



EMPLOYMENT TRIBUNALS

Claimant: Ms S Messi

Respondents: Change, Grow, Live and others

Heard at: London South (by video)

On: 1 October 2024

Before: Employment Judge Evans

Representation

Claimant: Mr Robertson (lay representative)

Respondent: Mr Davies of counsel

JUDGMENT

1. The first to seventh claims are to be heard together.
2. The respondents' application for the Tribunal to strike out the first to sixth claims under Employment Tribunal Rule 37(1)(a) on the grounds that they are scandalous or vexatious succeeds.
3. The respondents' application for the Tribunal to strike out the seventh claim under Employment Tribunal Rule 37(1)(a) or (b) fails.
4. The claimant's application for the Tribunal to strike out the respondents' responses under Employment Tribunal Rule 37(1) fails.

REASONS

Preamble

1. [Appendix One](#) contains a full list of the seven claims to which this judgment with reasons relates. It also sets out how the claims are referred to in this judgment ("first claim", "second claim", etc). Because there are 20 respondents between the seven claims, I have referred to them by name.

2. The facts of the claimant's employment with Change, Grow, Live ("CGL") are very straight forward and can be summarised simply. Her employment began on 18 March 2024. The last day she attended work (whether virtually or otherwise) was, her representative confirmed during the hearing on 1 October 2024, 15 April 2024, exactly four weeks later. She was dismissed without notice on 22 July 2024. Her employment therefore lasted for just over four months.
3. What is unusual about her employment is that in that period of just over four months she presented seven claims against CGL and 19 of its employees as set out in [Appendix One](#).
4. The preliminary hearing on 1 October 2024 was listed to deal with the following matters:
 - 4.1. Whether the first to sixth claims should be considered together;
 - 4.2. The application by the respondent for the Tribunal to strike out the first to sixth claims or to make deposit orders in respect of them ("the first application");
 - 4.3. The application by the claimant for the Tribunal to strike out the responses of the respondents in the first to sixth claims or to make deposit orders in respect of them ("the claimant's application");
 - 4.4. Case management generally.
5. By the date of the preliminary hearing, the respondent had made a further application to strike out the seventh claim ("the second application"). The Regional Employment Judge had ordered that the Judge at the hearing on 1 October 2024 would decide whether to consider the second application at that hearing with the first application and the claimant's application.
6. The parties had prepared a hearing bundle containing 2009 pages prior to the hearing ("the main bundle"). All references to pagination are to the pdf page numbers, not the printed page numbers, of the main bundle, unless otherwise stated.
7. On the day of the hearing the claimant's representative sent an email to the Tribunal at 10.59am which had seven attachments running to 78 pages ("the claimant's additional documents"). During the hearing, in the context of a discussion about whether the claimant would give evidence about her ability to pay a deposit order, the claimant's representative sent the Tribunal and the respondent's representative four JPEG files which were screenshots of the claimant's universal credit account and of payments of universal credit into her bank account on her mobile phone ("the universal credit screenshots"). Finally, during the hearing, the claimant's representative made reference to "Charities SOPR (FRS 102)" published in October 2019. I downloaded a copy of this from the .gov.uk website so that I could try and follow the claimant's representative's submissions in relation to it.

8. On the day before the hearing, the respondent's representative sent a one page excel spreadsheet setting out the seven claims and some details of them ("the claims spreadsheet"). During the hearing, he provided a copy of his skeleton argument from one of the two interim relief hearings that have taken place in relation to the claims.
9. I was satisfied that each of the representatives had all of the documents referred to above before them and neither objected to the other party relying on any of them. I have also had regard to the voluminous correspondence on the Tribunal's various files relating to the seven claims. This will of course have been seen by the parties previously.
10. I explained to the representatives at the beginning of the hearing that I proposed to deal with matters in the following order:
 - 10.1. Whether the seven claims should be considered together;
 - 10.2. Whether I should hear the second application with the first application;
 - 10.3. The first and (subject to the decision in relation to 10.2) the second application;
 - 10.4. The claimant's application (if the claims were not all struck out);
 - 10.5. The application the respondents had made for their costs in the event that the strike out applications were successful.
11. I explained that I would hear oral evidence from the claimant before hearing the first and second applications because before making a deposit order I had to make "reasonable enquiries" into her ability to pay any such order. It is convenient to note at this point that in fact the claimant declined to give any oral evidence about her ability to pay any deposit order, preferring instead to rely on the universal credit screenshots and the contents of Employment Judge Fowell's judgment ordering the claimant to pay CGL's legal costs (page 1012) following an interim relief hearing.
12. I further explained that I thought it likely (not least because the hearing began at 1pm and because I had been provided with over 2100 pages of documentation) that I would reserve my decision in relation to the first and second applications with the result that I would not, in the event that one or other of those applications were successful, decide the respondents' costs application at the same time. I asked for the parties' observations on how I proposed to proceed, and they had none.

Hearing the claims together and hearing the second application

13. I asked the parties for any submissions that they had in relation to whether I should order that the claims should be heard together and whether I should hear the second application as well as the first application.
14. Both representatives submitted that I should order that the claims be heard together and, also, that I should hear the second application as well as the first application. Taking account of their submissions, I decided that the claims should be heard together because they involve common or related issues of fact and law and so made the order set out above during the hearing. I also decided that I should hear the second application as well as the first because the claimant had received reasonable notice of it and had no objection to it being heard.

The issues in the first and second applications

15. These are my reserved reasons for the first and second applications and, also, the claimant's application. The first application was at page 955 of the Main Bundle and the second application was at page 973.
16. In both applications the respondents contended that the claims should be struck out:
- 16.1. Under rule 37(1)(a) of the Tribunal's Rules of Procedure on the grounds that they were scandalous or vexatious or had no reasonable prospect of success; or
- 16.2. Under rule 37(1)(b) on the basis that the manner in which the claims had been conducted by or on behalf of the claimant had been scandalous, unreasonable or vexatious.
17. Alternatively, the respondents contended that the claimant should be ordered to pay a deposit as a condition of continuing to advance each of the claims because they each had little reasonable prospect of success.

The Law

Strike out

18. Rule 37(1) of the Employment Tribunal's Rules of Procedure provides:

(1) At any stage of the proceedings, either on its own initiative or on the application of a party, a Tribunal may strike out all or part of a claim or response on any of the following grounds—

(a) that it is scandalous or vexatious or has no reasonable prospect of success;

(b) that the manner in which the proceedings have been conducted by or on behalf of the claimant or the respondent (as the case may be) has been scandalous, unreasonable or vexatious;

- (c) *for non-compliance with any of these Rules or with an order of the Tribunal;*
 - (d) *that it has not been actively pursued;*
 - (e) *that the Tribunal considers that it is no longer possible to have a fair hearing in respect of the claim or response (or the part to be struck out).*
- (2) *A claim or response may not be struck out unless the party in question has been given a reasonable opportunity to make representations, either in writing or, if requested by the party, at a hearing.*
- (3) *Where a response is struck out, the effect shall be as if no response had been presented, as set out in rule 21 above.*

The approach generally

19. When deciding whether to strike out a claim, a Tribunal must:

19.1. First consider whether any of the grounds set out in Rule 37(1)(a) to (e) have been established;

19.2. Secondly decide whether to exercise its discretion to strike-out.

20. A Tribunal should bear in mind the overriding objective of dealing with cases 'fairly and justly' when considering whether to strike out. This includes, among other things, ensuring so far as practicable that the parties are on an equal footing, dealing with cases in ways that are proportionate to their complexity and importance, and avoiding delay. The overriding objective means that the proportionality of the sanction must be at the forefront of the Tribunal's mind.

No reasonable prospects of success

21. In Balls v Downham Market High School & College [2011] IRLR 217, EAT, Lady Smith explained the nature of the test to be applied as follows (at para 6):

The tribunal must first consider whether, on a careful consideration of all the available material, it can properly conclude that the claim has no reasonable prospects of success. I stress the word "no" because it shows that the test is not whether the claimant's claim is likely to fail nor is it a matter of asking whether it is possible that his claim will fail. Nor is it a test which can be satisfied by considering what is put forward by the respondent either in the ET3 or in submissions and deciding whether their written or oral assertions regarding disputed matters are likely to be established as facts. It is, in short, a high test. There must be no reasonable prospects.

22. Lady Smith observed that in addition to considering the material specifically relied on by the parties, the tribunal should have regard to the employment tribunal file, as this may reveal correspondence or other documentation which contains

material relevant to the issue of whether the claim has no reasonable prospects of success. If there is such material, which is not referred to by the parties, the employment judge should draw attention to it and give the parties the opportunity to make submissions on it.

23. Further, a claim should not be struck out on this basis where the central facts are in dispute unless there are exceptional circumstances, such as where the contemporaneous documentation is inconsistent with the facts asserted by one party.

Scandalous or vexatious – rule 37(1)(a)

24. The principle underlying rule 37(1)(a) may reasonably be identified as that claims or responses that amount to an abuse of process of the Tribunal may be struck out.

25. In this context, “Scandalous” means irrelevant or abusive of the Tribunal (Bennett v Southwark London Borough Council [2002] ICR 881). Sedley LJ explained the term as follows at [27]:

The trinity of epithets "scandalous, frivolous or vexatious" has a very long history which has not been examined in this appeal, but I am confident that the relevant meaning is not the colloquial one. Without seeking to be prescriptive, the word "scandalous" in its present context seems to me to embrace two somewhat narrower meanings: one is the misuse of the privilege of legal process in order to vilify others; the other is giving gratuitous insult to the court in the course of such process. Each meaning has lexicographical and legal support, the first in the principal Oxford English Dictionary definitions of "scandal" and "scandalous", which have to do with harm and discredit; the second in "scandalising the court", a historical form of contempt; and both in Daniell's entry in Byrne Dictionary of English Law (1923) cited by Ward LJ in his judgment at paragraph 53. These considerations are not of course exhaustive, but they are enough to make it plain that "scandalous" in the rule is not a synonym for "shocking". It is a word, like its sibling "frivolous", with unfortunate colloquial overtones which distract from its legal purpose: see the remarks of Lord Bingham of Cornhill CJ in R v Mildenhall Magistrates Court, Ex p Forest Heath District Council (1997).

26. A “vexatious” claim is one that is pursued not with the expectation of success but to harass the other party or out of some improper motive. The Employment Appeal Tribunal held as follows in ET Marler Ltd v Robertson [1974] NIRC 72 in the context of an application for costs:

... If an employee brings a hopeless claim not with any expectation of recovering compensation but out of spite to harass his employers or for some other improper motive, he acts vexatiously, and likewise abuses the procedure. In such cases the tribunal may and doubtless usually will award

costs against the employee. The exercise of the discretion by tribunals along these lines is illustrated in a number of decisions to which the court was referred during the course of argument

27. Subsequently, in Attorney General v Barker [2000] 1 FLR 759 Lord Chief Justice Bingham said that the hallmarks of a vexatious proceeding were that it had:

...little or no basis in law (or at least no discernible basis); that whatever the intention of the proceeding may be, its effect is to subject the defendant to inconvenience, harassment and expense out of all proportion to any gain likely to accrue to the claimant; and that it involves an abuse of the process of the court, meaning by that a use of the court process for a purpose or in a way which is significantly different from the ordinary and proper use of the court process.

28. A Tribunal may only strike out a claim in its entirety on the ground that it is scandalous or vexatious if the relevant test is satisfied in respect of each element of the claim.

Manner in which proceedings conducted – rule 37(1)(b)

29. “Scandalous” and “vexatious” have, in this context, the same meaning as in the context of rule 37(1)(a).

30. A Tribunal may strike out for “unreasonable” conduct if the party’s conduct has involved deliberate and persistent disregard of procedural or has made a fair trial impossible. In either case, the striking out must be a proportionate response (Blockbuster Entertainment Ltd v James [2006] IRLR 630, CA).

