



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Bryan Hennedy

**Respondent:** Lancashire County Council

## JUDGMENT

The claimant's application dated 27 November 2020 for reconsideration of the judgment sent to the parties on 17 November 2020 is refused.

## REASONS

1. I have undertaken preliminary consideration of the claimant's application for reconsideration of the judgment dismissing his claims. That application is contained in a short email in which the claimant states as follows:-

*"I would like to request a reconsideration of the Tribunal's judgment in my case. After reading the judgments and seeking advice, I feel the reasons for dismissal are not justified and lean favourably towards the respondent."*

2. No further detail than this is provided.

### The Law

2. An application for reconsideration is an exception to the general principle that (subject to appeal on a point of law) a decision of an Employment Tribunal is final. The test is whether it is necessary in the interests of justice to reconsider the judgment (rule 70).

3. Rule 72(1) of the 2013 Rules of Procedure empowers me to refuse the application based on preliminary consideration if there is no reasonable prospect of the original decision being varied or revoked.

4. The importance of finality was confirmed in **Liddington v 2Gether NHS Foundation Trust EAT/0002/16** the EAT chaired by Simler P said in paragraph 34 that:

**"a request for reconsideration is not an opportunity for a party to seek to re-litigate matters that have already been litigated, or to reargue matters in a different way or by adopting points previously omitted. There is an underlying public policy principle in all judicial proceedings that there should be finality in litigation, and**

reconsideration applications are a limited exception to that rule. They are not a means by which to have a second bite at the cherry, nor are they intended to provide parties with the opportunity of a rehearing at which the same evidence and the same arguments can be rehearsed but with different emphasis or additional evidence that was previously available being tendered.”

6. In common with all powers under the 2013 Rules, preliminary consideration under rule 72(1) must be conducted in accordance with the overriding objective which appears in rule 2, namely to deal with cases fairly and justly. This includes dealing with cases in ways which are proportionate to the complexity and importance of the issues, and avoiding delay. Achieving finality in litigation is part of a fair and just adjudication.

### **The Application**

7. The claimant is understandably disappointed with the outcome of the case. The Tribunal reached a unanimous decision having considered all of the evidence and submissions from both sides. The claimant has not stated where he considers the Tribunal has gone wrong or why the interests of justice require a reconsideration of the decision (or any aspect of the decision).

8. The claimant’s application is for a “second bite at the cherry” which undermines the principle of finality. Such attempts have a reasonable prospect of resulting in the decision being varied or revoked only if the Tribunal has missed something important, or if there is new evidence available which could not reasonably have been put forward at the hearing. A Tribunal will not reconsider a finding of fact just because the claimant wishes it had gone in his favour.

### **Conclusion**

9. The claimant’s application is refused.

Employment Judge Leach  
DATE 15 January 2021

JUDGMENT AND REASONS SENT TO THE PARTIES ON  
28 January 2021

FOR THE TRIBUNAL OFFICE