



EMPLOYMENT TRIBUNALS

Claimants:

1. Mrs P Bhatia
2. Mrs P Booth
3. Mr N Asani

Respondents:

1. Dr Anant Prasad t/a Shanti Medical Centre
2. Dr Shaista Hanif t/a Shanti Medical Centre

RECONSIDERATION JUDGMENT

Upon preliminary consideration, Dr Hanif's application dated 15 October 2018 for reconsideration of the judgment sent to the parties on 24 January 2018 is refused.

REASONS

1. I have considered Dr Hanif's application for reconsideration of the judgment promulgated following the hearing on 10 and 11 January 2018. That application is contained in an email of 15 October 2018 with attachments. I have also had comments from the claimants in a letter from their solicitors of 7 December 2018, and an email from Dr Prasad of 10 December 2018.

2. I have prepared these reasons assuming that the reader has already read the judgment and reasons issued in January 2018 ("the January judgment"), and the reconsideration judgment and reasons sent to the parties on 8 March 2018 ("the March judgment").

3. The legal framework which applies to applications for reconsideration was summarised in paragraphs 4-6 of the March judgment.

4. The application for reconsideration was made long outside the 14 day time limit in Rule 71. Dr Hanif says that the new information on which it is based could not have been obtained within those 14 days. Although many of the examples of clinical concerns set out in the attachment appear to have been reported during 2017, I accept that the application is also based on more recent events. I am prepared to extend time on this basis.

5. The application was not copied to the other parties. That is a breach of rule 71. This is disappointing because I made this point in the March judgment. Nevertheless under rule 6 I consider it just to waive that requirement because Dr Hanif is a litigant in person and because the other parties have now seen the application and have had an opportunity to comment on it.

6. As to the merits, the application is based on the proposition that if Dr Hanif had been able to adduce evidence of alleged shortcomings in Dr Prasad's medical practice to the hearing in January 2018, his credibility would have been undermined and the case would have gone in favour of Dr Hanif. That is based on a misapprehension on her part. The Tribunal will generally assess credibility on the basis of evidence relevant to the issues before it. Turning the hearing into an examination of the quality of Dr Prasad's clinical practice would not have been proportionate or helpful. The evidence would not have been admissible. Nor does investigation by the GMC and the GPhC, or suspension by NHSE, necessarily affect his credibility as a witness on managerial matters at issue in the tribunal proceedings.

7. A subsidiary point is made about the claimants being involved in breaches of confidentiality by using confidential information to try and get patients to transfer to their new practices. Once again it is unclear how these allegations about conduct after dismissal would have been relevant to the core issue of why the claimants were dismissed.

8. In my judgment there is no reasonable prospect of the January judgment being varied or revoked, and the application for reconsideration is rejected.

Employment Judge Franey

18 December 2018

JUDGMENT AND REASONS SENT TO THE PARTIES ON

21 December 2018

FOR THE TRIBUNAL OFFICE