Neutral Citation Number: [2026] EAT 164

Case No: EA-2025-000018-BA

EMPLOYMENT APPEAL TRIBUNAL

Rolls Building
Fetter Lane, London, EC4A 1NL

Date: 29 October 2026

Before:

HIS HONOUR JUDGE AUERBACH

- -

Between:

LMN

Appellant

- and –

SIMON BRADSHAW AND OTHERS

Respondents

- -
- -

The **Appellant** in person
Christopher Milsom (instructed by ARAG Law Limited) for the **Respondents**

Hearing date: 30 September 2026

- -

JUDGMENT

SUMMARY

PRACTICE AND PROCEDURE

In her ongoing employment tribunal claim, which is defended, the claimant complains of (among other things) discrimination by association with her disabled child.

At a preliminary hearing the tribunal declined to anonymise the claimant in her own right. However, it decided that her child should be anonymised. The tribunal also decided that certain other information relating to the claimant and the child should be "anonymised" because of the risk of jigsaw identification of the child.

On appeal the claimant contended, in particular, that the tribunal erred by not determining whether (in addition to the other measures taken) her personal and/or professional names should be anonymised because of the risk of jigsaw identification of the child.

Those questions were not expressly addressed in the tribunal's decision and should have been. The matter was remitted to the tribunal for it to further consider those questions.

HIS HONOUR JUDGE AUERBACH:

Introduction

1. This appeal is brought by the claimant in the employment tribunal, against a decision concerning anonymity. I need first to say a little about the underlying complaints and issues, while noting that the tribunal has yet to make any findings of fact, and that this appeal is not concerned with the merits of the complaints.

2. At the relevant time the claimant was practising as a barrister from a particular set of chambers. She was also sitting part-time as a Deputy District Judge (DDJ). Her claim relates to the decision of another set of chambers, in February 2023, declining her application for an additional tenancy with it.

3. At the time the claimant was using one surname in her personal life, and a different surname in her professional life, when both practising and sitting. She presented her claim in her personal name. She identified that her complaints are of sex discrimination and disability discrimination by association. An attachment gave a short narrative background. This referred to the claimant telling the respondents, when she applied to them, that she worked "remotely and flexibly" to accommodate her caring responsibilities for her disabled child. She gave an account of an interview and set out the text of the letter which followed, indicating that the respondents were unable to offer her a position.

4. The fact that the claimant's child is disabled in fact and law is, I am told, not now in dispute. The complaints were, and are, otherwise defended. There has yet to be a full merits hearing.

5. In February 2024 the claimant wrote to the tribunal applying for both herself and her child to be anonymised in the proceedings. She asked for anonymisation in respect of herself to extend to both her professional and personal names and to various particular aspects of her professional practice and her role as a DDJ. She asked for anonymisation of her child to extend to information about the nature of the child's disability. The respondents' solicitors sent a reply indicating that they opposed

the application in respect of the claimant herself, but did not oppose it in respect of her child. There followed a letter from the tribunal, and a reply from the claimant, to which I will come.

6. The application was considered at a preliminary hearing before EJ Power at Midlands West in November 2024. Following the hearing the tribunal sent an order with reasons. The order refused anonymity for the claimant but granted anonymity in respect of her child (referred to as "A"). As I will describe, the reasons also identified further information that the tribunal said should be "anonymised", in order to protect the child's identity.

7. The claimant instituted an appeal, acting again as a litigant in person. Upon initial consideration of it HH Judge Shanks stayed the appeal to allow the claimant an opportunity to apply to the tribunal to substitute her professional name for her personal name as claimant in the proceedings. He noted the information that the tribunal had said should be anonymised. He opined that if, in addition, the claimant's name in the proceedings was given as her professional name, then her concerns "about her child being identified and about her own security should be eliminated while the principle of open justice will be sufficiently respected." He had therefore stayed the appeal to enable a suitable application to be made "which may avoid the need for any appeal."