Deposit order

31. Rule 39 deals with Deposit orders. Where relevant, it provides:

(1) Where at a preliminary hearing (under rule 53) the Tribunal considers that any specific allegation or argument in a claim or response has little reasonable prospect of success, it may make an order requiring a party (“the paying party”) to pay a deposit not exceeding £1,000 as a condition of continuing to advance that allegation or argument.

(2) The Tribunal shall make reasonable enquiries into the paying party’s ability to pay the deposit and have regard to any such information when deciding the amount of the deposit.

(3) The Tribunal’s reasons for making the deposit order shall be provided with the order and the paying party must be notified about the potential consequences of the order.

32. The threshold for making a deposit order (“little reasonable prospects of success”) is as such lower than that for making an order or judgment striking out a claim on the basis that it has “no reasonable prospect of success”.
33. When determining whether to make a deposit order, a tribunal is not restricted to a consideration of purely legal issues but is entitled to have regard to the likelihood of the party being able to establish the facts essential to his case, and, in doing so, to reach a provisional view as to the credibility of the assertions being put forward (Van Rensburg v Royal Borough of Kingston-upon-Thames [2007] All ER (D) 187. Although, as Elias J pointed out in that case (which was decided under the 2004 Rules), the less rigorous test in what is now rule 39(1) of the 2013 Tribunal Rules allows a Tribunal greater leeway to take such a course than would be permissible under the test of no reasonable prospect of success in rule 37(1) of the 2013 Tribunal Rules, the Tribunal 'must have a proper basis for doubting the likelihood of the party being able to establish the facts essential to the claim or response' (para 27).
34. In Adams v Kingdom Services Group Ltd UKEAT/0235/18/LA the Employment Appeal Tribunal held that a Tribunal must give reasons for the particular amount of the deposit to be paid.
35. In Caryl v Governing Body of Manford Primary School [2023] EAT 167, the Employment Appeal Tribunal gave guidance on reasonable enquiries that the Tribunal should make before deciding the amount of the deposit order:
- 35.1. Find out a party's income and outgoings in order to assess their disposable income and determine the amount of deposit order that they will be able to pay.
- 35.2. Determine a party's actual take home pay rather than just their gross pay, taking into account deductions for tax, national insurance and pension contributions.
- 35.3. Attempt to create a balance sheet which will relate to the amount of deposit and when a party would be able to pay that deposit.
36. This reflects the fact that the purpose of a deposit order is not to achieve strike out by another means (H v Ishmail UKEAT/0021/16).

The parties' submissions

The respondents' submissions

37. Mr Davies for the respondents relied on the contents of the first and second applications, which I do not set out here. In his oral submissions, which I summarise only briefly, his primary contention was that the claims should be struck out on the ground that they were scandalous or vexatious. He noted that

the fourth and seventh claims had both contained applications for interim relief which had been rejected by judgments contained in the bundle at pages 986 and 992 and that in each case the Judge had found the interim relief application to have been vexatious.

38. He referred in particular to paragraph 24 of EJ Fowell's judgment of 3 June 2024 in relation to the claimant's application for interim relief (page 990) in which EJ Fowell had concluded as follows:

Mr Davis relied squarely on the first ground, that the application was vexatious, rather than on the prospects of success. I have to agree. Applications for interim relief are relatively rare. To have brought so many, in so short a space of time, against so many employers, and to have had them all rejected indicates that this is a scheme which Mrs Messi is engaged in rather than any genuine pursuit of justice. This is in my view a plainly vexatious application and, it follows, totally without merit.

39. The reference to "so many" applications for interim relief is to the fact that the claimant had when EJ Fowell decided the application made at least 9 previous applications for interim relief.

40. Mr Davies also referred to paragraph 92 of EJ Heath's judgment of 15 August 2024 (page 1010) in relation to the claimant's further application for interim relief in which EJ Heath had concluded as follows:

I have set out above that my impression is that the claimant has set about, effectively, manoeuvring herself into a position where she would make herself a whistleblower. In manoeuvring herself into this position she breached the obligations of confidentiality she owed to the respondent under her contract of employment. I have also set out the reasoning of Employment Judge Fowell in ordering costs against the claimant for engaging in a vexatious scheme rather than genuinely pursuing justice. I agree with Employment Judge Fowell's reasoning. The reason is entirely applicable to this subsequent application for interim relief. It follows that I find that the claimant has been vexatious in bringing this application. It was an application wholly without merit.

41. Mr Davies submitted that the "vexatious scheme" referred to was that the claimant would obtain a job, log into the computer system where she was working, find confidential documents, and email them to 3rd parties and Employment Tribunal's, copying in senior members of staff within her employer, claiming that the documents showed wrongdoing. He said that the publicly available judgements of previous applications for interim relief demonstrated this pattern.

42. Mr Davies submitted that the claimant was a serial litigant. Mr Davies referred to the letter to the parties from the then Acting Regional Employment Judge of 26 July 2024 (page 961) who noted that the claimant had "commenced circa 62 Employment Tribunal claims nationally".

43. Mr Davies then briefly considered the seven claims individually, by reference to the claims spreadsheet. He noted that heads of claim were asserted but that very few particulars had been given. He noted that claims had been made against multiple respondents against whom no clear allegation had been made and, in some cases, in respect of claims which could not be pursued against individual employees. A number of the later claims repeated complaints made in earlier claims. The claims were vexatious and had no reasonable prospect of success.
44. Further, it was clear that the claimant had not made protected disclosures in good faith and did not have the requisite belief. She was simply engaged in a scheme of litigation pursued with vexatious intent. The litigation was being pursued not with the purpose of getting justice but for the purpose of harassing the respondent, as previous Tribunals had already found.
45. So far as the relevant authorities were concerned, Attorney General v Barker was the principal authority on the meaning of vexatious.

The claimant's submissions

46. Mr Robertson for the claimant relied on the five-page document containing the claimant's written submissions which was one of the claimant's additional documents emailed to the tribunal on the morning of the Hearing. I have read these carefully, but I do not set out their content here. I also do not set out in full the oral submissions of Mr Robertson, but they may reasonably be summarised as follows.
47. Mr Robertson began his oral submissions by stating that he was helping the claimant in relation to a number of her cases and that he was trying to get them "out of the woods into a format that can be acted upon and resolved". Mr Robertson said that the claimant had not acted vexatiously but rather responded to antagonistic behaviour on the part of the respondents. Mr Robertson submitted that since he had begun to assist the claimant the previous substantial volume of her communications in relation to the litigation had reduced. He had written to the Tribunal telling it that he was assisting the claimant on 4 August 2024 and since then her communications had "fallen off a cliff". The claimant was receiving assistance in the litigation from him and was also receiving therapy for mental health issues. It was now necessary for the parties to get to the "bones" of the cases.
48. Mr Robertson then made the following more specific submissions.
49. **Other claims defended by CGL:** Mr Robertson referred to the PDF document titled "CGL previous cases" included in the claimant's additional documents which listed more than 25 claims brought against the respondent between 2017 and 2024 (including two claims brought by the claimant). He noted that most of these had been withdrawn and submitted that that meant that in fact CGL had settled them. He submitted that the fact that CGL's year end accounts did not record the legal fees incurred in relation to each of these claims meant that there was a breach of the Charities Act 2011 and that CGL was guilty of "Fraudulent Accounting". I asked him which provision of the Charities Act 2011 he was

referring to. He said that he would need to check the point. After a later adjournment he explained to me that in fact he should have referred to Charities SOPR (FRS 102) rather than to the Charities Act 2011. I asked him, with that document in front of me, which part of it he was referring to. He said that he had carried out an “AI scan” that had identified the relevant requirement. He said, however, that he was unable to identify where it was within the Charities SOPR (FRS 102) and that he did not have a copy of that in front of him.

50. Mr Robertson referred to various of the claims against CGL and made submissions to the effect that CGL was a bad employer whose *modus operandi* was to try and strike out any claim brought against it. He said that CGL had had several iterations with different names, they had all had claims brought against them, it sought to wash its reputation by changing its name and the way it dealt with and settled claims was simply “burning taxpayers’ cash”. It was not dealing with issues appropriately. Mr Robertson also referred to the “Glassdoor” review document contained in the claimant’s additional documents and submitted that this was further evidence of bad management at CGL. CGL was clearly “winging it badly”.
51. **The claimant’s actions during her employment:** Mr Robertson submitted that the claimant was not some kind of hacker who had got through CGL’s systems as, he said, the respondent contended. In fact, the reality was that CGL had been lax with a number of matters and data had been made available to staff that should not have been. She had been right to bring the breaches to the attention of the ICO. Indeed, CGL should have reported them itself.
52. Mr Davies interjected at this point to the effect that this did not reflect the respondents’ pleaded case. This was in fact that the claimant was employed within the finance department and the documents that she had disclosed to others were all documents to which people within the finance department had access. Mr Robertson responded that the claimant’s case was that she should not have had access.
53. **The phone-call transcripts:** the claimant’s additional documents also included what Mr Robertson explained were AI generated transcripts of phone calls (which the claimant had recorded using an app on her mobile phone) with the IT department on 2 May 2024, with Dominic and Rachel regarding reasonable adjustments, and with Medigold.
54. He submitted that the phone call with the IT department demonstrated that the Finance Director had “overshot his responsibilities” by demanding that the claimant be locked out of its IT system. He submitted that they had “cut her dead because they thought there was other stuff she should not see”.
55. He submitted that the phone call with Dominic and Rachel illustrated at its entries 228 and 229 that management had told the claimant that she would be paid in full but then had gone against this.

56. He submitted that the Medigold transcript showed that the claimant was not threatening anyone but was simply an employee with a bad back who wanted reasonable adjustments.
57. Mr Robertson finished by noting that he disagreed with Mr Davies statement that the claimant had 62 claims. He explained that he was assisting the claimant with nine claims in addition to the seven claims that were before the Tribunal.
58. Mr Robertson submitted that what was required generally was for the claims to be rationalised and to “get down to claims that would have a good chance of success”. This would be possible with his participation, as was reflected in the claimant having “cleaned up her act” in the last few months by not sending voluminous correspondence.
59. Mr Robertson had not addressed me on the claimant’s own strike out application so I asked him if this was still pursued and if he wished to make any submissions in relation to it. After a 10-minute adjournment (the second which I gave him at his request during his submissions so that he could speak to the claimant), Mr Robertson said that, so far as the claimant’s application was concerned, he relied on the claimant’s written submissions contained in the claimant’s additional documents.
60. He again explained that what he hoped was that it would now be possible for the claims to be rationalised and “put to bed in a sensible manner”. The claimant behaviour would be different going forward.
61. I queried whether in this case the claimant still pursued the unfair dismissal claim of 3 May 2024 which appeared to have been presented prior to her being given notice of the termination of her employment (see EJ Fowell’s judgment at its [13] to [17] in this respect where he explained why in his view the claimant did not have a “pretty good chance” of persuading a Tribunal she had been dismissed on 2 May 2024). Mr Robertson indicated that the claim was not withdrawn, that EJ Fowell’s judgement was being appealed, and that the claimant still wanted this claim to be dealt with at the final hearing. I also asked whether any of the claims against the 18 individual respondents were withdrawn. Mr Robertson said that they were not.

Conclusions

Conclusions on whether the claims are scandalous and/or vexatious

62. I have set out at [Appendix Four](#) a chronology of the claimant’s very brief employment with CGL and extracts from some of the correspondence exchanged between the parties during it. As noted above, her employment lasted less than four months and she did not work after 15 April 2024, just four weeks after her employment had begun. I have done this because I took the view that the chronology and correspondence was likely to shed some light on whether the claims were scandalous or vexatious.

