



EMPLOYMENT TRIBUNALS

Claimant

Miss F Fosu

Respondent

v

Key Global Recruitment Limited

Heard at: Norwich

On: 22 June 2026

Before: Employment Judge M Warren

Appearances

For the Claimant: In person

For the Respondent: Mr Williams, Litigation Consultant

JUDGMENT on RECONSIDERATION having been sent to the parties on 25 September 2025 and written reasons having been requested in accordance with Rule 60 of the Employment Tribunal Rules of Procedure 2024, the following reasons are provided:

REASONS

Background

1. Ms Fosu was employed by the Respondent as a Senior Talent Acquisition Manager between 4 September 2023 and 12 November 2024. After Early Conciliation between 13 November and 17 December 2024, she issued these proceedings claiming unpaid wages on 17 December 2024.
2. The proceedings were served on the Respondent on 13 February 2025 and the Notice of Claim confirmed that the Respondent's Response was due on 13 March 2025. No such Response was received.
3. After enquiries were made of the Claimant with regard to clarification of her claim, Judgment was entered in her favour on 22 July 2025 in the sum of £6,000. The Judgment was sent to the parties on 25 September 2025.

The Law

4. A tribunal may reconsider a judgment when it is in the interests of justice to do so, (Rule 68 of the Employment Tribunal's 2024 Rules of Procedure). The interests of justice allows for broad discretion, but such discretion must be exercised judicially, having regard to not only the interests of the party seeking the reconsideration, but also the interests of the other party

and the public interest that there should be finality in litigation, (Outasight VB Ltd v Brown UKEAT/0253/14).

Application for Reconsideration

5. Application for Reconsideration was received from the Respondent via their then instructed legal advisors Croners on 9 October 2025. I invited a response from the Claimant to that on 31 December 2025 and received her objections undated but filed on 31 December 2025. I therefore directed the reconsideration application should be listed, and today's hearing is some six months after that.
6. It is worth commenting that the time scales here are a reflection of the enormous strain placed upon the Tribunal service in recent times.
7. The sole director of the Respondent company is a Miss Lauren Halket. The application for reconsideration referred to, at the time the claim was served, Miss Halket recently having learned of her father's diagnosis of cancer. She also made reference to coming to terms with the impact of a recent diagnosis of Autism.
8. I note the ET1 Claim Form was served on 13 February 2025 and I have a letter confirming the diagnosis of Autism in June 2025, some months after the claim was served.
9. To that extent, the application is misleading and not correct. That error to be fair, was subsequently corrected in a witness statement from Miss Halket to which I will turn shortly.
10. The application also referred me to a case about extensions of time for appeals in the Employment Appeal Tribunal, not the Employment Tribunal. It was of no assistance to me.
11. The application also referred to Miss Fosu retaining a company laptop worth about £2,000. That is irrelevant to the case. There is no breach of contract claim brought by Miss Fosu, the claim is founded in wages under Section 13 of the Employment Rights Act 1996. The Respondent therefore does not have a right to issue a breach of contract counter claim.
12. That is not to say that it could not pursue Miss Fosu in that regard elsewhere, but not here in the Employment Tribunal.

Papers before me today

13. For today's hearing, I have been provided with a Bundle by Croners. I am grateful to them for putting that together. I noticed on the file that I had given instructions to the clerks that the Respondent should be told to prepare a Bundle. Those instructions were not actioned, so well done to Croners for thinking there ought be a bundle anyway.

14. In the Bundle is a witness statement from Miss Halket. Unfortunately, she did not attend today and there is no explanation for her non-attendance, she simply emailed Croners to say that she would not be attending. Mr Williams' attempts to speak with her were, I am told, unsuccessful.
15. The witness statement confirms that the Claim Form was received. Miss Halket says she thought it was in December 2024, but it cannot have been because it was served in February 2025. Nonetheless, there is no dispute the claim was received.
16. Miss Halket makes reference to her father's diagnosis of cancer, but I have no evidence about that before me and no indication of when that information came to her knowledge. She confirms, as I have mentioned, that actually, her diagnosis for Autism was in January 2025. Her witness statement refers to a report, (which is included within the Bundle today) about her Autism. I read that through. It does not contain anything that assists by way of providing an explanation for Miss Halket's failure to respond to the ET1 Claim Form in February 2025.
17. The proposed Grounds of Resistance refer to Miss Fosu being made redundant by Miss Halket on 19 November 2024. The transcript of a conversation between Miss Halket and Miss Fosu on 12 November 2024 actually shows that she was told she was to cease working on 12 November 2024.
18. The Grounds of Resistance assert that Miss Fosu was placed on short term / lay off without pay from September 2024 in accordance with her contract. The contract of employment had been omitted from the Bundle; Mr Williams arranged for a copy to be sent to me. It does contain a provision for lay off which is at Clause 28, (not in Clause 21 as referred to in Miss Fosu's submissions). The Clause as to lay off says that,