8. HHJ Shanks's order, with reasons, was sent to the parties in April 2025. The claimant responded that same day, that such an application "would not address the fundamental risks identified in the appeal grounds" and would render the child's anonymity order ineffective. She asked the EAT to lift the stay. Thereafter the appeal was directed by a judge to proceed to a full appeal hearing.

9. In July 2026 the claimant applied to be anonymised in the EAT. In view of the appeal being against a decision refusing anonymity, I made an order requiring her to be referred to by a cipher. I indicated that this did not imply any view as to the substantive merits of the appeal, and that the position would need to be reviewed in light of the outcome of the appeal, if not before.

The Claimant's Application to the Tribunal, Correspondence, the Tribunal's Reasons

10. In her application to the employment tribunal the claimant wrote (I have redacted references to her child's gender and age):

> **"I make an application for my names (professional and personal), my [child's] name, identifying details, to include membership of past and present barristers' chambers, region lived in / area I practice, the nature of my [child's] disability, and where I sit as a Deputy District Judge to be anonymised in any public disclosure of the case. The primary reason is the risk of identification of my [child] aged [x], through such details, breach of [my child's] privacy and mine and this can affect our personal security and privacy within our family life. There is a risk that [my child] can be identified and located through the case if such details were to be published. That risk also extends to myself and my own personal security."**

11. The application indicated that the claimant was *not* asking for hearings to be held in private, as there was a public interest in the discrimination issues raised as well as "principles of transparent justice". However, she submitted that the fact that the case was likely to attract press attention would heighten the risk of her child's privacy and security being compromised. She suggested that the EHRC, Bar Standards Board and Bar Council might also take an active interest in the case.

12. The respondents' solicitors wrote opposing the application. This included disputing that there would be a heightened risk to the claimant's personal security and privacy due to the potential for press attention. The claimant had not, they said, produced any evidence of that, nor that the EHRC, BSB or Bar Council would take an active interest. Further on they noted that details of her current and past chambers, and where she sat as a DDJ, were in the public domain. They went on to state, however, that they did not object to the child's name, or details of their disability, being anonymised.

13. On 21 March 2024 the tribunal wrote to the parties including the following passage (again I have redacted references to the child's gender):

> **"Employment Judge Faulkner has instructed me to ask the Claimant to provide clarification of the security issue she refers to in the rule 50 application, along with supporting evidence if relevant, and why she says it is necessary to anonymise the region in which she lives, the area in which she practices and the nature of her [child's] disability <u>if</u> her and her [child's] names and the other identifying details she refers to are anonymised."**

14. The claimant replied that day. After restating what she was seeking she continued, under the

heading: "Security Issue" (I have redacted references to her personal and professional names):

> **"To maintain my personal and family security as a Deputy District Judge, I restrict all public information (both in formal records and online) as to where I live, and my personal name of [x] (the fact that [professional name] and [personal name] are the same person). This is in accordance with instructions from Judicial Office."**

15. Under the heading "Clarification of Application", the claimant then submitted that anonymisation to the extent sought by her would be a "proportionate and sufficient" degree of anonymisation to protect the "security and privacy" of herself and her child.

16. In its decision, after some introductory remarks, and a self-direction as to the law, the tribunal then summarised the parties' submissions. I will set out in full the first part of its conclusions.

