



EMPLOYMENT TRIBUNALS

Claimant: Ms S Hassan

Respondent: University College London Hospitals NHS Foundation Trust

JUDGMENT

The claimant's application dated 20 July for reconsideration of the judgment sent to the parties on 28 June.

REASONS

There is no reasonable prospect of the original decision being varied or revoked, because:

The claimant's child

- 1.1 It was indeed disruptive having the claimant's young child present at the hearing. In fact, he was quite well behaved and his parents looked after him carefully so the disruption was tolerable and did not distract us too much. He played under the desks, along the Tribunal corridors and was breastfed as needed and the Tribunal did not once ask the claimant and her representative husband to alter what they were doing. We never asked them to take him out of the room and did not refuse adjournments.
- 1.2 He came because the claimant and her husband had made no other arrangements for his care, despite having some months to plan, not even bringing someone to sit with him outside the Tribunal room. They presented us with no choice and we made the best of it. Given the situation, whether the claimant had given evidence by video link (which was refused) or in person, one or other parent was necessarily going to be caring for the child all the time. When her husband was cross-examining the respondent's witnesses the claimant chose to be out of the room most of the time and we did not refuse any request from him for time to take instructions. When she was being questioned he was occasionally out of the room and we carefully explained re-examination to both of them as we were aware that matters might arise which only she knew of.
- 1.3 This was not an ideal situation but we had to make the best of it and it is not a ground for reconsideration, not least because they are no other options for child care.

The panel were all white women

2. We were aware of this and that we do not have lived experience of racism. We came to our conclusions by analyzing the evidence and applying the law as we were bound to do.

The respondent's counsel was white

3. His job was to represent the respondent and to assist the Tribunal, which he did admirably by producing the agreed list of issues. The decision was not influenced by his race.

Lack of consideration and empathy

4. The claim was of race discrimination. We were not sitting in judgment over the conduct of the respondent's witnesses in general.

Allegations of perversity etc.

5. These are appeal points for the EAT.

Delay

6. No point is taken regarding delay as the claimant first applied for reconsideration in May, before the Reasons were sent to her. The claimant complains of the Tribunal's delay in providing the Reasons; they were provided as quickly as was possible given the demands of the Employment Judge's workload.

Employment Judge Wade
26 July 2017