"If there is a shortage of work for whatever reason, the company will endeavour to maintain continuity of employment wherever possible by placing people on short time or laying them off without pay in such circumstances as much notice as can be reasonable will be given, will be, in the company's opinion if it becomes necessary to do so."
19. The problem with that, which is the central plank to the proposed response, is there is no mention of the Claimant having already been layed off since September in the telephone conversation transcript. If it had been true, I am sure it would have been there.
20. In fact, Miss Fosu was not layed off, she continued working for the Respondent. There is no written notification of any purported lay off and in the transcript of the conversation, Miss Halket acknowledges the debt, that Miss Fosu is owed for October and November 2024. The Respondent had the transcript of that recorded telephone conversation. It is in the Bundle they prepared. Mr Williams is without any instructions to suggest the transcript is inaccurate, the best that he could do today was to speculate that perhaps it was AI generated, because the Claimant acknowledged

she used AI to assist her in preparing her Skeleton Argument, (which explains the somewhat bizarre reference to Clause 21 in respect of the lay off provision in the contract).

21. Mr Williams also confirmed for me today that the Respondent company was in receipt of HR support from outside contractors at the relevant time.

Conclusions

22. My conclusions are that the Respondent has not been frank in the application or her witness statement.
23. I have been provided with no good reason for the company not filing its ET3 Response in time. I also find there is no reasonable prospects of the Respondent successfully defending this claim.
24. Miss Fosu did work for the Respondent and was not paid for it. The argument about lay off has no reasonable prospects of succeeding and frankly, I do not think it is honest. The Respondent admitted the debt to Miss Fosu and she should be paid what she is owed.
25. One has to weigh in the balance the relative prejudice to the parties and obviously, the significant prejudice to Miss Fosu in setting aside a Judgment when the indication is she is perfectly entitled to the money that she seeks. Further prejudice to her is the regrettable appalling length of time between issuing these proceedings and getting to this point, if I were to set aside the Judgment it would probably be another year before the claim was heard on its merits.
26. Therefore, there is significantly greater prejudice to Miss Fosu than to the Respondent, which does not appear to have a valid Response to Miss Fosu's claim for what she is owed. The only query in my mind is how much exactly she is owed.
27. There is public interest in there being a means of providing speedy and cost effective justice where a respondent or defendant ignores service of proceedings and time limits for response. The interests of justice may be that a certain amount of latitude ought to be allowed, but there comes a point when that threshold is crossed and there should be finality. That threshold has been crossed here.
28. We paused to discuss whether the Judgment figure should be changed.
29. I discussed with the parties whether the Judgment figure of £6,000 is correct. I agreed with Mr Williams' calculations in his closing submissions. Based upon annual gross pay of £45,000, the monthly entitlement for October is £3,750 and that the equivalent daily rate of £173 per day. The Claimant having claimed eight days pay for November 2024, her figure for November should be £1,384 gross. Making a total of £5,134.

30. The difficulty is that when asked to provide a break down of her claims, the Claimant provided payslips that she had been issued with by the Respondent, which showed gross pay due for October at £3,750 and for November at £2,250. There is a deduction in the November payslip, "final HD pay" but neither Miss Fosu nor Mr Williams were able to assist me with what that was. The fact of the matter is that at the time, the Claimant claimed the gross figure on these two pay slips which is why she obtained a Judgment for £6,000 and there is no good reason to change that figure.
31. The Respondent's Application for Reconsideration is therefore refused.

Approved by:

Employment Judge M Warren

Date: 22 July 2026

Sent to the parties on: 11 August 2026

For the Tribunal Office.

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