application to the facts

38. Nothing in the written application nor Ms Jandu's written submissions shows why these documents are likely to support or to affect adversely a party's case, yet alone why it is necessary for fair disposal that they be disclosed. There is no evidence beyond the application in support.

39. After hearing Ms Jandu's submissions, I am not really any the wiser about why these are disclosable. It appeared to amount to no more than these people communicated with each other about her grievance and disciplinary process so there must be something of relevance. Indeed in submissions in reply to my questions to her (intended to provide her with an opportunity to provide submissions on the matters I am required to consider) she initially said there "may" be something.
40. In my view this is no more than seeking disclosure to see if something turns up – a so-called "fishing expedition". This is not a reason for disclosure. She has failed to adduce evidence or make submissions that shows these internal communications would be likely to support or adversely affect a party's case. I do not accept what is in essence her argument that they must be disclosable because they are about her grievance or disciplinary process. Clearly someone seeking advice on their decision might be, but an email asking if a room has been booked is most probably is not. Ms Jandu did not link the communications to what she says is unfair about her dismissal or how they might relate to that.
41. In any event, nothing in Ms Jandu's submissions persuades me that their disclosure is necessary for the fair disposal of the claim. I repeat there is no link established between them and the grounds she says that her dismissal is unfair. In the absence of any link, it is not necessary to disclose them.

Conclusion

42. There is no basis to order specific disclosure. The application is dismissed.

Judicial mediation and case management

43. The parties agree to mediation and to the various case management orders above. I order them accordingly.

Approved by the Judge

Employment Judge Adkinson

Date: 26 June 2026

JUDGMENT SENT TO THE PARTIES ON

13/08/2026

J. Woolley

FOR THE TRIBUNAL OFFICE

Notes

These are the full written reasons. Further reasons will not be provided.

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