



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr R Greenwood

**Respondent:** Anglia Ruskin University Higher Education Corporation

## JUDGMENT ON RECONSIDERATION APPLICATION

The Claimant's application by email sent on 11 May 2017 for reconsideration of the reserved Judgment sent to the parties on 27 April 2018 is refused.

### REASONS

1. The reasons for the Tribunal's Judgment on the application for reconsideration are set out herein only to the extent that the Tribunal considers it necessary to do so in order to explain its decision, and only to the extent that it is proportionate to do so.
2. The application for reconsideration of the Reserved Judgment dated 11 May 2018 ran to some 5 pages of text. It was an attachment to an email which was copied to the Respondent at the same time. Also attached to the application for reconsideration were a number of further documents. These included a copy of the Claimant's solicitor's letter to the Tribunal (also five pages long) dated 7 March 2018 – after the end of the evidence, submissions and the Tribunal's meeting in chambers,

but before the Judgment was sent out about the appeal letter; and various other documents in support of the contentions in that letter. She also attached emails between the solicitors in January 2018 about the appeal letter. In her submission, Ms Stewart referred to various cases. Copies of the case reports of two of these were also attached to the application for reconsideration. These were *Donelien v Liberata UK Ltd* [UKEAT/0297/14]; *Jennings v Barts and the London NHS Trust* [UKEAT/0056/12]

3. The Respondent sent their comments on the application to the Tribunal also by email, copied to the Claimant and dated 24 May 2018.
4. The application fell to be considered under Rules 70 – 72 of the Employment Tribunals Rules of Procedure 2013, as cited by both parties in their written representations.
5. The application was in respect of two issues, the Tribunal's findings about the Respondent's knowledge of his disability, and about the findings about the appeal letter. It is not necessary or proportionate to set out in these Reasons the detail of the grounds on which the application for reconsideration was made, as the application was in writing and both parties are aware of them.
6. Having reviewed the Claimant's application, the Tribunal rejected it, adopting the reasons set out in the Respondent's clear and succinct written representations, most of which I adopted. The exception is in relation to paragraph 2.3.
7. In relation to the ground based on the knowledge of the Claimant's disability, the application did not provide an adequate basis for a decision to reconsider the Judgment, for the reasons summarised in paragraphs 2.1 – 2.1.4. of Ms Temple's representations on behalf of the Respondent. In particular, there was no reasonable prospect of the original decision being varied or revoked on the basis of the grounds in the application for reconsideration as the Tribunal had found, in the alternative, that even if the Respondent had constructive knowledge, the discrimination allegations would not have succeeded on their merits. In those circumstances, and also on grounds of proportionality, whilst the Tribunal acknowledges the Respondent's solicitor's suggestion at paragraph 2.3 of Ms Temple's letter, that the Tribunal could amplify its reasons, it is neither proportionate nor necessary to do so.
8. In relation to the appeal letter, the Tribunal had to make findings on the balance of probabilities in respect of the available evidence. There are inadequate grounds stated for the failure to have adduced the additional evidence in the application.

9. The Tribunal accepted the correction about referring to the Claimant's list of disclosure, rather than the Claimant's disclosure in the Reasons. However, it is not proportionate to correct that error, and it is not an adequate basis for a reconsideration.
10. The Respondent's submissions on this reconsideration ground are also adopted. It is not proportionate or necessary to reconsider the findings.
11. The Tribunal set out its reasons for the Judgment reached in a detailed document running to some 39 pages and addressing all material issues, after a five-day hearing.
12. The application for reconsideration does not raise any matters which would lead the Judge to consider that there was a reasonable prospect of the original Judgment being varied or revoked. In those circumstances, having regard to the terms of Rule 72(1) of the Employment Tribunals Rules of Procedure 2013, the application for reconsideration is hereby refused.

Employment Judge Hyde

24 August 2018