



EMPLOYMENT TRIBUNALS

BETWEEN

Claimants

Respondent

AND

Mr A Kerridge (1)
Mrs H Kerridge (2)

Miss Jane Blenkins

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

ON 16 October 2019

EMPLOYMENT JUDGE A Goraj

JUDGMENT ON APPLICATION FOR RECONSIDERATION

The Judgment of the Tribunal is that the respondent's application for reconsideration in respect of the above mentioned claims is refused because there is no reasonable prospect of the Judgments (or either of them) which were sent to the parties on 10 September 2019 being varied or revoked.

REASONS

1. The respondent has applied for a reconsideration of the above-mentioned judgments ("the Judgments"). The grounds for the respondent's application are set out in an email dated 24 September 2019 which was received at the Tribunal on that date ("the application"). The application relates to both of the Judgments and is therefore considered together below.

2. Schedule 1 of The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 contains the Employment Tribunal Rules of Procedure (“the Rules”). Under Rule 71 an application for reconsideration under Rule 70 must be made within 14 days of the date on which the decision (or, if relevant, the written reasons) were sent to the parties. The Judgments were sent to the parties on 10 September 2019 and the application was received by the Tribunal on 24 September 2019. The application was therefore received within the relevant time limit. The respondent (who did not attend the Hearing on 8 August 2019) has requested written reasons for the Judgments which will be provided separately in due course.

THE LAW AND THE CONCLUSIONS OF THE TRIBUNAL

THE LAW

3. The Tribunal has had regard in particular to: -
 - (a) Rules 70 -73 of the Rules referred to above including that the grounds for reconsideration are limited to those set out in Rule 70 namely, that it is necessary in the interests of justice to do so. The interests of justice apply to both parties.
 - (b) The Employment Judge is (a) required to consider as a preliminary matter pursuant to Rule 72 (1) of the Rules whether there is any reasonable prospect of the relevant decisions being varied or revoked and (b) if not so satisfied to dismiss the application at that stage.
 - (c) The guidance contained in **Trimble v Supertravel Ltd [1982] ICR 440 EAT**, including that if a matter has been ventilated and argued at a Tribunal hearing any error of law falls to be corrected on appeal and not by review. The Tribunal has noted that that the respondent has stated in the application that she will be making an appeal to the Employment Appeal Tribunal.

THE CONCLUSIONS OF THE TRIBUNAL

4. Having given careful consideration to the matters raised in the application the Tribunal is satisfied that there is no reasonable prospect of the Judgments (or either of them) being varied or revoked for the following the reasons: -
 - (1) The Tribunal gave careful consideration at the Hearing on 8 August 2019 to the available oral and documentary evidence/ submissions (including as

provided by the parties in the pleadings and in the associated documentation which was provided by the respondent under cover of an email dated 10 June 2019) when making its findings of fact and reaching its conclusions on the issues. The claimants both attended the hearing and gave oral evidence on oath in support of their claims. The respondent did however attend the Hearing (or seek any adjournment thereof).

(2) The matters raised by the respondent in the application relate to (a) matters which have previously been raised by the respondent in correspondence with the Tribunal / which the respondent would have had an opportunity to raise if she had attended the Hearing and (b) serious unsubstantiated allegations concerning the character/ conduct of the claimants which are not of assistance in the determination of the issues in this case. Accordingly, the Tribunal is satisfied that it is not in the interests of justice for such matters to be reventilated further.

5. In all the circumstances the Tribunal is, satisfied that there is no reasonable prospect of the Judgments (or either of them) being revoked or varied and the respondent's application is therefore dismissed.

Employment Judge Goraj

Dated 16 October 2019