



EMPLOYMENT TRIBUNALS

Claimant: Ms Z Davies

Respondent: Argos Ltd

TIME PREPARATION ORDER JUDGMENT (RECONSIDERATION)

The claimant's application dated 24 February 2020 for reconsideration of my costs order of 10 February 2020 is refused.

REASONS

1. On 10 February 2020 I gave an order declining the claimant's request for a time preparation order. The claimant subsequently made a request for reconsideration of my decision. In the course of dealing this I have realised that the costs decision should have been issued as a Judgment and not an Order. I have therefore reissued it separately as a Judgment albeit the content remains identical.
2. Turning to the reconsideration application, the claimant has termed it an "appeal letter" but I have treated it as a reconsideration application. The claimant says that since I gave my decision new documents have come to light which she says shows admitted bullying and lack of care from the respondent and that the respondent's solicitor was aware of the documents when dealing with the claimant's case. The claimant says that this demonstrates that the respondents and their solicitors acted with improper motive implying that there was no financial loss suffered when their own documents confirm this. The claimant has attached an extract from a document that she says she obtained after the conclusion of the proceedings and is the same extract summarised in my separate reconsideration decision in relation to the remedy decision. She also attached an email from the respondent's solicitor dated 16 January 2020 confirming sight of all relevant documents at the outset of the case and stating that the documents had nothing to do with the decision to concede liability.
3. I am satisfied on the basis of what is before me that there is no reasonable prospect of the Tribunal's original decision being varied or revoked or that the respondent or the respondent's solicitors acted vexatiously, abusively, disruptively or otherwise unreasonably. The claimant says that the documents

now available show that the respondent or the respondent's solicitor implied there were no financial losses suffered by the claimant when their own documentation confirmed this. However, as I have set out in my separate reconsideration judgment on remedy, the respondents were correctly applying the legal framework that in my judgment had to be applied when assessing the claimant's losses for her constructive unfair dismissal claim. It is not inappropriate for a respondent to seek to understand the value of an employment tribunal claim and then give their clients commercial advice relating to the value of the claim and base decisions upon that. Further, the documents the claimant attached to her reconsideration application in respect of the remedy judgment show that the respondents were in fact prepared to still disclose the documents the claimant wanted to her, subject to terms being agreed that she would not make a duplicate subject access request and would only use them for the purpose of these Tribunal proceedings (which is the principle that does apply to documents disclosed in the course of litigation, including employment tribunal litigation). It would appear however those terms were not agreeable to the claimant.

4. The application for reconsideration of the refusal of a time preparation order is therefore refused.

Employment Judge Harfield
Dated: 31 July 2020

ORDER SENT TO THE PARTIES ON

.....1 August 2020.....

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FOR THE SECRETARY TO EMPLOYMENT TRIBUNALS