63. I have reached the following findings and conclusions relevant to whether the claims are scandalous and vexatious and so should be struck out under Rule 37(1)(a).

The interim relief applications in these and other claims

64. The seven claims include no fewer than four complaints of unfair dismissal (the fourth to seventh claims all include such complaints). The fourth and seventh claim also both included an application for interim relief. Those applications have both failed and have both been found to be vexatious. In both cases, taking note of the other unsuccessful applications for interim relief that the claimant has brought since April 2022, the Judge concluded as set out above that the claimant was involved in a “vexatious scheme” rather than in a genuine pursuit of justice. [Appendix Two](#) identifies 11 failed interim relief applications made by the claimant’s failed interim relief applications where 11 are listed in total. The judgments in eight previous failed interim relief applications by the claimant were, I note, included in the bundle for the interim relief application in the fourth claim. The fact of so many applications for interim relief being pursued in such a short period of time, including two against the same employer is, I find, evidence pointing to at least the fourth and seventh claims being vexatious.

The volume of Employment Tribunal claims

65. There are at least 23 publicly available judgments in relation to Tribunal claims brought by the claimant (see [Appendix Two](#) for details). The claimant is not recorded as having been successful in any complaint in any of those judgments. The most positive outcome revealed by any of them is, probably, the claimant persuading of the Tribunal not to strike out the whole of her claim. Further, the extent of the claimant’s involvement in Employment Tribunal litigation clearly extends beyond those 23 claims, in light of the 62 claims recorded on the Tribunal’s case management system (see [Appendix Three](#) for details). The fact of the claimant pursuing so many claims unsuccessfully does not of course prove that the claims are vexatious. However, it is, I find, relevant to a consideration of whether the claims are vexatious, not least because it is evidence that the claimant has very considerable experience of Employment Tribunal proceedings.

The manner in which the seven claims have been drafted, when viewed together

66. The preceding paragraphs demonstrate that the claimant has very considerable experience of Employment Tribunal claims and has attended many hearings. It is, I conclude, inconceivable that she has not during the course of so many hearings understood how Employment Tribunal litigation is normally conducted, what the Tribunal Rules require, and what the Tribunal expects. Notwithstanding this, in the seven claims that she presented against the respondents in a period of just over three months she set out her claims in a way that subjected the respondents to inconvenience, harassment and expense out of all proportion to any gain likely to accrue to her:

66.1. By failing to particularise nearly all of the complaints she has presented in any meaningful way. Whilst the Tribunal clearly does not have jurisdiction

to consider some of the 28 “issues” she refers to on pages 4 and 5 of her written submissions included in the claimant’s additional documents (for example, claims for contempt of court, perverting the course of justice and fraud), she has between the seven claims presented more than 30 complaints, the vast majority of which are not meaningfully particularised;

66.2. Further and separately, by repeating factual and legal complaints between the seven claims, so requiring the respondents to repeatedly present responses to what appear to be the same or very similar complaints - but which cannot simply be assumed to be such, because of the confused and unclear way in which they are written. This is reflected, by way of non-exhaustive example, in the fact that she has:

66.2.1. presented four separate unfair dismissal claims;

66.2.2. referred to equal pay in at least two of her claims;

66.2.3. contended that she was being threatened with unauthorised deductions in at least three of her claims;

66.2.4. referred to an alleged failure to carry out a risk assessment in at least four claims;

66.2.5. referred to an alleged failure to refer her to Occupational Health in at least four claims;

66.2.6. referred to an alleged and largely unparticularised failure to make reasonable adjustments in at least four claims;

66.2.7. referred to “whistleblowing” or protected disclosures or raising concerns in all seven claims;

66.2.8. referred to the “falsification” of employment and/or sickness in at least three claims.

66.3. Whilst legal complaints might quite reasonably and sensibly be repeated in the context of employment lasting several years, the context in these claims is a period of employment which lasted just under four months and seven claims presented during a period of just 103 days.

The respondents against whom the claims have been presented

67. The claims have been brought against a total of 19 individual employees of CGL. The claimant has in relation to the vast majority of individual respondents made no attempt to link the factual events of which she complains to the individual employees. For example:

67.1. In the second claim, there is no explanation of why complaints are pursued against Ms Hoare, Ms Goodard, Ms Phillips, Mr Phillips, Mr Wallace-

Clarke, Mr Moody or Mr Halliwell. Nor is there any explanation of which of the multiple complaints are pursued against which individual respondent.

67.2. In the fifth claim, there is no explanation of why complaints are pursued against Ms Grimshaw, Ms Franks, Ms Pinhome, Ms James or Ms Quinton. Nor is there any explanation of which of the multiple complaints are pursued against which individual respondent.

67.3. In the sixth claim, there is no explanation of why complaints are pursued against Mr James-Fagg, Ms Lynch or Ms Mcvan. Nor is there any explanation of which of the multiple complaints are pursued against which individual respondent.

68. Including multiple individual respondents in this way without any coherently pleaded case against them is both scandalous, that is to say the misuse of the privilege of legal process in order to vilify others, and vexatious, because it is causing inconvenience and harassment to those individuals out of all proportion to any gain likely to accrue to the claimant and is an abuse of the process of the Tribunal.

What the correspondence and chronology show

69. Given the 1000s of pages of correspondence the seven claims have generated, it cannot be suggested that the chronology in [Appendix Four](#) is in any way exhaustive. Nevertheless, the chronology and correspondence described and set out in [Appendix Four](#) point strongly to the claims being scandalous (i.e. a misuse of the privilege of legal process in order to vilify others) and/or vexatious (i.e. having the effect of subjecting the defendant inconvenience, harassment and expense out of all proportion to any gain likely to accrue, and involving an abuse of the process of the courts) when the points set out below are taken into account. In summary, this is because the nature of the correspondence sent by the claimant leading up to each of the the seven claims shows that the claimant's approach to the litigation is to avoid trying to resolve even simple matters by discussion and agreement, to try and slow down procedural processes which might bring any matter to a conclusion, to be offensive in correspondence, and to begin claims very quickly in relation to what appear to be manufactured concerns.

70. Turning to some of the details of the correspondence, I make the following findings in relation to it (the references to "items" are to the numbering in the left-hand column of [Appendix Four](#)):

70.1. Much of the correspondence from the claimant suggests that she is *seeking conflict rather than any resolution of the concerns* she has raised. For example:

70.1.1. An employee in their first month of employment will invariably seek to redress all but the most egregious workplace injustice by first raising matters with their employer and giving their employer a sensible opportunity to respond. However, the first claim was presented less than a week after the claimant had first raised concerns with CGL and only

four days after sending 30 questions in relation to equal pay to CGL. By way of further example, the claimant complains (item [7]) that the respondent is dealing with her complaints under its grievance procedures just a day after she has begun a Tribunal claim in relation to them. In all the circumstances, that is a very strange complaint indeed.

70.1.2. The correspondence repeatedly shows the claimant responding in an obstructive way in relation to even the most simple requests. For example, because the claimant works at home, she is asked to carry out an online risk assessment after saying that she is not feeling well enough to work due to back pain and anxiety (items [8] and [9]). After initially saying that she will do this when she feels better (items [10] and [11]), she then raises a variety of questions suggesting Mr Metzner's request was inappropriate and stating that she has contacted the council for enforcement in relation to the question of a risk assessment (item [12]).

70.1.3. The same point is also illustrated by the way the claimant responded to Mr Metzner's request for a phone number to assist with the occupational health assessment (item [13]). In her response the claimant fails to provide a phone number, instead complaining that she has not been provided with a mobile phone (item [14]). The same email is uncooperative in relation to the question of risk assessments.

70.1.4. On 25 April 2024 (item [19]) the claimant begins the second claim, apparently prompted by the respondent telling her that she would need to produce a fit note and setting out its view on the extent of her sick pay entitlements (item [16]).

70.1.5. On 12 June 2024 (item [57]) Mr James-Fagg seeks clarification in relation to some of the subjects of the claimant's grievance saying: "I would like to move your grievance forward". The claimant does not engage with the request when replying but instead raises issues about union representation (item [58]).

70.1.6. On 29 April 2024 (item [21]), just four days later, the claimant begins the third claim. It is unclear but the main factual complaint appears to be that the respondent refused to hold a meeting in "written format". There is no explanation of why this is in the claimant's view necessary.

70.2. The correspondence from the claimant often seeks *to escalate matters in an unpleasant and/or aggressive manner and fails to focus on the matter in hand*:

70.2.1. On 25 April 2024 (Item [16]) Mr Metzner politely sets out his perspective on dealing with issues arising from the claimant's absence due to anxiety and back pain. He explains the process he would like to follow pending an OH report and refers to concerns he says the claimant had about Back Care Solutions, a provider of ergonomic equipment including for home working. The claimant's response (item [17]) does not

engage directly with the points made but rather is aggressive and escalatory: it begins by stating “I kindly ask that you do not make false statements and allegations in regards to off sick contact [sic]” and goes on to say “in the event that I continue to be harassed, threatened victimised and retaliated against for whistleblowing. I will take legal action”. This is a bizarre and unpleasant way to respond to Mr Metzner’s email which concerns how to deal with matters relating to a period of sickness absence that has lasted at that point for *only* about 10 calendar days.

70.2.2. The same point is further illustrated by the way’s the claimant responds to the polite email of Mr Metzner (item [22]), which appears to be an attempt to progress the assessment by Back Care Solutions that the respondent believe should be conducted at the claimant’s home, followed up by Ms Williams at item [28] asking for a reference number for her application to access to work so that CGL could see “if we can expedite matters with them”. The claimant does not deal with the matter in hand but rather threatens to bring a claim for unauthorised deductions from wages, report the matter to HMRC and raises issues about reasonable adjustments (item [29]). Again, rather than engaging with the matter in hand, the claimant threatens to escalate things.

70.2.3. Equally, when Ms McVan is trying to organise an investigative interview, the claimant wrongly asserts that she is entitled to be accompanied at it and then, when Ms McVan refuses to postpone it for several weeks, writes (item [50]) in an intemperate and aggressive way, referring to a “a new claim... made against you and others”.

70.3. The correspondence demonstrates the claimant repeatedly behaving in an *obstructive and aggressive manner* generally and when faced by simple requests in relation to the respondent’s processes:

70.3.1. The claimant demands that a meeting to be held on 26 April 2024 to discuss reasonable adjustments be conducted in written format. The claimant did not provide the respondent with any sensible explanation of why this might be necessary and the fit note that she provided retrospectively covering the date of the meeting (page 1553) suggested that what she might require in order to return to work was an ergonomic table and chair, not anything else. The third claim was then presented in relation to this issue just three days later, and does not include within it any explanation of why refusing to hold the meeting in “written format” was a failure to make reasonable adjustments.

70.3.2. Ms Grimshaw wrote politely to the claimant on 15 May 2024 asking her to direct her email correspondence to particular named individuals rather than copying in “numerous colleagues” (item [37]). The claimant sends two rude and aggressive responses to this on the same day (items [38] and [39]).

70.3.3. In May, Ms McVan tries to organise an investigative interview with the claimant following her suspension. The correspondence becomes protracted (items [41] to [51]) with the claimant on the one hand saying that reasonable adjustments must be made but on the other hand failing to say when asked what reasonable adjustments she is seeking (see, for example, items [43] to [44]).

70.3.4. In July, Mr Holmes tries to organise a disciplinary hearing with the claimant. The correspondence again becomes protracted (items [61] to [66]). When Mr Holmes does not agree to postpone the hearing for a second time (item [64]) she responds to this (item [65]) by saying “I ask that you stop harassing me and refer to my previous emails”.

