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EMPLOYMENT TRIBUNALS

Claimant: Mr N Lovell

Respondent: Grey Shield Security Services Limited

JUDGMENT FOLLOWING A RECONSIDERATION

The Respondent's application dated **13 November 2020** for reconsideration of the judgment sent to the parties on **12 November 2020** is refused.

REASONS

1. There is no reasonable prospect of the original decision being varied or revoked for the following reasons:
2. The Judgment was sent to the Respondent at the same address as all prior correspondence in connection with the claim. It is clear from the fact of the application that this correspondence address was an effective way for the Tribunal to contact the Respondent.
3. The claim form was sent to the Respondent by way of a Notice of Claim on 4 August 2020. By this Notice, the Tribunal informed the Respondent that, if it wished to defend the claim, it had to send a response by 1 September 2020. The Tribunal warned the Respondent in this Notice that if it did not do so then judgment could be issued against it and it would only be entitled to participate in any hearing to the extent allowed by the judge.
4. No response was received.
5. The Respondent was sent a letter on 10 September 2020 stating that a hearing would be held but in the absence of a response, it would only be entitled to participate to the extent allowed by the judge. A Notice of Hearing was sent to the Respondent on 22 September 2020. The hearing took place on 10 November 2020.
6. The Respondent made no application for an extension of time to serve a response and did not attend the hearing. Given that there was no response, the hearing continued quite properly in the absence of the Respondent. It is only now, after receiving judgment, that the Respondent seeks a reconsideration.

7. The Respondent has still not prepared a response: there is therefore no statement that it had any defence to the claims.
8. Ms Walker states that she was unavailable because she had given birth and was in and out of hospital in August. While the Tribunal would have required further information, this may have been a good reason for the sending of a late response. But it does not without a great deal more evidence justify a delay until November. Indeed, Ms Walker does not state why no one else at the company could have undertaken this work.
9. Ms Walker states she was waiting for the hearing: but notice was sent of the hearing and it is ambiguous in her email as to whether she knew this or not. Had she had any queries about how to connect, the Tribunal office number is on all correspondence and it could have been contacted. There was plenty of time to do so between the Notice of Hearing and the date of the hearing. In any event, in the absence of a response, it was doubtful that the Respondent would have been allowed any significant part in the hearing: it would have been unfair to allow them to defend the claim without the Claimant having seen their written Response and having the opportunity to prepare evidence in relation to it.
10. Justice requires finality, as long as procedures have allowed a party to participate. Here, in my judgement, the Respondent had a number of opportunities to participate but did not take them. The Respondent had a sufficient opportunity to provide a response or to provide one late with reasons and did not take it. The consequences of not providing a response were made clear to it i.e. that judgment against it could be made. The Respondent was given proper notice of the hearing and if it had had any questions had the opportunity to contact the Tribunal administration. It is only after judgment that the Respondent seeks to participate at all in the claim. In my judgment, the interests of justice should not allow a reconsideration of the hearing: proper notifications were given to the Respondent who did not actively participate in the claim at the right time and did not seek to send in a response late with reasons. There is no good reason to reopen this claim.

Employment Judge Moor

5 January 2021