



# EMPLOYMENT TRIBUNALS

**Claimant:**

Miss Alison Raeside

v

**Respondent:**

Data Systems (Computers)  
Limited

## JUDGMENT ON RECONSIDERATION

The claimant's application of 19 June 2020 for reconsideration of the judgment sent to the parties on 5 June 2020 is refused.

### REASONS

1. The claimant's complaints of direct disability discrimination, discrimination arising from disability, failure to make reasonable adjustments and disability-related harassment were dismissed in a reserved judgment with reasons dated 1 June 2020 which was sent to the parties on 5 June 2020.
2. On 19 June 2020 the claimant requested reasons for the judgment and made an application for reconsideration. Reasons had already been provided with the reserved judgment.
3. I considered the application for reconsideration under rules 70 to 72 of the Employment Tribunal Rules of Procedure 2013. Rule 70 provides that a judgment may be reconsidered where it is necessary in the interests of justice to do so. On reconsideration the original decision may be confirmed, varied or revoked.
4. Rule 72 says:  
  
*"An employment judge shall consider any application made under rule 71. If the judge considers that there is no reasonable prospect of the original decision being varied or revoked..., the application shall be refused and the tribunal shall inform the parties of the refusal."*
5. There is a public interest in the finality of litigation. The reconsideration process is not an opportunity for a party to provide further evidence or seek to reopen matters which the tribunal has determined. There must be some basis for reconsideration; the fact that a party disagrees with the findings made or conclusions reached is not sufficient.

6. The claimant's reasons for requesting reconsideration of the judgment of 1 June 2020 were set out over 8 pages. In these reasons I do not address every point made, but I have considered them all. For reasons I explain below, I have concluded that the application for reconsideration does not raise any error of law, any procedural error or any other matter which would make reconsideration necessary in the interests of justice.
7. The claimant says that the version of the issues to be determined by the tribunal was incomplete. As the judgment sets out at paragraphs 10-13, the issues for determination were agreed at a preliminary hearing on 15 June 2018 and they were discussed again with the parties on the first and second days of the full merits hearing. If the claimant thought the list of issues set out in the preliminary hearing case management summary was incomplete, she should have raised this after the preliminary hearing or at the full merits hearing. It is not in the interests of justice and the public interest in the finality of litigation, to reopen the scope of the issues for determination at this stage.
8. The claimant asks about the weight the tribunal attached to the witness statement of Mrs Ellis. The tribunal did not base any of its findings of fact on Mrs Ellis's statement. The tribunal's findings of facts about Mrs Ellis's interactions with the claimant are at paragraphs 34, 36 and 112 of the judgment. These findings of fact were reached by reference to the documents in the bundle, the evidence of the claimant and the evidence of the respondent's other witnesses, not Mrs Ellis's statement.
9. Many of the points made by the claimant in the application are factual assertions challenging the evidence of the respondent's witnesses or the conclusions which have been reached by the tribunal. At the hearing, the tribunal heard and weighed up the evidence, considered submissions by the parties, made findings of fact on the balance of probabilities, applied the law and reached conclusions. The tribunal's findings of fact and conclusions were set out in some detail in the reserved judgment and reasons. None of the claimant's assertions about the evidence or about the tribunal's conclusions provide a basis for reconsideration of the judgment.
10. The claimant also raises a number of points in respect of which the tribunal has not made a finding of fact. Where the tribunal did not mention a particular evidential issue in the judgment, this was not because we overlooked it. We heard a lot of evidence over the course of the 7 day hearing. We included in our judgment those points which we found most helpful in assisting us to determine the issues we had to decide.
11. The claimant asks whether out of time events were considered by the tribunal. The tribunal made findings of fact about the whole period of the claimant's employment by the respondent, as set out in paragraphs 15 to 124 of the judgment. The tribunal then applied the relevant legal principles and reached conclusions about the claimant's complaints as set out in the

list of issues. We did not restrict our consideration of the facts and issues by reference to any time frame. If any of the claimant's complaints had succeeded, we would have gone on to consider whether that complaint was presented in time. We did not do so, because our unanimous decision was that none of the claimant's complaints succeeded.

12. The claimant refers to the Data Protection Act in the context of the references obtained by the respondent. The tribunal made findings of fact about the references as far as they were relevant to the issues the tribunal had to determine. The employment tribunal does not have jurisdiction to determine complaints of breaches of the Data Protection Act.
13. Having considered the claimant's application in full, I have concluded that the interests of justice do not require a reconsideration of the judgment and there is no reasonable prospect of the original decision being varied or revoked. The claimant's application for reconsideration is therefore refused under rule 72(1).

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**Employment Judge Hawksworth**

Date: 13 July 2020

Judgment and Reasons

Sent to the parties on: ..19 August 2020.

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For the Tribunal Office

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