70.4. The correspondence demonstrates the claimant *writing inappropriately to the Bristol Employment Tribunal and others*:

70.4.1. On 25 April 2024 (item [18]) the claimant writes to the Bristol Employment Tribunal about CGL recording her as sick;

70.4.2. On 2 May 2024 (item [25]) the claimant emails what she claims is a protected disclosure direct to the Bristol Employment Tribunal (as well as to multiple other organisations and individuals);

70.4.3. On 8 May 2024 (item [35]) the claimant emails the Employment Tribunal a grievance to she has sent 3 days before stating that she expects it “to be investigated according to your policies”.

70.4.4. On 11 July 2024 (item [66]) the claimant seeks to involve the police in her employment dispute. The email heading is “RE: hearing” and the immediate spur for her email appears to be dissatisfaction with the way the arrangements are being made for her disciplinary hearing. A large number of people are cc’d.

70.5. The correspondence demonstrates the claimant making *multiple complaints which she makes no effort to particularise*. For example, on 5 May 2024 the claimant emails CGL’s trustees raising complaints relating to “sex, race, disability, ethnicity, gender”. There are 28 grounds of grievance, but the claimant does little more than list statutory provisions. There is no clear explanation of the grounds of grievance.

70.6. The correspondence demonstrates the claimant regularly making *inappropriate threats to bring claims against* individual employees. For example, item [31] shows the claimant threatening to take legal action against “Rachel and Dominic” “personally in court for harassment and request an injunction”, all the context of whether or not reasonable adjustments have been made in a period of around a month.

Whether the claims have any clear basis in law

71. It appears to me that as currently drafted the first to sixth claims have little or no basis in law. The reasons for this include the following:

71.1. The first claim, presented just one week after most of the matters to which it relates were raised with the respondent, is unparticularised. Nothing other than an alleged difference in treatment is put forward in the race discrimination claim and the comparator in the equal pay claim is the claimant's *manager*. There is no explanation of what PCP the claimant says puts her at a disadvantage so far as her reasonable adjustment claim is concerned, but rather an apparent and mistake assumption that because the claimant is (she says) disabled an obligation to make reasonable adjustments arises. The victimisation claim does not identify any protected act, and the whistleblowing claim does not identify any detriment. The harassment claim does not identify either the protected characteristic relied upon or how the claimant believes the treatment relates to that protected characteristic.

71.2. The second claim provides no meaningful explanation of why the claimant says that she has been discriminated against because of race, disability or sex. Nor does it explain how the alleged *threat* to make unauthorised deductions could found a claim for unauthorised deductions from wages, or breach of contract. The whistleblowing complaint is hopelessly vague.

71.3. The third claim provides no meaningful explanation of why the claimant says that she has been discriminated against because of race or sex. There is equally no real explanation of why the claimant says she is due arrears of pay or other payments. The whistleblowing complaint is wholly unparticularised and the disability discrimination complaint appears to be an incoherent complaint about Ms Williams' conduct of a meeting to discuss reasonable adjustments.

71.4. The fourth claim is for unfair dismissal. I conclude that there is little or no basis in law for this claim because in order to succeed in it the claimant would have to show that she had been dismissed. She did not explain how she had been dismissed in the claim form, but this was a matter which EJ Fowell asked her about during her application for interim relief. At [8] and [9] of his judgment (page 987) the following is recorded:

8. Mrs Messi has not provided any narrative account of the events in question, apart from the brief details in the claim form, and I attempted to explore with her why she says she was dismissed rather than being suspended. She said that she had a telephone conversation with someone in the IT department on 2 May 2024 and that that the person informed her that the Finance Manager, Mr Gallagher, was dismissing her or wanted to dismiss her, and she took from that that she was in fact dismissed.

9. I was keen to establish whether there was anything in writing from her after that conversation, such as an email to the company protesting at being dismissed and making the obvious connection with her email

of 2 May. She identified one particular email, and only one, which sent to the Tribunal over the weekend, and which had 22 attachments. On examination however, these were all the attachments which accompanied her initial disclosure email on 2 May, so there was nothing in writing between 2 May and 7 May to suggest at the time that she believed she had been dismissed.

71.5. EJ Fowell concluded between [13] and [16] of his judgment that the claimant did not have a “pretty good chance” of showing that she had been dismissed in the telephone conversation on 2 May 2024. However, I have the advantage over EJ Fowell because the claimant has now provided a transcript of that conversation in the claimant’s additional documents.

71.6. It was of note that Mr Robertson did not suggest in his oral submissions that Ms Messi had told she had been dismissed in that conversation (as she has hitherto contended). Rather he suggested that the conversation demonstrated that the Finance Director had overstepped the mark. The nature of Mr Robertson’s submission, I find, reflects the fact that at no point is the person with whom Ms Messi is speaking shown by the transcript to have said that Ms Messi had been dismissed.

71.7. Overall, therefore, the fourth claim has little or no basis in law because there is little or not basis in law for Ms Messi contending that she was dismissed on 2 May 2024. Indeed, her employment did then continue until 22 July 2024 when she was indeed dismissed.

71.8. The fifth claim is primarily for unfair dismissal, in respect of the same dismissal as the fourth claim, and has little or no basis in law for the same reason as the fourth claim. Insofar as it is a claim for race, disability or sex discrimination there is no explanation of why the claimant says that she has been discriminated against because of race, disability or sex. There is equally no explanation of the claims for notice pay, holiday pay, arrears of pay or for other payments.

71.9. The sixth claim provides no meaningful explanation of why the claimant says she has been discriminated against because of sex or race or disability. The (third) unfair dismissal claim is no different to that contained in the fourth and fifth claims. The disability discrimination claim repeats earlier allegation and, to the extent that it does not, fails to identify any PCP.

71.10. The seventh claim is an unfair dismissal claim but also refers to her suffering a detriment for union membership, and having her right to be accompanied infringed. Although for the reasons set out below I have concluded that this claim has little reasonable prospect of success, I conclude that it cannot be said that there is little or no basis in law for it. This is above all because the claimant had by this point been dismissed.

The failure to apply to amend or to withdraw any complaint in any claim

72. As noted above in relation to the claimant's submissions, Mr Robertson sought to portray the claimant as having changed her ways since he began to assist her in early August this year. Implicit in this argument was that if any of her claims were scandalous or vexatious (which he did not accept) or had no reasonable prospect of success then they would be pruned. To the extent that this is a relevant factor in considering whether the claims should be struck out as scandalous or vexatious, I do not accept that what Mr Robertson said in this regard is a realistic assessment of how the claims will progress if they are not struck out for the following reasons:

72.1. He has been acting for the claimant for two months. During that time, she has not made any application to amend in order to clarify her claims or to reduce their scope. Nor has she withdrawn any of them.

72.2. Further and separately, when I asked him during the course of the Hearing if she wished to withdraw any of the complaints either in their entirety or as against any of the respondents, he indicated that she did not. This is notwithstanding the fact that at the very least three of her four unfair dismissal claims are obviously hopeless.

72.3. Further and separately, there was the nature of his own oral submissions, a large part of which were simply a fairly crude attack on CGL's reputation and barely related to the claims the claimant pursues or the applications which were being considered. For example, despite having presented a document making more than 20 accusations of "Fraudulent Accounting" against CGL, Mr Robertson was quite unable to explain this point with any clarity, despite having the benefit of a brief adjournment to consider the issue (see [49] above). He made assertions about what the withdrawal of a claim meant (that it had been settled) which were unsupported by evidence. There are of course many reasons that a claim may be withdrawn, including that the claimant concludes that it has no prospect of success.

72.4. Further and separately, his submissions did not suggest that he and the claimant had undertaken any sensible review of the evidence available. He sought to rely on a phone transcript which actually undercut the claimant's case as previously put (see [71.6] above). He also submitted that the "Call with Dominic and Rachel regarding reasonable adjustments" transcript contained in the claimant's additional documents showed at its numbered points 228 and 229 that management had told the claimant that she would be paid in full until matters were resolved but then had gone against this. In fact, the transcript states "You do get sick pay, *which is full pay at the moment*" [emphasis added]. This is entirely consistent with the respondent's case that the claimant's entitlement to contractual sick pay lasted just two weeks.

Strike out

73. Taking into account the matters set out above, I have concluded that the first to sixth claims are in their entirety vexatious (and in parts scandalous too). They have little or no basis in law and, irrespective of the intention of the claimant, the

effect of those claims has already been to subject the respondents to inconvenience, harassment and expense out of all proportion to any gain likely to accrue to the claimant. I have concluded, taking into account the matters set out above, that the first to sixth claims all involve an abuse of the process of the court, meaning by that a use of the Tribunal process for a purpose or in a way which is significantly different from the ordinary and proper use of the Tribunal process.

74. Further, although I need not form a conclusion in relation to the claimant's intention, I agree with the conclusions that EJ Fowell and then EJ Heath reached in relation to the interim relief applications in the fourth and seventh claims, and I would extend that conclusion to the whole of the first to sixth claims. Ms Messi is engaged in a scheme which involves her obtaining employment with an employer and then, within a short period, deliberately and artificially seeking out conflict with it. She refuses all attempts by the employer to deal with the subject matter of the conflict pragmatically but rather escalates things and brings Employment Tribunal claims with little or no basis in law and which do not reflect an honest belief on her part that she has been treated unlawfully by the employer. She is in no way involved in a genuine pursuit of justice.

75. Before reaching the conclusion set out in [73] above, I considered carefully whether it was correct to reach the conclusion that the claims have little or no basis in law without first conducting a "rolling up the sleeves" exercise of the kind often commended to Employment Judges by the Employment Appeal Tribunal. I concluded it was correct, essentially because a review of the first to sixth claims of the kind carried out between [64] and [72] above, which itself involved a review of a large quantity of documentation as set out at [6] to [8] above as well of the pleading themselves, has enabled me to reach the conclusion set out in [74] above with a considerable measure of confidence, that is to say well beyond on the balance of probabilities.

76. More specifically, in Chandhok v Tirkey [2015] ICR 527 at [16] the then President of the Employment Appeal Tribunal noted:

The claim, as set out in the ET1, is not something just to set the ball rolling, as an initial document necessary to comply with time limits but which is otherwise free to be augmented by whatever the parties choose to add or subtract merely upon their say so. Instead, it serves not only a useful but a necessary function. It sets out the essential case. It is that to which a Respondent is required to respond...

77. Bearing this in mind, if a claimant has set out a case in such a way that it appears to have little or no basis in law, whilst acting as I have concluded the claimant has acted at [74] above, I conclude that the Tribunal is under no obligation to "roll its sleeves up" to see if a legally coherent claim might be unearthed, particularly when it is dealing with a highly experienced litigant. This is all the more the case in this case in light of the matters noted at [72] above. The claimant herself has made no effort to clarify or rationalise her claims.

78. Having concluded that the first to sixth claims are in their entirety vexatious (and in parts scandalous too), I have considered whether to exercise my discretion to strike them out. I have concluded that I should exercise my discretion to strike them out. I have concluded that there is no factor to which significant weight should be attributed which suggests that I should not strike them out. By contrast, the intention of the claimant in pursuing the first to sixth claims weighs heavily in favour of striking them out. This is above all in light of my conclusions at [74] above.
79. The first to sixth claims are therefore struck out. I have decided not to strike out the seventh claim because it falls into a different category: it was brought after the claimant had been dismissed and there is no dispute that she had been dismissed by the time it was presented. Although, for the reasons set out below, I have concluded that it has little reasonable prospect of success, and have separately made a deposit order, it does not seem to me that it can be said that the seventh claim as pleaded has little or no basis in law given the fact of dismissal. I conclude that it does not reach the threshold for a claim to be struck out under either Rule 37(1)(a) or (b). This is a relatively generous approach to the seventh claim, given that I believe it is likely that the Tribunal finally determining it will find that the claimant's conduct in pursuing it falls within [74] above.

