



EMPLOYMENT TRIBUNALS

Claimant: Miss J Beach

Respondent: Manor House Properties Limited

Heard at: Liverpool

On: 24 June 2019

Before: Employment Judge Buzzard

REPRESENTATION:

Claimant: In person

Respondent: Dr Samriti Goyal, Director

JUDGMENT

The respondent's application dated 19 July 2019 for reconsideration of the judgment sent to the parties on 5 July 2019 is refused.

REASONS

Delay in Judgment

The respondent's application for reconsideration of the judgment was forwarded to Judge Buzzard on 27 September 2019. This delay in the respondent's application being forwarded caused the delay in this judgment.

1. Grounds of Application

- 1.1. The respondent made an application for reconsideration on 19 July 2019. The application is stated to relate only to the notice pay claim successfully pursued by the claimant.

- 1.2. The application relies on a single ground, namely that the respondent was not permitted to present evidence, in the form of a CCTV recording with audio, at the final hearing.
- 1.3. The respondent's application states:
 - 1.3.1. In advance of the hearing they had been told by the employment tribunal helpline that she could play the video as evidence in the hearing;
 - 1.3.2. That the transcript of the relevant audio, prepared in a break in the hearing was prepared in a "stressed and rushed state"; and
 - 1.3.3. There was a key part of the video that could not be transcribed because what is being said is no longer audible, although the fact they are speaking can be discerned, a point that the transcript could not reflect.

2. Reasons for refusal of Reconsideration

- 2.1. A transcript of the relevant audio was produced by the respondent. This was then considered by the parties and agreed to be accurate. Whilst the respondent states their representative was rushed and whilst preparing it she was stressed, it is not suggested that the transcript was in a material way inaccurate. There was no request for further time to prepare the transcript, or indication given on the day that there was a concern it would not be accurate.
- 2.2. The respondent suggests that the transcript omits relevant parts of the conversation. The respondent further confirmed in the application for reconsideration that the missing parts were not audible on the recording. Accordingly, even if the CCTV had been viewed, it is not suggested that any further detail of what was said would have been evidenced.
- 2.3. The fact that the respondent was told that the CCTV would be viewed is noted. This was stated by the respondent's representative at the hearing.
- 2.4. The CCTV was relevant because it included audio. The evidence of the CCTV was relevant only to whether a breach of confidence had occurred by the claimant discussing confidential matters on a speakerphone within earshot of a member of the public. Accordingly, the only relevance of the CCTV would be the audio. The parties, who had viewed the CCTV, and specifically the respondent's representative, transcribed the relevant audio. Accordingly, listening to the original audio would have made no material difference to the findings about what was said in the relevant, short, period of time.
- 2.5. The fact that the respondent was previously told they would be permitted to play the CCTV is unfortunate, but could have made no difference to the outcome of the hearing. The only finding that the video would have assisted with, whether the call continued on speakerphone or not, was made in the

respondent's favour, namely that the call was continued on speakerphone. Accordingly, viewing the video could only assist the claimant, and only then if the question of whether the speakerphone use had continued was a decisive question of fact.

- 2.6. Accordingly, the respondent's application for reconsideration is rejected. There is no reasonable prospect that viewing the CCTV would make any difference to the decision regarding the claimant's entitlement to notice pay.

Employment Judge Buzzard

4 October 2019

REASONS SENT TO THE PARTIES ON

16 October 2019

FOR THE TRIBUNAL OFFICE

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