



EMPLOYMENT TRIBUNALS

Claimant: Mrs S Kaur

Respondent: Greenhalghs Craft Bakery Ltd

JUDGMENT

The claimant's application made on 31 December 2018 for reconsideration of the judgment striking out her complaint of unfair dismissal sent to the parties on 14 December 2018 is refused.

REASONS

Introduction

1. At a hearing on 30 November 2018 I struck out the claimant's complaint that her dismissal was automatically unfair because the reason or principal reason was that she had made a protected disclosure contrary to section 103A Employment Rights Act 1996. I concluded that her complaint had no reasonable prospect of success.
2. The Judgment and Written Reasons were sent to the parties on 14 December 2018.
3. On 31 December 2018 the claimant made an application for reconsideration of that Judgment. An email of that date enclosed amongst other documents a letter dated 17 December 2018 running to six pages.
4. The email was not copied to the respondent as the rules require, and by a letter of 15 January 2019 the claimant was informed that it could only be considered if she confirmed that it had been so copied.
5. The claimant responded by email the same day. She said that her letter seeking reconsideration had been copied to the respondent. Unfortunately due to administrative error that response was not referred to me, and it was overlooked until the claimant enquired about progress.
6. By email of 13 June 2019 I apologised to the claimant for the delay but asked her to confirm why her application had not been made within 14 days of the date upon which the Judgment was sent out. The claimant responded on 17 June 2019. I

gave the respondent an opportunity to comment on the application, and it did so by letter of 12 July 2019. I took all that material into account.

Extension of Time

7. An application for reconsideration of a Judgment is governed by rules 70-73. Rule 71 requires an application to be made within 14 days of the date upon which the Judgment is sent to the parties. I have power to extend that under rule 5, a power which should be exercised in accordance with the overriding objective in rule 2.

8. The claimant explained that she had received the Judgment by email, but the accompanying information had only arrived some days later in the post. She had thought that the 14 days ran from when the Judgment arrived with the accompanying information.

9. As the claimant is a litigant in person for whom English is not her first language, and because there was no suggestion the respondent had been prejudiced by that slight delay, I decided that it was in accordance with the overriding objective to grant her an extension of time.

10. I therefore considered the reconsideration application on its merits.

Merits of Application

11. The general principle is that a decision of an Employment Tribunal is final, subject to an appeal on a point of law. However, reconsideration can be appropriate where it is in the interests of justice (rule 70).

12. Under rule 72(1) I am empowered to refuse an application based on preliminary consideration of it if there is no reasonable prospect of the original decision being varied or revoked.

13. I concluded that the complaint of whistle-blowing dismissal had no reasonable prospect of success because it was hopeless on causation. Details were set out in paragraph 41 of the Reasons which accompanied the Judgment the claimant now wishes me to reconsider.

14. This application contained no information which might cause me to reconsider my view on that point. The claimant reiterates some information which was already before me which relates to whether her disclosures were true. I found that she had reasonable prospects of showing that she had made a protected disclosure as set out in paragraph 40 of the Reasons. The application also raises a number of concerns about the written statements compiled and provided against her, but those were points that she made in the hearing on 30 November 2018. Many of those points go to the question of fairness rather than to the real question of the reason for dismissal.

15. Accordingly there is no reasonable prospect of the matters raised by the claimant causing me to vary or revoke the Judgment striking out the whistle-blowing unfair dismissal complaint.

16. The application for reconsideration is refused.

Employment Judge Franey

22 July 2019

JUDGMENT AND REASONS SENT TO THE PARTIES ON

31 July 2019

FOR THE TRIBUNAL OFFICE

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