Conclusions in the alternative

80. If I had not struck out the first to sixth claims on the basis that they were vexatious and in part scandalous, I would have struck them out on the grounds that as pleaded they had no reasonable prospect of success, essentially for the reasons set out at [71] above.

Deposit order in relation to the seventh claim

81. I have concluded that the seventh claim in its entirety has only little reasonable prospect of success.
82. Insofar as this is a claim that the claimant was unfairly dismissed because she had made one or more protected disclosures, this is because I find that the claimant has only little reasonable prospect of success of persuading the Tribunal of any of the following matters for the following reasons:
- 82.1. That she had a reasonable belief that any qualifying disclosure was in the public interest – because the correspondence tends to point to the disclosures being made simply as part of a scheme that the claimant was pursuing for reasons quite unrelated to the public interest;
- 82.2. That she made a qualifying disclosure – because she has little reasonable prospect of persuading the Tribunal that she made a protected disclosure first of all to her employer (she was off sick at the time and see Mr Metzner's response to Ms McVan's question in this regard at page 1890) or that any of the conditions in section 43G(2) was satisfied.

82.3. That the reason or if more than one the principal reason for her dismissal was that she made a qualifying disclosure – because I conclude that the Tribunal will, in light of the detailed disciplinary investigation conducted, find that the reason for dismissal was gross misconduct of the kind identified by the respondent.

83. Insofar as this is a claim that the claimant was unfairly dismissed because of her trade union membership, I conclude that it has little reasonable prospect of succeed because I conclude that that the Tribunal will, in light of the detailed disciplinary investigation conducted, find that the reason for dismissal was gross misconduct of the kind identified by the respondent.

84. Insofar as the claim relates to an allegation that the respondent acted unlawfully by breaching the claimant's statutory rights in relation to her right to be accompanied at the disciplinary hearing or by going ahead despite the claimant telling the respondent that her union representative was ill, I conclude that the claimant has only little reasonable prospect of such a claim succeeding when in fact the respondent adjourned the disciplinary hearing on the first occasion after the claimant had asked it to do this (as set out in the letter at page 1937).

85. The threshold for making a deposit order is therefore met in relation to all the complaints in the claim.

86. I invited the claimant to give oral evidence about her means at the hearing on 1 October 2024. I explained clearly my reasons for doing this but, after consulting with her representative, she declined to do so and said she would rely on the universal credit screenshots and EJ Fowell's costs judgment. This explains that she was in receipt of universal credit at the time of the costs hearing but does not contain any findings in relation to her assets and liabilities more generally. His conclusion in relation to her means more generally is at [17] where he found as follows:

The next significant aspect is the relevance of the claimant's means. Again, I have little information about those means. It is clear from the documents disclosed in the course of the application for interim relief, that the claimant has had little difficulty in taking up employment, and has had at least ten employers since 2021. Given the salary received from the respondent in this case these were presumably at a reasonably senior and responsible level.

87. The limited evidence that the claimant chose to provide to me (and which was not explained by Mr Robertson to any significant extent in his submissions) appears to show that the claimant received varying monthly universal credit payments as follows:

23 April 2024	£0.00
23 May 2024	£333.00
23 June 2024	£722.90
23 July 2024	£691.96
23 August 2024	£563.58
23 September 2024	£1093.45

88. There is no explanation of how these amounts were calculated or what was taken into account when calculating them. The claimant has also provided what appear to be screenshots of payments into a bank account for the July and August payments.
89. It is not the case that one is only eligible to receive universal credit if one has no assets and no income. In particular, I take judicial notice of the fact that savings of below £6,000 do not affect an individual's entitlement to universal credit.
90. It is important to avoid a deposit order being a strike-out "by the back door", and so I should not set a deposit order at a level I know or suspect the claimant will be unable to pay. However, equally, in circumstances where the claimant has declined to give oral evidence and so has declined to set out in detail her income, outgoings, assets, and liabilities, I am not required to simply accept that she has no income or assets other than universal credit. If the claimant had wanted to give me a detailed explanation of her financial position, she had an opportunity to do so.
91. I have therefore decided, taking account of the information I have after making reasonable enquiries, to require the claimant to pay a deposit of £300 by no later than Tuesday 5th November 2024 as a condition of continuing with the seventh claim. I have set the deposit at £300 because that is just 5% of the savings that the claimant might have without losing her entitlement to universal credit. I find that if she had no savings or liquid assets then she would have taken the opportunity to give evidence about this. I have made a deposit order separately. If that amount is paid, there will be a 3-hour hearing by video for case management purposes in the seventh claim. If it is not paid, the seventh claim will be struck-out.

Claimant's strike out application

92. The claimant's strike out application is only of relevance in relation to the seventh claim, because the first to sixth claims have been struck out. When I asked Mr Robertson for his submissions in relation to the application, he referred me to the paragraphs of the claimant's written submissions contained in the claimant's additional documents which state as follows:

I have also made an application before the respondents to have their response strike out and or to pay a deposit of £1000 for each claim.

The respondents, their representative and counsel have been deceptive, vexatious and dishonest throughout the proceedings and have omitted documentation knowing that it's harms their defence - see attached some examples of them being aware of my disability when I disclose it in April 2024. (manager , HR, ceo) and no reasonable adjustments were made, no risk assessments made, no desk assessments.

Protected disclosures they were aware I made since April 2024, concerns in regards to equal pay that I sent private and confidential that was shared by

HR, discrimination questionnaire sent again that they never replied, grievance made on 02.5.2024 in regards to my unlawful suspension without pay, and again to the trustees and Louise on 8.5.2024 in which they denied at the last hearings on 3.6.2024 and 18.8.2024.

I also made a dsar marked private and confidential on 8.4.2024 which was distributed by the data controller to HR to Aaron Wallace, ceo, my manager Dominic M - no confidentiality and total bias (the respondents are vicariously liable for acts of discrimination against me hence why they claims against them:

See attached recordings and transcripts in regards to my meeting on 26.4.2024 with my manager Dominic M, Rachel in HR who mentioned it was for reasonable adjustments and told me I will be paid until is made and they never paid me as per my contract and made unlawfully deductions to my wages.

93. The original application made by the claimant (page 953) was made out on the basis that the responses should be struck out under rule 37(1)(a) or (b) because:

*The reason for making the application for strike out is that:
Their response is malicious, deceptive unreasonable and vexatious and they continue to fabricate false statements and allegations despite clear evidence of their torts and continue to ommitt [sic] evidence to prevent justice.
They have been deceptive to the ET in their evidence.*

94. The submissions of the claimant together with the documentation in the bundle do not demonstrate that the response to the seventh claim is malicious, deceptive, unreasonable and vexatious or that it should otherwise be struck out under Rule 37(1)(a) or (b). The claimant's submissions are largely simply assertions which are unsupported by the very limited evidence provided in relation to them. The claimant's application is therefore refused.

95. The claimant made an application in the alternative for a deposit order to be made. This application fails in light of the deposit order I have made against the claimant in respect of the seventh claim and I dismiss it on that basis. The respondent is, in my view, likely to defend the seventh claim successfully.

The respondents' costs application

96. If the respondents' wish their application for costs to be heard at this point in the proceedings, they should write to the Tribunal accordingly requesting that one should be listed.

Employment Judge Evans

Date: 9 October 2024

Public access to employment tribunal decisions

All judgments (apart from those under rule 52) and any reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. 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 here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>

Appendix One – The claims to which the judgment relates

<u>Number</u>	<u>Names of respondent(s)</u>	<u>Date presented</u>
2303382/2024 ("the first claim")	Change, Grow, Live ("CGL")	11 April 2024
2303804/2024 ("the second claim")	(1) CGL (2) Aaron Wallace Clarke (3) Dominic Metzner (4) Mark Moody (5) Martin Halliwell (6) Claire Hoare (7) Kelly Goddard (8) Dawn Phillips (9) Lee Phillips	25 April 2024
2303853/2024 ("the third claim")	Rachel Williams	29 April 2024
2303961/2024 ("the fourth claim")	CGL	3 May 2024
2304178/2024 ("the fifth claim")	(1) CGL (2) Ryan Gallear (3) Louise Grimshaw (4) Chloe Franks (5) Paula Pinhome (6) Simone James (7) Sharron Quinton	9 May 2024
2304798/2024 ("the sixth claim")	(1) Jack James Fagg (2) Kathryn Lynch (3) Jackie Mcvan (4) Nic Adamson	5 June 2024
2306137/2024 (previously 600412/2024) ("the seventh claim")	CGL	22 July 2024

Appendix Two – Employment Tribunals Decision database

No	Date Decided	Parties & Case number	Outcome (FH – Full Hearing; PH – Preliminary Hearing) <i>Not a comprehensive summary of the outcome</i>
1.	18/01/18	<u>Miss S Messi v Canadian Solar UK Projects Ltd: 2200202/2017 and 2200868/2017</u>	Dismissed (FH)
2.	15/10/19	<u>Miss S Messi v Bio-Rad Services UK Ltd and others: 3334267/2018</u>	Dismissed on withdrawal
3.	28/01/20	<u>Miss S Messi v Susan Mann and others: 2206758/2018</u>	Claim partially struck out and a deposit order made (PH)
4.	04/03/21	<u>Ms S Messi v Pret-a-Manger (Europe) Ltd: 2203613/2019</u>	Dismissed (FH)
5.	22/07/21	<u>Miss S Messi v Croydon Logistics Ltd and others: 2303102/2017 and others</u>	Part dismissed on withdrawal Part struck out (unless order)
6.	11/02/22	<u>Miss S Messi v All People Employment Ltd and FedEx Express UK Transportation Ltd: 4110316/2021</u>	IRF refused Struck out (PH)
7.	12/04/22	<u>Ms S Messi v Cordant People Ltd and others: 2204302/2021 and 2204154/2021</u>	IRF refused Some claims struck out (PH) Remaining claims struck out
8.	14/07/22	<u>Miss S Messi v Takeda UK Ltd and Ms M Kucinska: 3322788/2021</u>	Dismissed (FH?)
9.	18/08/22	<u>S Messi v Nicholas Howard Ltd: 1404778/2021</u>	Struck out (PH)
10.	19/08/22	<u>Ms S Messi v Charles Novacroft Direct Ltd and Others: 3321170/2021</u>	IRF refused Struck out (PH)
11.	27/10/22	<u>Miss S Messi v Serco Group plc: 1401285/2021</u>	IRF refused Dismissed (rule 47)
12.	04/11/22	<u>Ms S Messi v Manpower UK Ltd and Teleperformance UK Ltd: 3314273/2021</u>	IRF refused Struck out (PH)
13.	21/02/23	<u>Ms S Messi v Precise Media Monitoring Ltd (T/a Onclusive): 2200391/2023</u>	IRF refused
14.	17/05/23	<u>Ms S Messi v Origin Multilingual and others: 3204190/2022</u>	Strike out against some but not all respondents (PH)

15.	12/07/23	<u>Miss S Messi v LVMH Services UK Ltd and others: 2202400/2022</u>	Some claims struck out (PH) Dismissed (rule 47)
16.	13/10/23	<u>Mrs S Messi v Alvarez and Marshal Europe LLP: 2214057/2023 and 2214044/2023</u>	IRF refused
17.	04/12/23	<u>Miss S Messi v Coremont Partnership Services Ltd: 2300226/2023</u>	Struck out (PH)
18.	18/01/24	<u>Miss S Messi v KAO UK Ltd and Mr L Joergensen: 2212747/2023</u>	Dismissed
19.	28/03/24	<u>Ms S Messi v User Testing Ltd: 8000219/2024</u>	IRF refused
20.	23/04/24	<u>Ms S Messi v Casterbridge Tours Ltd: 2213167/2024</u>	IRF refused
21.	03/06/24	<u>Mrs S Messi v Change, Grow, Live: 2303961/2024 and 2306137/2024</u>	IRF refused
22.	16/08/24	<u>Ms S Messi v Change Grow Live: 6006412/2024</u>	IRF refused
23.	30/08/24	<u>Mrs S Messi v Hydrafacial UK Ltd: 1300098/2023</u>	Struck out (PH)

