



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss G Alampo

**Respondent:** Salford Royal MHS Foundation Trust

## JUDGMENT

The claimant's application dated 19 December 2017 for reconsideration of the judgment sent to the parties on 14 December 2017 is refused.

## REASONS

1. I have considered the claimant's application for reconsideration contained in her document emailed on 19 December 2017, and the copy document attached to her further email of 20 December 2017. I have also considered comments from the respondent dated 12 January 2018.

### Rules of Procedure

2. Rule 72(1) of the 2013 Rules of Procedure empowers me to refuse the application if I consider that there is no reasonable prospect of the original decision being varied or revoked. The test is whether it is necessary in the interests of justice to reconsider the judgment (rule 70). In common with all powers under the 2013 Rules, preliminary consideration under rule 72(1) must be conducted in accordance with the overriding objective which appears in rule 2, namely to deal with cases fairly and justly. This includes dealing with cases in ways which are proportionate to the complexity and importance of the issues, and avoiding delay. Achieving finality in litigation is part of a fair and just adjudication.

3. The importance of finality was confirmed by the Court of Appeal in **Ministry of Justice v Burton and anor [2016] EWCA Civ 714** in July 2016 where Elias LJ said that:

**"the discretion to act in the interests of justice is not open-ended; it should be exercised in a principled way, and the earlier case law cannot be ignored. In particular, the courts have emphasised the importance of finality (Flint v Eastern Electricity Board [1975] ICR 395) which militates against the discretion being exercised too readily..."**

4. Similarly in **Liddington v 2Gether NHS Foundation Trust EAT/0002/16** the EAT chaired by Simler P said in paragraph 34 that:

“a request for reconsideration is not an opportunity for a party to seek to re-litigate matters that have already been litigated, or to reargue matters in a different way or by adopting points previously omitted. There is an underlying public policy principle in all judicial proceedings that there should be finality in litigation, and reconsideration applications are a limited exception to that rule. They are not a means by which to have a second bite at the cherry, nor are they intended to provide parties with the opportunity of a rehearing at which the same evidence and the same arguments can be rehearsed but with different emphasis or additional evidence that was previously available being tendered.”

## Conclusion

5. Having considered all the points made by the claimant I am satisfied that there is no reasonable prospect of the original decision being varied or revoked. The essential point made by the claimant in her application is that the terms of settlement represented a bad deal for her. That was not the issue. The case turned upon whether an agreement had been reached, not whether it was a good deal or a bad deal. Any points of significance now made by the claimant were considered and addressed at the hearing. The application for reconsideration is refused.

6. The reconsideration application concludes with some questions about the judgment. It is not for me to answer them or explain the judgment further. However, I do not accept that the claimant was not given a fair chance to present her argument as she asserts at paragraph D4 of her application. I ensured that each side had an opportunity to put its case forward. When it came to the claimant's submission I put the main points of concern to her and listened carefully to what she said in response. I rejected her arguments for the reasons provided with the judgment.

Employment Judge Franey

24 January 2018

JUDGMENT AND REASONS SENT TO THE PARTIES ON

29 January 2018

FOR THE TRIBUNAL OFFICE