



EMPLOYMENT TRIBUNALS

Claimant: Mr D Quarm

Respondent: Metropolitan Police Commissioner

JUDGMENT

The Claimant's application for reconsideration of the Judgment sent to the parties on 20 August 2020 is refused.

REASONS

1. On 3 September 2020, the Claimant applied under Rule 71 of the ET Rules 2013 for reconsideration of the reserved Judgment and Reasons sent to the parties on 20 August 2020. The basis of the reconsideration application was set out in a five-page long document. In addition, the Claimant attached further evidence, in the form of an article from the Daily Mail Online website, published on 4 August 2020. There has been no response to the application from the Respondent.
2. The process for considering an application for reconsideration is set out in Rule 72.
3. The first stage of the process is for the Employment Judge to consider whether there is a reasonable prospect of the original decision being varied or revoked. If the Employment 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.
4. I have carefully considered the five-page long reconsideration application. I have also considered the further evidence provided by the Claimant. I do not consider that there is any reasonable prospect of the original decision being varied or revoked. My reasons are as follows:
 - a. The Claimant does not point to any error of law on the part of the Tribunal, but rather challenges the Tribunal's factual findings and specifically its assessment of witness credibility.
 - b. The Claimant challenges the Tribunal's assessment of the credibility of one of the Respondent's witnesses, Chief Inspector Tate, in paragraphs 1-11 of his reconsideration application. There is no reasonable prospect that the Tribunal will change its assessment of Chief Inspector Tate's evidence so as to find, as

urged by the Claimant, that his evidence was “dishonest and inaccurate” (paragraph 3); and that he was “motivated to provide false evidence to the ET because [he] wanted to protect his former colleague ex-Det Sgt Murphy by closing ranks around her” (paragraph 7).

- c. The Claimant’s renewed attack on Chief Inspector Tate’s credibility is essentially based on an alleged inconsistency between his evidence at paragraph 30 of his witness statement and the contents of Section 29 Policing and Crime Act 2017. However, this was not a point put to Chief Inspector Tate in cross-examination. Nor was it an argument advanced in closing submissions.
 - d. In any event, the Tribunal found that the decision not to record the Claimant’s communication was for the reasons given in Mr Keating’s outcome letter, and because there was no indication that the communication raised a conduct matter. The Tribunal was not specifically relying on paragraph 30 of Chief Inspector Tate’s witness statement in reaching its conclusions.
 - e. The Claimant continues to assert that the Respondent applied a No Discrimination Doctrine (application paragraphs 8 to 11), but the Tribunal has made a finding of fact that there was no such Doctrine.
 - f. There is no reasonable basis for the Tribunal to reconsider its decision in the light of the new evidence provided. The evidence concerns Commander Julian Bennett. He was not a witness in the case. There was no reference to him in the evidence before the Tribunal at the Final Hearing. The new evidence relied upon by the Claimant is irrelevant to the Tribunal’s factual findings in relation to the Claimant’s allegations about the decision on 27 June 2018.
 - g. Further, the Claimant refers to what took place during judicial mediation. Such discussions are confidential and inadmissible in these proceedings, and therefore cannot form a reasonably arguable basis for challenging the Tribunal’s decision.
5. For these reasons, the Claimant’s reconsideration application is refused.

Employment Judge Gardiner
Date: 11 November 2020