Appendix Three – The claimant’s claims

97. The case management system used by the Tribunal showed details of the following number of cases brought by the claimant per region as of 3 October 2024, some active, some concluded:

London South	19
London Central	23
London East	5
Watford	9
Bristol	3
Midlands West	1
Scotland	3
TOTAL	63

Appendix Four – The chronology of the claimant’s employment and some correspondence between the parties

1.	18/03/24	Claimant’s employment begins.
2.	05 to 07/04/24	Claimant sends emails in relation to reasonable adjustments and pay
3.	07/04/24	Claimant emails respondent with 30 detailed questions in relation to equal pay and demand asking for a large quantity of documentation.
4.	10/04/24	Claimant emails Goddard & others (page 1530): saying “concerns have not been taken seriously and brushed under the carpet” [sic]. Mr Wallace-Clarke replies on the same day confirming that her concerns in relation to equal pay are “being looked into” and that in relation to reasonable adjustments he would expect her line manager to discuss these with her (page 1551).
5.	11/04/24	Wallace-Clarke emails claimant (page 1549): stating Jack James Fagg had been appointed to look at the concerns in relation to equal pay and reasonable adjustments “under the Change Grow Live grievance policy”. Mr Wallace-Clarke states he understands the claimant’s line manager has been in contact about reasonable adjustments.
6.	11/04/24 (25 th day of employment)	<p>First claim presented for race, disability and sex discrimination and arrears of pay.</p> <p>Claim is against CGL.</p> <p><u>Factual complaints at box 8.2</u></p> <p>The factual complaints raised by the claimant include the following:</p> <p>Race: Getting paid less than Melanie G (who is white) because of race.</p> <p>Sex/Equal Pay: Getting paid less than Dominic Metzner for doing equal work</p> <p>Disability: A failure to make reasonable adjustments, conduct a risk assessment or make a referral to OH since claimant has disclosed disability.</p> <p>Victimisation: cancellation of training.</p>

		<p>Whistleblowing: the claimant states: "Raised concerns CGL is not complying with their obligations on health and safety to HSE, failing to comply with their obligations on GDPR and data protection legislation to ICO, failing to comply with their legal obligations on the equality act 2010"</p> <p>Harassment: the respondent has denied training, not provided her with a company phone and not allowed her to claim expenses for a cab.</p>
7.	12/04/24	<p>Claimant emails Wallace-Clarke (page 1548): stating she did not raise a "formal grievance" and suggesting that dealing with it under the grievance policy is "victimisation and retaliation for making protected disclosure".</p>
8.	15/04/24	<p>Claimant says not well enough to work.</p> <p>The claimant does not work again after this date as confirmed by Mr Robertson at the hearing on 4 October 2024.</p> <p>Email claimant to Metzner (page 1895):</p> <p><i>Good morning Dominic</i></p> <p><i>Please confirm receipt of this email</i></p> <p><i>Not feeling well enough due to back pain, and anxiety.</i></p> <p><i>I also saw my GP who told me not to return to work until I am feeling 100 percent better and said he doesn't need to sign me off and can do so up to a week if not feeling better (he changed dosage of my medication also.)</i></p> <p><i>He also recommended that I speak to you regarding workplace adjustments, risk assessment by a qualified health professional, reasonable adjustments which I have done since 5.04.2024 and to be referred to OH who will determine what reasonable adjustments I need and who are also medically qualified.</i></p> <p><i>In doing so I will be provided with a safe work environment while ascertaining my statutory rights.</i></p>
9.	15/04/24	<p>Email Metzner to claimant in reply (page 1895):</p> <p><i>Hi Sandra,</i></p> <p><i>Thanks for the email.</i></p> <p><i>We will be in contact with you regarding the occupational health</i></p>

		<p><i>and be able to set up a meeting in due course.</i></p> <p><i>With regards to the risk assessment this is completed by yourself as you are working at home, then as your line manager I will sign it off. If required, it will be forwarded to the health and safety manager. Please have a look at the risk assessment info on the HSE Gov page here: https://www.hse.gov.uk/msd/index.htm.</i></p> <p><i>Please see attached the risk assessment form to complete.</i></p> <p><i>Many Thanks</i></p> <p><i>Dominic</i></p>
10.	15/04/24	<p>Email claimant to Metzner in reply (page 1894)</p> <p><i>Will do once I feel better</i></p>
11.	16/04/24	<p>Emails claimant to Metzner (page 1894)</p> <p><i>Still not feeling better</i></p>
12.	17/04/24	<p>Email claimant to Metzner (page 1893)</p> <p><i>Still not feeling better.</i></p> <p><i>Can you also please update me on the matters I raised ? Also am I expected to return to work without OH and risk assessment once I am better? And what will be the impact on my pay?</i></p> <p><i>I also received an email from HSE who mentioned to me is not me who should perform a risk assessment but is my employer responsible for that ie your health and safety manager.</i></p> <p><i>They also informed me that I can contact my council for enforcement which I have.</i></p> <p><i>Can I also asked that you don't remove my work emails from communications I sent please.</i></p> <p><i>Thank you</i></p> <p><i>S</i></p>
13.	17/04/24	<p>Email Mr Metzner to claimant (page 1892)</p> <p><i>Hi Sandra,</i></p> <p><i>Just following up with OH assessment. They are requesting a telephone number for yourself. Could you please provide this?</i></p>

		<p><i>Many Thanks</i></p> <p><i>Dominic</i></p>
14.	18/04/24	<p>Email claimant to Mr Metzner in reply (page 1892):</p> <p><i>Good morning Dominic</i></p> <p><i>I am still not well.</i></p> <p><i>Also I dont want anyone coming out to my house and the risk assessments can be done by zoom and or team as you suggested before.</i></p> <p><i>I am also very concerned and disappointed that I was placed in danger when you wanted to conduct a risk assessment having no experience, qualifications to do so as per the policy created by your health and safety manager Dawn Philips and Lee Phillips and fulling be aware that CGL has a provider who carry out risk assessments. This itself is evidence that CGL does not comply with health and safety regulations and does not provide a safe work environment for employees as I mentioned to the HSE.</i></p> <p><i>Also I dont have a mobile phone in comparison to my colleagues so I ask that this is also provided.</i></p> <p>S</p>
15.	23/04/24	<p>Claimant attended a preliminary hearing held in public by CVP in her claim against Casterbridge Tours Limited. Her application for interim relief was refused.</p>
16.	25/04/24	<p>Mr Metzner emails claimant (page 1905): the email includes the following:</p> <p><i>I did write to you on Monday 22nd April and Tuesday 23rd April 2024, asking you to make contact with me to discuss your return to work and ways that we can support you. This was because you started a period of absence on 15th April for Back pain and anxiety and you had informed me that you had two appointments with your GP (one on Monday 22nd, one on Tuesday 23rd) and I asked you to get in touch with me following this, to discuss any recommendations made.</i></p> <p><i>You did not respond to these emails or make contact with me as requested and I would ask you to contact me as soon as possible so we can have direct communications about supporting your return to work. We will jointly put in place a Reasonable Adjustments Plan, in consultation with you and we will seek direct advice from HR and Health & Safety as</i></p>

		<p><i>necessary. We had originally planned to do this on 15th April and conduct any risk assessments needed but you began a period of sickness absence to this current date.</i></p> <p><i>We believe its in the best interests of all parties if we can work together to make interim adjustments for you whilst we wait for an occupational health report, which may take up to 12 weeks to receive. In line with our sickness absence policy, we would ask you to cooperate in this process, as it is important we consult with you about the adjustments needed in order for us to put a suitable plan in place.</i></p> <p><i>You have also raised some concerns about the Back Care Solutions risk assessment process and we would also like to discuss your concerns about this, so we can progress further support arrangements for you. Back Care Solutions are unable to proceed without information from yourself and then they will complete an assessment with you. It is noted that we have already submitted an occupational health referral and the next step will be for them to contact you to arrange a convenient time for an assessment to take place.</i></p> <p><i>You have now been off sick since 15th April 2024, so we now require a medical certificate from your GP to cover your continued absence as your absence has been longer than 7 calendar days. After 7 calendar days you can no longer self-certificate. Please refer to the sickness absence policy for any clarification that you may require.</i></p> <p><i>I can also confirm, as per the policy, that as you are within your first year of service with CGL then you are entitled to two weeks full pay followed by one week half pay and any subsequent sick pay would be at SSP rate. Please note that policy does state that failure to comply with absence reporting procedure may mean withdrawal of payments. I would ask if you could provide this.</i></p>
<p>17.</p>	<p>25/04/24</p>	<p>Claimant responds to Metzner (page 1904):</p> <p><i>Good Morning both</i></p> <p><i>I kindly ask that you do not make false statements and allegations in regards to off sick contact.</i></p> <p><i>I havent returned to work from 16th because I have asked on many occasions to confirm if it is safe to return to work without reasonable adjustments, refer to OH and risk assessment from an experienced medical professional and not yourself.</i></p>

		<p><i>I have never refused to return to work, I just ascertain my statutory rights to be provided with a safe work place environment and I believe my communication have demonstrated that.</i></p> <p><i>I also sent emails to Lee Phillips and Shawn Phillips requesting adjustments, refer to OH, risk assessments and to date no reply.</i></p> <p><i>You knew you have a supplier and a health and safety manager and wanted to carry out risk assessments with no qualifications, training and experience hence why I asked you and to date you did not reply, demonstrate that yourself and my employer would of put me at risk and this conduct is unacceptable, unwelcoming and quite discriminatory.</i></p> <p><i>Pls refer to my previous emails sent yesterday in the event that I continue to be harassed, threatened, victimised and retaliated against for whistleblowing, I will take legal action.</i></p> <p><i>I am fit to return and been since 22.04.2024 and I have not emailed you I was sick therefore you requesting a fit note is not correct because I am not sick. My period of sickness was for 7 days in which I can self certify.</i></p> <p><i>I ask that you don't cause me any distress in threatening me with not paying me. In the event that you do, action will be taken accordingly.</i></p> <p><i>I intend to cooperate with my return to work and I have simply ascertained my statutory rights and your obligations to adhere with your policy and I ask that you respect me, and don't harass me.</i></p> <p><i>This shouldn't warrant such conduct.</i></p> <p><i>Please let me know when I can return to work.</i> S</p>
18.	25/04/24	<p>Claimant sends further emails in apparent reply to Mr Metzner's email, culminating with one to Bristol Employment Tribunal cc'd to a large number of people and organisation which states as follows (page 1902):</p> <p><i>Dear ET</i></p> <p><i>They put on my records that I am sick despite me not telling them I am FIT to work since 22.4.2024 Victimisation, disability discrimination, NO OH referral, breach of health and safety regulations and breach of the equality act nd breach of their</i></p>

		<p><i>own policies</i></p> <p><i>See attached when I questioned Dominic in regards to risk assessment that he wanted to carry despite no training, qualification and experience and to date did not reply to my email</i></p> <p><i>I am suffering from harassment, victimisation , retaliation and further discrimination because of ascertaining my statutory rights and because of protected disclosure made to my employer, hse, EHRC and now they making threats to my pay in which I will now make a claim against all parties who are vicariously liable and not preventing this from happening.</i></p> <p><i>My contract also contain no clause to provide a certificate for 7 days more in which they trying to apply a policy to push me out of the business.</i></p> <p><i>Also since raising concerns, another employee from AP has been doing my work also.</i></p> <p>S</p>
<p>19.</p>	<p>25/04/24 (39th day of employment)</p>	<p>Second claim presented for race, disability and sex discrimination, arrear of pay, other payments and “whistleblowing”.</p> <p>Claim is against CGL and 8 individual respondents</p> <p><u>Factual complaints at box 8.2</u></p> <p>The factual complaints are set out incoherently and apparently in great haste. In broad terms, the claimant seems to contend that the respondent has:</p> <ol style="list-style-type: none"> 1. Threatened her with unauthorised deductions; 2. Failed to comply with various legal obligations and not responded to equal pay or discrimination questionnaires; 3. Falsified her sickness record; 4. Failed to make reasonable adjustments, failed to carry out a risk assessment, failed to refer her to OH (all allegations repeated from the first claim), made an inappropriate attempt to carry out a risk assessment; 5. Made threats to her pay and demanded a sick note because she has made protected disclosures (which are not set out).

