



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant
Mr A West

Respondent
and The Chief Constable of Surrey Police

DECISION ON APPLICATION FOR RECONSIDERATION

Under Rules 70-73 of Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013

1. There is no reasonable prospect of the Judgment dated 7 January 2019 being varied or revoked on the grounds set out in the Claimant's application for reconsideration. The application is refused.
2. Reasons for this decision are attached.

REASONS

Background

1. At a Tribunal hearing held at Reading on 1-18 October and 7 December 2018 (Employment Judge Vowles with members Ms Stewart and Mr Selby) the Claimant's claims of disability harassment, direct disability discrimination, discrimination arising from disability, victimisation, protected disclosure detriment, failure to make reasonable adjustments and indirect disability discrimination were determined. All claims failed. The Reserved Unanimous Judgment with Reasons was sent to the parties on 7 January 2019.
2. On 20 January 2019 the Claimant made an application for reconsideration of the Judgment.

Preliminary consideration

3. Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 -

Rule 70 Principles

A Tribunal may, either on its own initiative (which may reflect a request from the Employment Appeal Tribunal) or on the application of a party,

reconsider any judgment where it is necessary in the interests of justice to do so. On reconsideration, the decision (“the original decision”) may be confirmed, varied or revoked. If it is revoked it may be taken again.

Rule 71 Application

Except where it is made in the course of a hearing, an application for reconsideration shall be presented in writing (and copied to all the other parties) within 14 days of the date on which the written record, or other written communication, of the original decision was sent to the parties or within 14 days of the date that the written reasons were sent (if later) and shall set out why reconsideration of the original decision is necessary.

Rule 72 Process

(1) An Employment Judge shall consider any application made under rule 71. If the Judge considers that there is no reasonable prospect of the original decision being varied or revoked (including, unless there are special reasons, where substantially the same application has been made and refused), the application shall be refused and the Tribunal shall inform the parties of the refusal. Otherwise the Tribunal shall send a notice to the parties setting a time limit for any response to the application by the other parties and seeking the views of the parties on whether the application can be determined without a hearing. The notice may set out the Judge’s provisional views on the application. ...

4. In Trimble v Supertravel Ltd [1982] ICR 440, the Employment Appeal Tribunal said that on an application for review (now reconsideration), if a matter has been ventilated and properly argued during the course of Tribunal proceedings, then any error of law falls to be corrected on appeal and not by way of review.

Claimant’s application

5. The Claimant’s application consists of a detailed critique of the Tribunal’s findings on the various claims, paragraph by paragraph. Each of the matters raised was considered by the Tribunal and dealt with in the Judgment and the Reasons, but the Claimant disagrees with the findings.

Decision

6. The Claimant is seeking to re-argue matters which were considered by the Tribunal and on which decisions were made. There is nothing new raised in the application which would merit reconsideration.
7. The comments regarding the conduct of the Police Federation at the end of the application are not relevant to the Tribunal’s Judgment.
8. The interests of justice do not require reconsideration in this case. It would be contrary to the principle of finality in litigation. If the Claimant has

grounds to do so he may present an appeal to the Employment Appeal Tribunal.

9. There is no reasonable prospect of the original decision being varied or revoked on the grounds set out in the application.

Employment Judge Vowles

Date: 27.02.2019

Sent to the parties on:

.....15.03.19.....

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For the Tribunal Office