> **"19. I reminded myself that in accordance with Rule 50(2) I should give full weight to the principle of open justice and to the Convention right to freedom of expression. The Tribunal can only prohibit disclosure if cogent evidence demonstrates that this is strictly necessary in the interests of justice. Where conflicting Convention rights are potentially engaged, there should be a balancing of those rights against each other.**
>
> **20. The claimant asserts that her Article 8 rights (to respect for private and family life) are engaged. The burden lies on the claimant to provide clear and convincing grounds that anonymisation is warranted to protect her rights under Article 8. The claimant has not provided any witness or documentary evidence in support of her application today. The concerns she has raised in her written and oral submissions do not, I find, establish identifiable harm to her Article 8 private or family life rights sufficient to displace open justice: the claimant's assertion is that her status as a judicial officeholder in conjunction with public knowledge of this claim would lead to her identification and therefore security implications for her. No evidence is provided to support that assertion although she was given a specific opportunity to do so in response to the direction of Employment Judge Faulkner. The claimant says that she has taken advice from Judicial Office and Judicial HR. No documentary evidence as to that advice is presented. Whilst I accept that Judicial Office/HR may provide general advice on security measures to judicial officeholders, there is no evidence before me that the claimant has been given specific advice on security which would require her to keep her professional and personal name separate. The claimant accepts that her professional name, Chambers and judicial officeholder status are already matters in the public domain. I have considered whether the fact of her bringing this claim in which she has identified her personal name, and by which her professional identity and private life might be connected, would interfere with her Article 8 rights. In the absence of any substantive evidence as to security risks arising from any such connection, I am not satisfied that this specific point meets the high threshold under Rule 50 of requiring anonymisation as an exceptional measure in this case.**
>
> **21. There is no cogent evidence that disclosure of the claimant's identity should be prohibited in the interests of justice. The claimant has chosen to bring this claim. It is apparent that she would have known when she decided to bring this claim that the Employment Tribunal is a public forum and she acknowledged her familiarity with the fundamental principle of open justice in her submissions. There is no suggestion that the claimant would be deterred from pursuing her claim if anonymity is not granted.**
>
> **22. Furthermore, anonymisation would interfere with the Article 10 right to freedom of expression and the public interest in open proceedings. The claimant accepts that there is a public interest in these proceedings and in fact asserts that there may be interest from the Bar Council, the Equality and Human Rights Commission and Judicial Office because of the specific issues raised in her claim.**

> **23. Having carefully considered and applied Rule 50 I conclude that the claimant has not established sufficient grounds to depart from the principle of open justice and freedom of expression on the facts presented. The application for anonymity in respect of the claimant therefore fails."**

17. At [24], turning to the position of the child, "A", for reasons it set out, the tribunal concluded that A's right to a private family life outweighed the principle of open justice and Article 10 (freedom of expression), and so it granted the application in relation to A's identity. The tribunal continued:

> **"In view of the claimant's assertion that A may be identifiable in the event of reference to the school A attends or the region in which A resides, that anonymisation should extend to name, medical condition, home address (to the extent that that would need be specified, although that appears unlikely), and the region in which A lives and attends school. In the specific circumstances of this case, as A's home location is also the requested workplace of the claimant, evidence as to where the claimant herself lives and works should be anonymised to state "home region" rather than a specific regional location in these proceedings, in order to give effect to the anonymity order made in respect of A."**

The Law

18. What was rule 50 **Employment Tribunals Rules of Procedure 2013** provided:

> **"50.—(1) A Tribunal may at any stage of the proceedings, on its own initiative or on application, make an order with a view to preventing or restricting the public disclosure of any aspect of those proceedings so far as it considers necessary in the interests of justice or in order to protect the Convention rights of any person or in the circumstances identified in section 10A of the Employment Tribunals Act.**
>
> **(2) In considering whether to make an order under this rule, the Tribunal shall give full weight to the principle of open justice and to the Convention right to freedom of expression.**
>
> **(3) Such orders may include—**
>
> **(a) an order that a hearing that would otherwise be in public be conducted, in whole or in part, in private;**
>
> **(b) an order that the identities of specified parties, witnesses or other persons referred to in the proceedings should not be disclosed to the public, by the use of anonymisation or otherwise, whether in the course of any hearing or in its listing or in any documents entered on the Register or otherwise forming part of the public record;**
>
> **(c) an order for measures preventing witnesses at a public hearing being identifiable by members of the public;**
>
> **(d) a restricted reporting order within the terms of section 11 or 12 of the Employment Tribunals Act.**
>
> **(4) Any party, or other person with a legitimate interest, who has not had a reasonable opportunity to make representations before an order under this rule is made may apply to the Tribunal in writing for the order to be revoked or discharged, either on the basis of written representations or, if requested, at a hearing.**
>
> **(5) Where an order is made under paragraph (3)(d) above—**
>
> **(a) it shall specify the person whose identity is protected; and may specify particular matters of which publication is prohibited as likely to lead to that person's identification;**
>
> **(b) it shall specify the duration of the order;**
>
> **(c) the Tribunal shall ensure that a notice of the fact that such an order has been made in relation to those proceedings is displayed on the notice board of the Tribunal with any list of the proceedings**