20.	26/04/24	<p>Claimant attends meeting by Teams with Ms Williams and Mr Metzner to discuss reasonable adjustments.</p> <p>Claimant had asked for meeting to be in “written format” but this was refused.</p>
21.	29/04/24 (43 rd day of employment)	<p>Third claim presented for race, disability and sex discrimination, arrears of pay, other payments and whistleblowing.</p> <p>Claim is against Ms Williams only</p> <p><u>Factual complaints at box 8.2</u></p> <p>The factual complaints raised by the claimant include the following:</p> <ol style="list-style-type: none"> 1. The main factual complaints relate to the meeting on 26 April 2024. The failure to hold it in written format is said to be a failure to make reasonable adjustments and victimisation for the claim presented on 25 April 2024. 2. There is an unparticularised complaint about the grievance and disciplinary procedures. 3. The reference to falsifying sickness records from the second claim is broadly repeated. 4. The reference to threatened unauthorised deductions from the second claim is broadly repeated. 5. The references to a failure to refer to OH and to make reasonable adjustments from the first and second claim are repeated.
22.	29/04/24	<p>Email Metzner to claimant (page 1912):</p> <p><i>Dear Sandra,</i></p> <p><i>Hope you are well.</i></p> <p><i>I would like to confirm to you that we have put a request through to Occupational Health however we are awaiting a date and time and that they will be in contact with you to confirm.</i></p> <p><i>I can confirm that your sickness has been removed from the 22nd and that CGL will continue to pay your full salary whilst we await confirmation of the equipment that you require. We have checked with Back Care Solutions who have confirmed that they can have someone visit your house on the 9thMay 2024</i></p>

		<p><i>who would be able to complete a full assessment for you and this would mean that they would complete all the measurements etc. Can you please confirm that you are available on this date so that CGL can book this for you.</i></p> <p><i>If however, you can arrange for the measurements and pictures to be sent to Back Care Solutions prior to this date then please let us know and confirm when this will be.</i></p> <p><i>We would also respectfully request that with any further communications that you send that you only send these to myself and Rachel Williams who are dealing with this matter for you. We did request this on 25th of April 24, however since then you have continued to copy everybody into all communications.</i></p> <p><i>Many Thanks</i></p>
23.	30/04/24	<p>Email Williams to claimant</p> <p><i>CGL look forward to hearing from access to work and receiving the measurements etc as per your earlier email by the end of the week.</i></p> <p><i>We also respectfully request again a reference number from you to see if we can expedite matters with them.</i></p> <p><i>I can confirm that an OH referral had been made and that they will be in touch with in due course as per previous communications.</i></p> <p><i>Thank you</i></p> <p><i>Rachel</i></p>
24.	01/05/24	<p>Fit note issued for the period 22 April 2024 to 31 August 2024: for “depressive disorder, anxiety and sciatica”. States “you may be fit for work taking account of the following advice” which is “patient has discussed with employers about ergonomic table and chair”. (Page 1553)</p>
25.	02/05/24	<p>Email claimant to the ICO and Bristol Employment Tribunal, with many cc'd (page 1554):</p> <p><i>Good Evening</i></p> <p><i>I am raising concerns in the public interest, in good faith, with the belief that change grow live is not complying with their legal obligations on GDPR. Not complying with their legal obligation on the data protection legislation 2018</i></p>

		<p><i>Not complying with their legal obligations on confidentiality and breaching employees sensitive information in which should be secure and not in a public forum for everyone to have access. In raising these concerns , I am following the whistleblowing policy by raising concerns of wrongdoing that I have seen and witness at work and internally.</i></p> <p><i>This further demonstrates that they do not follow their policies on data protection and privacy notice.</i></p> <p><i>And as I maintain they discriminate against employees including myself which demonstrate claims made against them in the employment decision online.</i></p> <p><i>Kind regards,</i> S</p> <p>The claimant attached to the email photographs she had taken of documents displayed on a computer screen relating to employment matters.</p>
26.	02/05/24	<p>Email Williams to claimant: says will receive SSP only once two weeks' sick pay exhausted. Sick pay entitlement is set out in contract of employment.</p>
27.	02/05/24	<p>Email claimant to Employment Tribunal</p> <p><i>Good morning ET</i> <i>See attached fit note from my GP.</i></p> <p><i>I have told my GP that since 05.04.2024, I still wasn't provided with reasonable adjustments, DSE assessment, risk assessments, referral to OH.</i></p> <p><i>And again despite knowing of medication I take, disclosure I provided to my manager and HR, and another letter dated 18.04.2024. I was left with no choice but to contact DWP (access to work) who will be in contact with my employer and I have told my GP of issues I have been having also in regards to my disability.</i></p> <p><i>I look forward to hearing from you soon in regards to a PH in public by CVP and I will bring a lawyer who will assist me and will make application in due course.</i></p> <p><i>Sincerely,</i> S</p>
28.	02/05/24	<p>Email Williams to claimant (1.56pm)</p> <p><i>Good Afternoon Sandra</i></p>

		<p><i>Thank you for your email.</i></p> <p><i>I can confirm that as per your sicknote dated 1st May 2024 that you have been signed off work from 22nd April 24 until 31st August 2024 and I can confirm that you will receive SSP during this time once you have exhausted your 2 week full sick pay entitlement.</i></p> <p><i>Your statement of fitness to work indicates that you may be fit for work taking into account workplace adaptations which are listed as an ergonomic table and chair.</i></p> <p><i>We would like to take this opportunity to ask that you kindly reconsider the offer of Backcare Solutions assessing you in person so that they can ensure that we purchase the correct equipment for you. The last thing we would want would be to order the incorrect equipment and then this causing further issues. As I am sure you can appreciate if this was done over a teams assessment then this would not be an accurate assessment.</i></p> <p><i>It is noted on a previous email that you have contacted access to work and I believe this takes approximately 18 weeks to have a case worker assigned to you so the quickest solution would be that you allow Backcare Solutions to visit. If you would kindly allow this to happen please let me know so that the necessary arrangements could be put in place.</i></p> <p><i>During your time off your Line Manager will make regular welfare checks with you so I am sure Dominic will email you in due course and also give you any details that you may need for any EAP you may require.</i></p> <p><i>Kind regards</i></p> <p><i>Rachel</i></p>
<p>29.</p>	<p>02/05/24</p>	<p>Email claimant to Williams in response (4.32pm)</p> <p><i>Good Afternoon Rachel , Dominic</i></p> <p><i>In the event that you make unlawfully deductions to my wages, I will make another claim to the ET and I will take the matter to HMRC because it is you who did not provide me with reasonable adjustments and therefore my pay should not be affected as a result of you not making reasonable adjustments since 05.04.2024</i></p> <p><i>Sick pay and reasonable adjustments If an employee is paid sick pay while waiting for reasonable adjustments to enable them to return to work, and sick pay entitlement is reduced or</i></p>

		<p><i>runs out after a certain period, this may constitute less favourable treatment for a reason relating to the individual's disability.</i></p> <p><i>I trust I have made my position clear.</i></p>
30.	03/05/24	<p>Claimant sends an email to various including (page 1573) Bristol Employment Tribunal, the HSE and the ICO and the Pension regulator: setting out a wide range of unparticularised allegations of CGL not complying with legal obligations.</p>
31.	03/05/24	<p>Email claimant to many (page 1573): the email contains may allegations made in scatter gun fashion and includes threats to take legal action against "Rachel and Dominic" "against each of them personally in court for harassment and request an injunction".</p>
32.	03/05/24 (47 th day of employment)	<p>Fourth claim for unfair dismissal (and interim relief)</p> <p>Claim is against CGL only</p> <p><u>Factual complaints at box 8.2</u></p> <p>The factual complaints raised by the claimant include the following:</p> <p>That she was unfairly dismissed because she had made a protected disclosure on 2 May 2024 to the HSE, ICO, EHRC and pensions regulator that CGL did not comply with various legal obligations.</p>
33.	05/05/24	<p>Claimant email grievance to CGL trustees, cc'd to many others (page 1916): many different complaints raised by reference to "sex, race, disability, ethnicity, gender".</p> <p>It goes on to list 28 grounds of grievance. The grounds of grievance are all statutory provisions or matters the claimant believes to be causes of action.</p>
34.	07/05/24	<p>Claimant suspended (page 1853): allegations are that (1) accessed and disclosed sensitive confidential information (2) conducted self in a way that has destroyed trust and confidence.</p>
35.	08/05/24	<p>Email claimant to Employment Tribunal (cc'd to many others) (page 1914). This begins:</p> <p><i>Good Morning ET</i></p> <p><i>See attached grievance sent on 5.5.2024 which I expect to be investigated accordingly to your policies.</i></p>

		<i>After sending this was retaliated against and was suspended unlawfully with false allegations that HR fabricated with no evidence and who made these false allegations ...</i>
36.	09/05/24 (53 rd day of employment)	<p>Fifth claim presented for unfair dismissal, race, disability and sex discrimination, notice pay, holiday pay, arrears of pay, other payments and “whistleblowing”.</p> <p>Claim is against CGL and 6 individual respondents</p> <p><u>Factual complaints at box 8.2</u></p> <p>The factual complaints raised by the claimant include the following:</p> <ol style="list-style-type: none"> 1. That she was unfairly dismissed. Additional information is provided compared to claim four. 2. That her suspension is unfair. 3. That a grievance she presented had not been investigated. 4. That discrimination ongoing since 5 April 2024.
37.	15/05/24	<p>Email Grimshaw to claimant (page 1927): before setting out with whom the claimant should correspond she writes as follows:</p> <p><i>Dear Sandra</i></p> <p><i>I am writing to you as the Director of People. I am aware that you have been engaging in a high volume of email correspondence in relation to the various concerns and complaints you have regarding your employment with Change Grow Live. I am aware too that you have chosen to copy in numerous colleagues within Change Grow Live to that email correspondence.</i></p> <p><i>In order that your correspondence can be dealt with efficiently and effectively you should restrict your communications on the issues set out below to the following employees of Change Grow Live who have responsibility for dealing with the respective areas. In relation to any other issue, you should, in the first instance, correspond with Dominic Metzner as your line manager...</i></p>
38.	15/05/24	<p>Email claimant to Grimshaw in response (page 1902)</p> <p><i>The ET will now deal with these matters and as you , Dominic</i></p>

