

Case No 2200701/2017



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant: MA A BARRON

Respondent: UNIVERSITY & COLLEGE UNION

JUDGMENT

The claimant's application dated **25th October 2017** for reconsideration of the judgment sent to the parties on **14th September 2017** is refused.

REASONS

1. I refer to the judgment sent to the parties on 14th September 2017 ("Judgment") and will adopt the same terminology here as used in the Judgment.
2. The Claimant seeks permission to amend her complaints to add paras 6.2.7 and 6.2.16 of the Sept ET1.
3. Her application to do so by way of reconsideration is made 27 days out of time. She asks that it be considered in any event given the fact that she had been dealing with difficult personal circumstances since the Judgment was sent to her and she had only recently become aware of what she now identifies as potential errors in the Judgment. She points to the lack of prejudice to the Respondent if the additional paragraphs were added, given witness statements are not to be exchanged until February 2018. I accept that it is appropriate for me to consider her application on its merits, and I extend time formally, pursuant to r. 5 of the 2013 Rules.

Para 6.2.7

4. The Claimant contends that I ought to have permitted this paragraph to form part of the claim, on the basis that it is based on factual allegations made within the April ET1.
5. That allegation appears, as part of a parenthesis, in the penultimate paragraph of the 'Context' section of the April ET1, in which a complaint

made by Dr McGovern against the Claimant is described as “maliciously alleging harassment”, which the Claimant comments, parenthetically as I say, “is a form of harassment in itself”.

6. I took, and I still take the view that the allegation therefore falls within the category I described at para 9(3) of the Judgment. Further, it is not clear from the context of the paragraph in the April ET1 which I have quoted, whether “harassment” is there being used in the legal sense.
7. In all events I decline to reconsider my decision in this regard.

Para 6.2.16

8. The Claimant rightly points out that I do not deal with this paragraph in Appendix 1 to the Judgment. That was an oversight, for which I apologise to the parties.
9. This paragraph asserts that an email from Solomon Hughes of 30 March 2017 was an act of harassment related to the Claimant’s sex.
10. The Claimant rightly points out that it replicates the factual allegations made in paragraph 32 of the April ET1 as a claim of sex discrimination and the re-formulation in the September ET1 is therefore a re-labelling.
11. I therefore allow the claim to be amended to include this claim of harassment, applying the same approach as I summarise at para 9(2) of the Judgment.
12. I note that the List of Issues at Appendix 2 to the Judgment will need to be amended also accordingly.

EMPLOYMENT JUDGE Segal in 8 November 2017