> **taking place before the Tribunal, and on the door of the room in which the proceedings affected by the order are taking place; and**
>
> **(d) the Tribunal may order that it applies also to any other proceedings being heard as part of the same hearing.**
>
> **(6) "Convention rights" has the meaning given to it in section 1 of the Human Rights Act 1998**

19. The principles guiding the tribunal when deciding whether to make an order pursuant to that rule (and its successor) have been stated many times in the authorities. After a comprehensive review Cavanagh J in **XY v AB** [2026] ICR 47 (EAT) set out the following invaluable summary at [107]:

> **"The approach that should be taken by a Tribunal**
>
> **(1) The same approach should be applied to derogations from open justice, including anonymisation, in employment claims in the ET as in any other type of claim (F v G);**
>
> **(2) The principles of open justice still apply, even if a case has been settled and there has been no determination on the merits (Fallows);**
>
> **(3) The burden rests with the party seeking a derogation from open justice to establish that it is necessary (Roden);**
>
> **(4) The ET should first ask itself whether the derogation sought is justified by the common law exception to open justice, and should then go on to check its conclusion against the relevant Convention rights (Rule 50(2) and Millicom);**
>
> **(5) The ET must undertake a balancing exercise (Kennedy and A v BBC);**
>
> **(6) The question whether there should be a derogation from the principle of open justice in a particular case is fact-specific (Kennedy and A v BBC);**
>
> **(7) An ET is generally better placed than the EAT to carry out the assessment that is required when considering a derogation from open justice (Fallows)**
>
> **The common law stage of the analysis**
>
> **(8) The open justice principle is paramount and so any derogation from it must be avoided unless justice requires it (Global Torch);**
>
> **(9) A derogation from open justice will, in general, only be justified if it is concerned with the promotion of the interests of justice. This includes circumstances in which justice would otherwise be prevented from being done in the particular case, or where it is necessary to promote the requirements of the due administration of justice in the proceedings. A derogation may also be justified where the derogation is necessary to ensure that justice is done in other proceedings (Millicom). The Court of Appeal in Millicom did not say, however, these were the only possible justifications; Considerations that are relevant to the common law stage of the analysis include:**
>
> **(10) The burden of establishing that a derogation from the general principle of open justice is necessary lies with the person seeking it (Guardian News and Media);**
>
> **(11) The need for the derogation must be established by clear and cogent evidence (Guardian News and Media);**
>
> **(12) The ET should take into account the importance to the case of the information that is sought to be withheld and the harm that the disclosure would cause (Millicom);**
>
> **(13) The ET should also take account of the role of the applicant in the proceedings, i.e. whether they**

are claimant, defendant, or witness (Millicom);

(14) The ET should take account of the purposes of open justice that were identified by Baroness Hale in Dring, namely to enable public scrutiny of the courts and tribunals and to promote public confidence in, and understanding of, the courts;

Considerations that are relevant to the check against Convention rights

(15) There must be an intense focus on Convention rights (Re S);

(16) In most (though not necessarily all) cases, the relevant Convention rights will be those under Article 6 (fair hearings); Article 8 (right to family life, which includes privacy rights); and Article 10 (freedom of speech);

(17) The Convention Rights should be balanced against each other. The balancing exercise is necessary because, in many cases, considerations relating to Convention rights will point in different directions (especially where, as will usually be the case, Arts 8 and 10 are engaged). No Convention right takes precedence over the others (Re S);

(18) A proportionality test must be applied (Re S);

Considerations that are of particular relevance in anonymity cases such as this

(19) As a general principle, parties to litigation should expect that their names will be made public (Kaim Todner and PMC);

(20) A desire for anonymity is not a reason in itself to grant it: publicity is the price to be paid for open justice and the freedom of the press (Khuja);

