



EMPLOYMENT TRIBUNALS

Claimant: Ms K Sawyer
Respondent: East London NHS Foundation Trust
Date: 26 January 2018

JUDGMENT

The claimant's application under Rule 71 of the Employment Tribunals Rules of Procedure 2013, dated **5 December 2017**, for reconsideration of the judgment sent to the parties on **21 November 2017**, is refused under Rule 72(1).

There is no reasonable prospect of the original decision being varied or revoked.

REASONS

1. Employment Judge Prichard, by letter of 14 December sought any comments from the respondent on the claimant's reconsideration application. His intention was to elicit any comments they may have wished to make on the factual specifics mentioned there. In the event their brief response dated 18 December 2017 only gave general observations on the reconsideration process.

The Reconsideration Application

2. The claimant goes through the numbered paragraphs of the reserved judgment, starting with 3 and 21 referring to Sr. Prigo who heard the swearing. As pointed out in para 21 that the claimant was the Band 5 nurse in charge. It was her responsibility to tackle this, and anyway in paras 22 & 39, this allegation was never upheld against the claimant. What was upheld was her delay and poor attitude to management when she was asked for a statement. The claimant is reading too selectively. There is nothing in this point.

3. The claimant is simply repeating her old workplace grievance in her reference to paras 6 & 26. Read together with para 33, the tribunal was told all about it. There is nothing in this point.

4. Paragraphs 13 & 18. There is nothing in this point either. Is she saying the

judgment has the dates of her “stress” wrong? If so it certainly would not affect the outcome of the case.

5. Paragraphs 20 & 46. The tribunal was only reciting the narrative. There is no suggestion that the claimant was not within her rights to refuse to do extra duties.

6. Paragraph 44. The claimant seems to agree with what the tribunal is saying here surely?

7. Paragraph 57. The claimant also seems to agree with what the tribunal is saying here surely?

8. Paragraph 65. There was a delay as everyone acknowledged in the reasons are set out at para 60 – 65. The claimant is selecting the paragraph out of context and simply rearguing her case. There is nothing in this point.

9. Paragraph 68. The claimant may be right as to why the letter was misdated. This is an insignificant detail in the narrative which does not affect the outcome.

10. Paragraph 74. The claimant is just adding additional detail. She is not disagreeing with the tribunal. This forms no part of any reconsideration application. There is nothing in the point.

11. Paragraph 76. Once again the claimant is agreeing with the tribunal.

12. Paragraphs 90-92. It is not clear what point the claimant is making about her union representative. Para 92 explains the problems with the union. The claimant does not disagree. There is nothing in the point.

13. Paragraphs 98-100 & 110. The judge does not want to repeat the logic of the paragraphs. It is clear from her question she has completely misunderstood them. The tribunal criticised Ms Shepherd and HR for the misunderstanding of the timings. The timing of a decision or a hearing does not, *per se*, make it unfair. There is nothing in this.

14. Paragraph 104. The claimant is repeating her original recollection. The tribunal has made its finding. This has no part in a reconsideration application. There is nothing in it.

15. Paragraph 107. The claimant may be right about this. It makes no difference who did the drafting. Ms O'Donnell was the decision-maker.

16. Paragraphs 114 & 117. If the claimant was unwell, that may partly explain her lack of assertiveness. The claimant specifically mentioned that in para 118. Again the claimant is being overselective, taking things out of context and rearguing her case.

17. Paragraphs 116, 119 & 122. Claire Williams might have seen this mention in 116, but it was still up to the claimant to put it forward. If she put forward nothing Ms Williams would have been entitled to assume she did not want to. The claimant is rearguing her case, and being over selective in her reading.

There is absolutely nothing in this.

18. Paragraph 107. The tribunal was all too aware that Ross Wrenhurst was not allowed to speak. It was fully dealt with at para 93 which the claimant has not mentioned.

19. Paragraph 112. The claimant is not even adding additional detail. She is not disagreeing with the tribunal. This forms no part of any reconsideration application. There is nothing whatsoever in the point.

20. All in all dealing with this reconsideration application has been a very wasteful use of judicial time. Employment Judge Prichard has been forced to re-read a 25 page judgment in detail because, apparently, the claimant has not read it in sufficient detail. The points made by the claimant are nugatory. The application is completely hopeless, and is dismissed.

21. It would be a great and disproportionate waste of the parties' and the tribunal's resources to hold a hearing. The application is plainly bound to fail.

22. For all those reasons the reconsideration application fails in its entirety.

Employment Judge Prichard

26 January 2018