



EMPLOYMENT TRIBUNALS

Claimant: Mr T Hillman

Respondents: (1) The Governing Body of Clarendon School
(2) London Borough of Richmond upon Thames
(3) Achieving for Children

JUDGMENT ON RECONSIDERATION APPLICATION

The Claimant's application dated 6 June 2017 and in subsequent correspondence with the Tribunal for a reconsideration of the Tribunal Judgment and Reasons sent to the parties on 23 May 2017 is refused because there is no reasonable prospect of the original decision being varied or revoked.

REASONS

1. In a Judgment sent to parties on 23 May 2017, the Employment Tribunal determined that the Claimant was not an employee of the Respondents at all material times within the meaning of section 230 of the Employment Rights Act 1996 and that he was not in employment with the Respondents at all material times within the meaning of section 83 of the Equality Act 2010.
2. In his letter dated 6 June 2017, applying for a reconsideration of the Tribunal Judgment, the Claimant included the following:

So essentially I would ask the judgment be reconsidered in three areas. Firstly the sessional staff and volunteers be referred to by initial not name. Secondly that anything to do with the reasons for the suspension and investigation and disciplinary process be referred to as at the highest a disputed allegation, that any reasons for ending the work relation or outcomes of the disciplinary or appeal be referred to if at all as disputed allegations, that anything which relates the fairness or otherwise of the disciplinary and investigation process is disputed – and

essentially none of these areas have been argued in court.

Further that in my submission I was employed, or at the very least that if I wasn't Clarendon had no business putting me through a hole disciplinary et cetera since I can't challenge it and have no right to use words such as 'misconduct', 'gross misconduct' 'summary dismissal' with regards to myself.

3. The Claimant very courteously ended his letter with the following:

I sent this over now to comply with the deadline. I hope that I will be able to refine arguments/send over further particulars hereafter. I have appreciated the judgment in so many ways and I hope that you do not object to me asking for reconsideration in various areas.

4. The Claimant provided further points for reconsideration in an 11 page document he provided to the Tribunal on 4 July 2017.
5. Rule 70 of the Employment Tribunal Rules of Procedure 2013 provides:

A Tribunal may, either on its own initiative (which may reflect your request from the Employment Appeal Tribunal) or on the application of a party, to reconsider any judgment where it is necessary in the interests of Justice to do so. On reconsideration, the decision ("the original decision") may be confirmed, varied or revoked. If it is revoked it may be taken again.

6. It is clear from the lengthy correspondence from the Claimant to the Tribunal that he feels that he has been the victim of very significant injustice by Clarendon school. The Claimant considers that the disciplinary process he was subjected to was very unfair and understandably he considers that subjecting him to a display process reinforces his contention that he was an employee of Clarendon school at all material times.
7. The Tribunal's reasons for its judgement sets out why I concluded that the Claimant was not an employee of the Respondent and why that he had not been in employment with the Respondents. In relation to the disciplinary process paragraph 43 of the reasons sets out my findings on why Clarendon school had decided to follow a disciplinary process in respect of the Claimant.
8. The Claimant is clearly unhappy with my Judgment at the Preliminary Hearing. However, I consider that the Claimant, through his application for a reconsideration of the judgment, is essentially endeavouring to re-argue his case. The process of reconsideration is not available to a party to re-argue their case and to revisit the evidence, which had been before the Tribunal. In the event that there are errors of law in the Tribunal judgment or that the Tribunal has misapplied itself, the appeal process is available to a party.
9. I consider that the Claimant has not raised any ground which would enable me to reconsider my judgment at the Preliminary Hearing, within the scope of the

powers of reconsideration under Rule 70 of the Employment Tribunal Rules of Procedure 2013.

10. The Claimant's application for reconsideration of the Judgment sent to the parties on 23 May 2017 is refused because in my judgment there is no reasonable prospect of the original decision of the Tribunal being varied or revoked.

Employment Judge Hall-Smith
Date: 10 August 2017