(21) The fact that ventilation of allegations is painful or humiliating is not a reason in itself to grant anonymity (Scott v Scott and A v Burke and Hare);

(22) The burden of showing that a derogation from open justice is greater where the applicant is seeking indefinite anonymity as compared to when the applicant is seeking anonymity for a limited period, such as until judgment at the end of a trial (cf Fallows at 63, and M v Vincent [1998] ICR 74, at 76C-E, per Morison J);

(23) A respondent is in a different position from a claimant. A respondent may have an interest equal to the claimant in the outcome of the proceedings, but the respondent has not chosen to initiate court proceedings which are normally conducted in public. In general, though, all parties have to accept the embarrassment and potential damage to their reputation from being involved in litigation (Kaim Todner);

(24) Where an allegation is made but is not finally determined, the public can generally be trusted to understand that unproven allegations that were made and then withdrawn are no more than that, but that does not mean that the fact that the truth or falsity of the allegations were never determined after a full hearing is an irrelevant consideration. (Fallows and A v X); and

(25) Therefore, if an application for a derogation from open justice relates to an interlocutory application, this is a less significant intrusion into the general rule than interfering with the public nature of the trial (Kaim Todner). The public interest in open justice is at its strongest when it restricts or interferes with reporting or publishing the merits of the case. This will usually be after evidence has been led (A v Burke and Hare)."

Grounds of Appeal

20. There are six numbered grounds in the notice of appeal. They are somewhat discursive and overlapping. They can be summarised as follows.

21. Ground 1 contends that the tribunal erred by not anonymising the claimant, as the "inevitable linkage" between her identity and that of the child undermines the child's anonymity. Ground 2 contends that the tribunal failed properly to consider the claimant's submissions highlighting the risks to her and her child "including advice from Judicial Office and Judicial HR", by stating that there was "no witness or documentary evidence" and "no identifiable harm", as Rule 50 does not demand proof of an immediate risk. Grounds 3 and 4 appear to me to advance substantially the same points as grounds 2 and 1. Ground 5 asserts that the tribunal erred by relying on extraneous considerations, being: the claimant having chosen to bring the claim, her appreciation as a professional of the open justice principle, and the absence of evidence that not being anonymised would deter her from continuing. Ground 6, overlapping with other grounds, refers to the tribunal's "failure to account for her specific vulnerabilities as a judicial officeholder and the associated risks to her child's privacy."

Arguments

22. In her skeleton argument for this appeal the claimant indicated that her "primary case" is that the tribunal erred because it failed to determine whether publication of her identity in the context of this litigation would defeat the anonymisation of child A, because of the risk that it would enable so-called jigsaw identification of A. She indicated that this was the "principal ground" of her appeal.

23. The claimant stressed that she was not contending that judicial office conferred any special right, or greater claim, to privacy for her (or her child). Rather, her case was that, in an era of readily-searchable online records, her judicial office is a public-facing role through which jigsaw identification of child A, and the linkage of personal information that would be canvassed in this case, to them as an identifiable person, might be enabled. The difficulty with HHJ Shanks's proposal was that using only her professional name would not remove the risk of identification of A in that way.

24. The claimant began her oral submissions by stating that if her child were not involved, she would not be seeking anonymity for herself. Her criticism of the tribunal was that a central point –

whether publishing her identity would defeat the anonymity order in favour of her child – had not been determined by it. She referred to her submissions, as summarised by the tribunal at [17], at points (c) and (d) (I have redacted references to A's gender), which were as follows:

> **"c. If only certain parts of the claimant and A's information were anonymised, the two would be inextricably linked and it would become public knowledge that A is in the local area and the particular school [A] attends, which would compromise [A's] general privacy and security.**
>
> **d. Further, publication of Tribunal decisions would enable jigsaw identification of the claimant and A."**

25. The claimant cited various authorities which showed courts recognising, and acting on, the risks of jigsaw identification, specifically of children through the identities of their parents. She did not claim that anonymisation of a child would always require anonymisation of their parent. She accepted that every case turns on its own particular facts. Her criticism was simply that the present tribunal's analysis of the problem of jigsaw identification of A at the end of [24] was materially incomplete, because it failed to consider whether she needed to be anonymised so as to protect A's identity. It had not rejected this part of her case. It had made no finding upon it either way.