		<p><i>M, Rachel , Chloe are now respondents in to the proceedings then I will refer any communication to the ET.</i></p> <p><i>Pls arrange for my payslips to be sent to me by HR as I have requested, and for my pay to be rectified accordingly to my employment contract.</i></p> <p><i>There is also a hearing in June that has been listed and all evidence will be provided.</i></p> <p>S</p>
39.	15/05/24	<p>Email claimant to Grimshaw again in response (page 1901)</p> <p><i>Very interesting that you find my communication to your colleagues distressing but yet you dont apply the same duty of care to myself an employee who is disabled.</i></p> <p><i>Thanks for clarifying that you also will be instructing them to delete my email, as a director it shows your favouritism to your colleagues because they are white.</i></p> <p>S</p>
40.	16/05/24	<p>Email James-Fagg to claimant: invites to attend grievance meeting</p>
41.	21/05/24	<p>Letter McVan to claimant (page 1844): invites claimant to investigation meeting</p>
42.	21/05/24	<p>Claimant emails many the HR duty team at CGL (page 1875) copying in a large number of individuals.</p> <p>The email makes many allegations against different employees before asking 10 questions about the disciplinary investigation.</p> <p>It also states:</p> <p><i>My union representative is also not available until mid June 2024 in any event and this letter is not providing me with my statutory right to bring an union representative 2 days notice is also not sufficient in any event (acas recommends at least 5 days) and you did not make any reasonable adjustment for this meeting for me a disabled person.</i></p> <p><i>I do not believe you are impartial and furthermore you and your colleagues all colluded to terminate my employment and a decision was already predetermined.</i></p>
43.	23/05/24	<p>Email Mcvan to claimant in reply (page 1873): she ask</p> <p><i>Dear Ms Messi,</i></p>

		<p><i>Many thanks for your response.</i></p> <p><i>Please can I ask what reasonable adjustment(s) are you seeking and why do you require them?</i></p> <p><i>Just to confirm that this investigation meeting has been arranged as a fact find into allegations made; this is not a full hearing. This will give you opportunity to respond and answer any questions and queries I might have; to consider next steps, as appropriate.</i></p> <p><i>Please advise on the above.</i></p>
44.	23/05/24	<p>Email claimant to In Mcvan in reply (page 1872): The email begins:</p> <p><i>I am writing to raise a formal written grievance regarding the manner in which my disciplinary hearing has been handled as it fails to meet the basic procedural requirements as outlined by the ACAS Code of Practice on Disciplinary and Grievances which are the Regulations used by the Employment Tribunals when they assess whether any disciplinary or grievance process has been conducted lawfully.</i></p> <p>She does not explain what reasonable adjustments she is seeking or why. She does request that her grievance “is heard ahead of any disciplinary hearing” and again says her union representative is not available until mid June.</p>
45.	23/05/24	<p>Email Mcvan to claimant (page 1871): McVan points out that there is no right to be accompanied at an investigative meeting and against asks what reasonable adjustments are being sought and why.</p>
46.	23/05/24	<p>Email claimant to McVan in reply (page 1870): the email begins:</p> <p><i>I ask that you refrain from harassing me on this matter and I have the right to bring someone as a reasonable adjustment to my disability.</i></p> <p><i>1 day notice is unreasonable and unacceptable.</i></p> <p><i>I have set out what your requirements are under acas code and in the event that you conduct this hearing without me and ignoring my request to attend and emails sent, I will take appropriate action.</i></p>
47.	24/05/24	<p>Email McVan to claimant (page 1870): Ms McVan agrees to</p>

		allow claimant to be accompanied at investigative meeting as a reasonable adjustment.
48.	24/05/24	<p>Email claimant to McVan (page 1869):</p> <p><i>Hi</i></p> <p><i>I again ask that you refrain from rushing the process.</i></p> <p><i>I will not attend any meeting without my union representative which is a statutory right and furthermore I have told you and your colleagues that my union representative is not available until mid June 2024 so I asked that you wait until then.</i></p> <p><i>Again provide me with answers I have requested by 31.5.2024, failing that a new claim will be made against yourself on the basis of discrimination arising from a disability, breaches of section 9, 10, 11- refer to my previous emails , harassment, victimisation</i></p>
49.	28/05/24	<p>Email McVan to claimant (page 1868): Ms McVan says will not wait until mid-June before meeting with claimant but as a further reasonable adjustment will send across questions.</p>
50.	28/05/24	<p>Email claimant to McVan (page 1868): in response claimant says:</p> <p><i>I have already consumed [sic] with ACAS and a new claim was made against you and others for the constant harassment, victimisation and detrimental conduct you continue to cause because of my race and disability. I will not respond to your emails and feel free to conduct your alleged investigation as you see fit.</i></p>
51.	28/05/24	<p>Email McVan to claimant (page 1867):</p> <p><i>Dear Ms Messi,</i></p> <p><i>Thank you for your email this afternoon.</i></p> <p><i>My communication with you is part of an investigation process in which I would urge you to participate.</i></p> <p><i>I shall send you the written questions as advised below; if I do not receive a response to those questions, I will proceed as indicated.</i></p> <p><i>Yours Sincerely,</i></p>
52.	03/06/24	Application for interim relief in claim 5 dismissed at a

		hearing conducted by CVP
53.	05/06/24 (80 th day of employment)	<p>Sixth claim presented for unfair dismissal, race, disability and sex discrimination, notice pay, holiday pay, arrears of pay, other payments, “discrimination and vicariously [sic] liability”, “contempt of court” and “false statements during proceedings”</p> <p>Claim is against four individual respondents</p> <p><u>Factual complaints at box 8.2</u></p> <p>The factual complaints are set out incoherently and apparently in great haste. In broad terms the claimant appears to complain about matters including:</p> <ol style="list-style-type: none"> 1. Unfair dismissal disguised as suspension for making protected disclosures and trade union membership. 2. The equal pay issue raised in the first claim. 3. The reference to falsifying sickness records from the second and third claims is broadly repeated. 4. Falsification of a referral to OH. 5. Complaints about hear grievances are made/repeated. 6. Failures to pay monies due to her. 7. A refusal to allow her to be accompanied. 8. Victimisation by Nic Adamson by virtue of the contents of a witness statement.
54.	11/06/24	<p>Email Metzner to claimant (page 1897):</p> <p><i>Hi Sandra,</i></p> <p><i>Medigold have notified us you haven't yet accepted your upcoming telephone appointment with them for your occupational health assessment on 19.06.2024 at 2pm.</i></p> <p><i>Medigold provided you details of the telephone appointment to your personal email address.</i></p> <p><i>Please could you confirm attendance with Medigold.</i></p> <p><i>Your welfare Manager, Claire Begent, has been trying to contact you, is there an alternative way you would prefer to be</i></p>

		<p><i>contacted. Claire is willing to meet you via teams if this suits your requirements, rather than a telephone conversation.</i></p> <p><i>Many Thanks</i></p> <p><i>Dominic</i></p>
55.	12/06/24	<p>Email Metzner to claimant (page 1897):</p> <p><i>Good Afternoon Sandra,</i></p> <p><i>Apologies for the confusion regarding your medigold appointment, i have now contacted medigold to resolve the mistake within the referrer details. There is no option to self refer through medigold, i referred you on the 22/04/2024 and i had not input my details as the referrer by mistake.</i></p> <p><i>This has now been rectified and Medigold have confirmed the appointment is still booked in.</i></p> <p><i>Please may you confirm your appointment with Medigold as soon as possible. They have also asked that you confirm with them your best contact number for them to call you on the day.</i></p> <p><i>Many Thanks</i></p> <p><i>Dominic</i></p>
56.	12/06/24	<p>Email Metzner to McVan (page 1890): in response to the question:</p> <p><i>Did Ms Messi ever raise any concerns to you from information that she had access through the shared drive</i></p> <p>Mr Metzner replies:</p> <p><i>No. No concerns were raised to me with regards to the information accessed.</i></p>
57.	12/06/24	<p>Email James-Fagg to claimant (page 1590): seeks clarification in relation to some of the “subjects” grievance saying “I would like to move your grievance forward”.</p>
58.	12/06/24	<p>Email claimant to James-Fagg (page 1581): the claimant does not engage with the requests for information about her grievance made but raises issues of union representation.</p>
59.	14/06/24	<p>Emailed Letter Wallace-Clarke to claimant (page 1594): explains why CGL believes is it paying her in accordance with its sickness absence management policy and disciplinary policy “whilst on suspension as we have a fit note in place for you to</p>

		expire which expires on 31 st August 2024.
60.	28/06/24	Disciplinary report (page 1608): runs to 15 pages and has 39 appendices.
61.	28/06/24	Email to claimant (page 1932): inviting her to disciplinary hearing on 5 July 2024
62.	09/07/24	<p>Letter Holmes to claimant (page 1915): re-arranges disciplinary hearing to 12 July 2024 states:</p> <p><i>... All other information regarding the structure and potential outcomes of the meeting remains the same as your previous invitation letter. This includes your right to be accompanied by either a Change Grow Live work colleague or a Trade Union Official.</i></p> <p><i>If your usual representative is not available to attend, then you will need to make alternative arrangements for someone to accompany you.</i></p>
63.	09/07/24	<p>Email claimant to Holmes (page 1935):</p> <p><i>Good Afternoon Simon</i></p> <p><i>I ask that you postpone this hearing under Section 38 of the acas code so that I can attend with my union representative and I have advised you that he is not available and currently ill.</i></p> <p><i>if you and your colleagues proceed with a hearing without my statutory right to be accompanied by my union representative and a decision is made to dismiss then a new claim will be made for dismissal under section 152 TULRCA 92.</i></p> <p><i>I ask you familiarise yourself with the acas code, your policies and CGL policies.</i></p> <p><i>I also ask politely that you and your colleagues cease your constant harassment and threats to dismiss me when this has already been done since 3.5.2024.</i></p> <p><i>I trust I made my position clear.</i></p> <p>S</p>
64.	10/07/24	<p>Email Holmes to claimant (page 1939)</p> <p><i>Dear Sandra,</i></p> <p><i>As this is a second attempt to arrange this hearing the hearing will proceed. You have already been provided with an opportunity to suggest an alternative date within 5 days of the</i></p>

		<p><i>original date of the hearing, in accordance with ACAS Guidance.</i></p> <p><i>If your usual representative is not available to attend, then you should make alternative arrangements for someone to accompany you.</i></p> <p><i>If you do not attend, the hearing will proceed in your absence.</i></p> <p><i>If there are any adjustments that we need to consider to enable you to participate in this process then please let us know by 5pm on Thursday 11th July 2024.</i></p>
65.	11/07/24	<p>Email claimant to Holmes (page 1939)</p> <p><i>I ask that you stop harassing me and refer to my previous emails.</i></p> <p><i>My position has not changed.</i></p> <p><i>Stop deliberately causing me anxiety and distress on a weekly basis.</i></p>
66.	11/07/24	<p>Email claimant to Kent Police cc'd many others (page 1938):</p> <p><i>Hi police</i></p> <p><i>just spoke to Charlotte who took details of exactly what has happened since 05.04.2024 and she mentioned it will be referred for investigation and to keep all evidence.</i></p> <p><i>It's the report I made on 14.6.2024 and online on 28.6.2024 against CGL, HR employees.</i></p> <p><i>Contempt of court proceedings also made along with the claim to the ET and court.</i></p> <p><i>The CAB also advise me on next steps also.</i></p> <p><i>I look forward to hearing from you soon.</i></p>
67.	12/07/24	<p>Disciplinary hearing (record at page 1944): claimant does not attend</p>
68.	22/07/24	<p>Claimant dismissed without notice (page 1956)</p>
69.	22/07/24 (127 th and last	<p>Seventh claim presented for unfair dismissal, whistleblowing (an interim relief)</p>

	day of employment	<p>Claim is against CGL only</p> <p><u>Factual complaints at box 8.2</u></p> <p>The factual complaints raised by the claimant include the following:</p> <ol style="list-style-type: none"> 1. The claimant complains she was unfairly dismissed for making protected disclosures. 2. The claimant also complains that the respondent refused to postpone the hearing when her union representatives were ill.
70.	23/07/24	Grievance outcome letter (page 1963)
71.	23/07/24	Claimant appeals against dismissal (page 1961)