



EMPLOYMENT TRIBUNALS

Claimant: Ms K Rose

Respondent: The Commissioner of Police for the Metropolis

JUDGMENT FOLLOWING A RECONSIDERATION

The claimant's application dated the 25th of January 2021 for reconsideration of the judgment sent to the parties on 13th January 2021 is refused.

REASONS

1. The claimant has raised a concern over the respondent's conduct as a way of diminishing the claimant's credibility, a difference in treatment between the parties and 15 points in the judgment which she considers show that insufficient weight was given to her evidence and she requests a reconsideration of the judgement on this basis.

2. There is no reasonable prospect of the original decision being varied or revoked on any of these grounds for the reasons set out below.

Credibility

3. The claimant raises a concern that the respondent's representative addressed the court by making an inappropriate comment implying "lively" activity by the claimant and her partner during a break. It is suggested that this point was raised in order to diminish the claimant's credibility. This interjection by the respondent's representative had no impact on the decision that was made and therefore does not form a basis on which to reconsider this decision.

Different treatment of the respondent

4. The claimant says that during the proceedings a respondent's witness had his feet up on his table and was stroking a pet for quite some time, despite having been told the proceedings would be treated as formal. Her complaint was that the claimant would be held accountable for this behaviour, but the

respondent was not. Reference is made to this being clear to see if the video footage is watched again.

5. I did not see that conduct during the hearing. It formed no part of our decision-making process and is not therefore a basis on which reconsider this decision.

6. I would add that, as all parties were advised at the outset of the hearing, it is not permitted to make any recordings of the proceedings. The tribunal does not do so, and no video footage should therefore exist.

Not giving weight to the claimant's evidence

7. The claimant raises 15 specific paragraphs of the judgement in which she states that insufficient weight was given to the claimant's evidence or to various codes of conduct. I have considered each and every paragraph as set out below.

8. Paragraph 11: whether Mr Lowe did or did not tick a box on 26 June and by so doing intend the claimant to undertake night duties going forward was not one of the issues in the case.

9. Paragraph 14: it is the case that the claimant did not give any evidence in her witness statement about the impact of menopause on her physical or mental well-being. The matters referred to in the claimant's application for reconsideration were considered by the tribunal in reaching its decision.

10. Paragraph 24: the findings of fact here relate to Mr Lowe's contact with a comparator.

11. Paragraph 25 the claimant refers to harassment not requiring a comparative approach. A comparator was named by the claimant in relation to her allegation of direct discrimination and the point was considered in this context.

12. Paragraph 34 the issues were about Mr. Lowe's treatment of the claimant and therefore his state of knowledge is relevant.

13. Paragraph 36: the claimant is disputing a finding of fact and makes an assumption that because another individual had been told that the absence is for depression that that information would be passed to Mr Lowe. This was not put to Mr Lowe.

14. Paragraph 40: we made our findings of fact weighing up the evidence that we heard.

15. Paragraph 44: this is a finding of fact about what Mr Lowe noticed.

16. Paragraph 55: this is said to be mistaken and confused facts. It is an accurate record of what occurred on the 12th and 16th of September.

17. Paragraphs 57 to 59: these are findings of fact made on the evidence heard by the tribunal as to what occurred having weighed up all the evidence.
18. Paragraph 65 and 73: the claimant is disputing the findings of fact made but provides no new evidence.
19. Paragraph 68: this makes a finding of fact on the evidence that we heard.
20. Paragraph 74 to 75: this explains how the tribunal understands the policy.
21. Paragraph 92: this is a conclusion based on our findings of fact.
22. Paragraph 106: any lack of training was not an issue in the case therefore no findings of fact are made on this point right is not referred to in the conclusions.
23. While I have gone through points made in each paragraph, they dispute findings of fact made but provide no new evidence. The claimant is reciting her perspective and does not accept that the tribunal reached a contrary view. None of these points, either singly or collectively, amount to a ground for reconsideration.
24. For all these reasons the application is therefore refused.

**Employment Judge McLaren
Date: 16 February 2021**