26. For the respondent Mr Milsom's over-arching submission was that the balancing exercise that the tribunal had carried out was akin to the exercise of a discretion. The EAT should not intervene unless it had erred in principle, or reached a decision that was plainly wrong or outside the ambit of conclusions reasonably open to it. See, for example, **Fallows v News Group Newspapers Ltd** [2016] ICR 801 (EAT) at [51]. In this case the exercise had been entirely properly conducted.

27. Mr Milsom also referred to authorities to the effect that all are equal before the law, and judges are in no different position from other claimants. The tribunal had properly considered that there was no evidence before it of any peculiar heightened risk to the claimant in that capacity. It had also properly taken into account that she had chosen to bring the claim, knowing that it would be heard in public; and it had properly identified that this was not a case where there was evidence that lack of anonymity would have such a profound effect on the claimant that she would be unable to carry on.

28. Mr Milsom further submitted that, having decided, separately, that A should be anonymised, the tribunal had then specifically considered the potential risk of jigsaw identification of A, in the concluding part of [24], and, with that in mind, directed that some further specific factual matters be anonymised. Its reasoning on this aspect in that passage was sufficient. Further, the claimant had simply repeatedly asserted that there was an inevitable or inextricable linkage between her identity and A's identity, which would undermine A's anonymity, without advancing any concrete basis for supposing that there was such a risk. This part of her case was, he contended, entirely speculative.

29. Further, even if there were, theoretically, such a risk, a balancing exercise would still need to be conducted in relation to it, weighing the practical degree of risk of jigsaw identification of A in this case, against the derogation from open justice and Articles 6 and 10 entailed by anonymising the claimant. See **A Local Authority v the mother** [2020] EWHC 1162 (Fam) at [18] (Hayden J), approved by Chamberlain J in **Attorney- General v BBC** [2022] EWHC 1189 at [24 – 26].

Discussion

30. The claimant's original application to the tribunal indicated that what she was *primarily* seeking was anonymity for her child. Nevertheless, she also sought anonymity for herself, and a part of her case before the tribunal was that her judicial office gave rise to a distinct and additional security risk *to herself*. That was why the tribunal rightly first addressed at [20 – 23] whether she should be anonymised in her own right, including the significance (or not) of her judicial office to that question.

31. Similarly, while the six grounds of appeal put forward the jigsaw identification issue as the *primary* ground of challenge, elements of them also advert to the claimant's case below in relation to anonymity for herself, including as to there being a particular security risk to her. While her skeleton argument advanced her case under "four consolidated headings" it also expressly stated that all six grounds were maintained, and the fourth of those headings was described as "erroneous evidential approach and procedural unfairness in relation to the Appellant's independent Article 8 and security

case." While, as I have noted, she opened her oral appeal submissions by stating that if her child were not involved she would not be seeking anonymity for herself, as these other strands of her grounds were not formally abandoned, I will start by addressing them, though I can do so shortly.

32. In my judgment, in its decision not to grant the claimant anonymity in her own right, the tribunal did not err in any of the ways that have been contended. The tribunal properly concluded that, whether in respect of the claimant's personal name or her professional name, there was no sufficient specific evidence to support the conclusion that the infringement, or risk thereof, of *her* personal Article 8 rights outweighed open justice, Article 6 and Article 10 considerations.

33. As the claimant entirely properly accepted, the tribunal rightly considered that the holding of judicial office did not, in and of itself, confer any special right to anonymity. But it also properly considered whether there was substantive evidence of any peculiar or heightened security concerns in her particular case. Her original application had referred to her "own personal security", and this had prompted a request by EJ Faulkner for clarification of what she had in mind and any supporting evidence. EJ Power did not err by considering that correspondence, and that she had been given a fair opportunity to put forward any particular evidence on that aspect. Nor did she err by taking into account that the claimant had brought the claim, and done so appreciating that it would be heard and decided in public. In referring to the absence of evidence that failure to anonymise the claimant would (for example, for mental health reasons) practically affect her ability to pursue her claim, the tribunal was merely eliminating from its enquiries a factor that, had it been present, might have supported her case. In all of these respects the tribunal's approach was in line with the authorities.

