



EMPLOYMENT TRIBUNALS

Claimant: Mr D Shaw

Respondent: Intellectual Property Office

REASONS

[FOR JUDGMENT SENT TO THE PARTIES ON THE 7 JANUARY 2020]

1. There is no reasonable prospect of success because the claimant is seeking to secure a change in the decision of the Tribunal by further argument.
2. Where a party does not agree with the Tribunal's conclusions on aspects of the facts or the law this is a matter for appeal not reconsideration.
3. In Trimble v Supertravel Ltd [1982] ICR 440, the Employment Appeal Tribunal said that on an application for review (now reconsideration), if a matter has been ventilated and properly argued during the course of Tribunal proceedings, then any error of law falls to be corrected on appeal and not by way of review (reconsideration).
4. In Newcastle-upon-Tyne City Council v Marsden [2010] ICR 743, the Employment Appeal Tribunal said that dealing with a case justly in accordance with the overriding objective in regulation 3 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004 (now rule 2 of schedule 1 to the 2013 regulations) required the application of recognised principles, in particular the importance of finality in litigation, since justice required an equal regard to be paid to the interests and legitimate expectations of both parties and that a successful party should in general be entitled to regard a Tribunal's decision on a substantive issue as final, unless there are exceptional circumstances.

Employment Judge Gumbiti-Zimuto

Date: 19 February 2020

Sent to the parties on:

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For the Tribunals Office

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