



EMPLOYMENT TRIBUNALS

Claimant: Mr M Crawley

Respondents: (1) Leeds City Council
(2) Henry Moore Foundation

JUDGMENT

The claimant's application dated **18th December 2019** for reconsideration of the judgment sent to the parties on **13th December 2019** is refused.

REASONS

There is no reasonable prospect of the original decision being varied or revoked, because

1. The Application does not, in fact, identify any reasons why the judgment should be reconsidered.
2. The only existing claim against the Second Respondent (health and safety detriment) was not one that the tribunal has jurisdiction to hear against any party except the employer and the Second Respondent was accordingly removed from the proceedings. There is no reasonable prospect of that finding of fact, namely that the Second Respondent was not the employer, being varied.
3. The merits of the claim of health and safety detriment as against the First Respondent, together with the out of time issues were fully considered at the preliminary hearing. There is no reasonable prospect of that considered decision being varied.
4. The other matters mentioned in the Application are not properly the subject of reconsideration because they relate to case management decisions and not to the actual judgment.
5. It is, in any event, not in the interests of justice to set aside or to vary those orders under rule 29 of the Employment Tribunals Rules of Procedure 2013.
6. The Claimant, as was clearly set out in the earlier orders of Employment Judge Eeeley, required leave to amend his claim to include allegations of disability discrimination. Unless and until such leave was granted there could be no complaint of any form of discrimination

7. Following a full consideration of the issues, that leave was refused except in the case of harassment claims against the First Respondent.
8. In the document titled "Claimant's Response to Orders", sent to the tribunal on 1st October 2019, the Claimant does not in fact under the details of his proposed amendment identify any complaint of a failure to make reasonable adjustments. Nor did he identify any proper basis for such a claim in the course of discussion at the preliminary hearing. That application to add such a complaint was therefore refused.
9. Similarly, no basis was established for bringing a complaint of victimisation, within the specific meaning of the Equality Act 2010. The application to add such a complaint was also therefore refused.
10. Also after hearing full arguments on both sides, no basis could be established for bringing a separate harassment claim against the Second Respondent, either as agent for the First Respondent employer or possibly by reference to the Claimant as a "contract worker". The application to add such a complaint was therefore refused.
11. The only potential complaints that are continuing therefore are those of disability harassment against the First Respondent. Further details of these allegations are required from the Claimant and there will then be a fully pleaded Amended Response.
12. The application to strike out the earlier "Amended Responses" was therefore no longer relevant.
13. In so far as Amended Responses had been ordered to the health and safety detriment complaints, those claims against both Respondents have now been dismissed so that no Response is now required; the striking out of a Response to claims that are not proceeding would be pointless.
14. The Respondents had not, in fact, been ordered to serve Amended Responses to the disability discrimination claims, only to respond to the application to amend to add such complaints. The application to amend has also now been determined on its merits and any further application to "strike out" the draft responses is meaningless.
15. For the avoidance of doubt, I had read and taken into account, so far as it is material, the Claimant's document titled "Amended/ Additional Grounds of Resistance responses to be considered for striking out on the grounds they are considered by the Claimant to be unreasonable and/or scandalous".

Employment Judge **Lancaster**

Date 2nd January 2020