34. I turn then to the challenge by reference to jigsaw identification of A. To recap, the claimant contends that, having decided to anonymise A, and recognised that it then needed to consider the risk of jigsaw identification of A, the tribunal erred because it failed to finish the job. It failed to consider whether, in addition to the measures that it did direct, the claimant's professional and personal names

should *also* be anonymised in order to protect A. My conclusions on this challenge follow.

35. First, this is not a case where the tribunal failed to give any thought at all to the problem of jigsaw identification. It did direct that, as well as A's name and condition, other information about A be anonymised. Further, the tribunal did not fail to give any thought at all to whether, in this case, some information *about the claimant* also needed to be anonymised, to guard against the risk of jigsaw identification of A. It did direct that where she lives (and works) should also be anonymised.

36. Nevertheless, the tribunal did not, at the end of [24], expressly address the question of whether, *in addition* to those measures, the claimant's personal and/or professional names should also be anonymised, to guard against possible jigsaw identification of A. The claimant contended that the tribunal needed to address that question expressly in its decision, setting out its conclusions on it and the reasons for them. Mr Milsom, as I have noted, contended that the tribunal had sufficiently addressed the topic of jigsaw identification, in particular because the claimant had not advanced any concrete basis for contending that she needed to be anonymised, in order to protect A's identity.

37. I consider that, notwithstanding the other measures that it had directed to guard against the risk of jigsaw identification of A, the tribunal did also need expressly to address whether, for that same reason, the claimant's personal and/or professional names needed to be anonymised as well. There are two particular reasons for that in this case.

38. First, as noted, the claimant issued the tribunal claim in her personal name. There is a connection between her personal name and A's identity. It would not necessarily automatically follow from this that the tribunal would be bound to anonymise her personal name to address the risk of jigsaw identification of A. But it needed specifically to address whether, notwithstanding the other information about them both that it had directed not be identified, that further step ought to be taken.

39. Secondly, as the claimant's current professional surname is different from child A's surname,

it might be thought (as HHJ Shanks contemplated) that use of that professional surname alone would give rise to no, or no significant, risk to child A's anonymity. However, towards the end of oral argument on the appeal, in response to a question from me, the claimant explained something about her former use of a different professional surname in light of which she submitted that there was a risk that disclosure of her *current* professional name could, via the stepping stone of her *former* professional name, lead to jigsaw identification of A. The claimant told me that she did explain this background to the tribunal, which Mr Milsom (who did not appear below) said that he accepted.

40. Having regard to those aspects, I conclude that the tribunal did need to address expressly whether, taking account of the directions it had thus far made, there remained some degree of risk of jigsaw identification of A if (a) the claimant's personal name; and/or (b) her professional name were not anonymised; and, if so, whether to direct that her personal and/or professional names also be anonymised for that reason. The tribunal erred by failing to address those matters in its decision.

41. I do not consider that applying the law correctly to the facts could lead to only one right answer to these questions. In view of that, when the parties were sent this judgment in draft under embargo, they were asked whether they would be content for me to determine these issues, on the basis of the established facts, rather than remitting. The respondents agreed, but the claimant did not. I will therefore direct that these questions be remitted to EJ Power to address. I will direct that that be done on the basis of the existing facts found and existing information provided to the tribunal. The claimant invited me to direct that this be done at a hearing and that there be written submissions allowed for that purpose. As the claimant has sought a hearing, I am persuaded to direct that there be one, though the mode, length and timing of it will be a matter for EJ Power to direct. In principle, I consider that written submissions or skeletons should be allowed, but I will leave it to EJ Power to give specific directions as to such matters as timing and format.