



EMPLOYMENT TRIBUNALS

BETWEEN:

Miss L Minton
Claimant

and

Pine View Care Homes Limited
T/A Groby Lodge
Respondent

Application for Reconsideration

Held at: In Chambers

On: 1 March 2021

Before: **Employment Judge R Clark**

JUDGMENT

The Claimant's application for reconsideration of the remedy judgment dated 10 February 2021 is refused.

REASONS

1. Following a remote hearing held on 8 February 2021, I gave a remedy judgment expressed in a reserved judgment dated 10 February 2021 and sent to the parties on 11 February 2021. The respondent's response had previously been struck out and that order had not been subject to appeal nor had any other application been made for relief from the consequences of it. Nevertheless, I anticipated that the respondent would attend the hearing and that I would give it some opportunity to participate in testing the claimant's evidence in respect of remedy. In the event, that option was not pursued by the respondent, its director Mr Raja instead preferring to renew its application to stay the claim for a further 7

months. On that being refused, Mr Raja left the hearing. The circumstances of that are recorded more fully in the reasons accompanying the remedy judgment.

2. By an email dated 23 February, the respondent applies for a reconsideration of that remedy judgment. The application is clearly and succinctly set out in 15 paragraphs. For the most part, it repeats the request for a stay or postponement as a result of the covid-19 pandemic. However, it also broadly repeats the allegation that the tribunal system is racists at all levels and has racially discriminated against the respondent because its director is of BAME origin and that this would not have happened to a white company owner.
3. Such an application falls to be considered under rules 70-72 of schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013. By rule 71, an application for reconsideration must be made in writing within 14 days of the decision being sent setting out why reconsideration of the original decision is necessary. The Respondent's email application was submitted in time.
4. By rule 70, the tribunal may reconsider any judgment where it is necessary in the interests of justice to do so and, if it decides to do so, may vary, revoke or confirm the original decision. There is now a single threshold for making an application. That is that reconsideration is necessary in the interests of justice. There must therefore be something about the nature of how the decision was reached, either substantively or procedurally, from which the interests of justice would be offended if the original decision was allowed to stand.
5. By rule 72(1) I am to give initial consideration to the prospects of the application which determines whether it is necessary to seek the views of the claimant and whether the matter can be dealt with on paper or at a further hearing before the same tribunal. Where the application can be said to carry no reasonable prospects of being varied or revoked, the rules dictate that I shall refuse the application without being required to consider the matter further.
6. I am satisfied that there are no prospects at all of the remedy judgment being varied or revoked on the basis of the application. First, the application for a stay or otherwise to delay the final determination of the claim, was considered and rejected. Nothing in what is now before me is new or different to that put at the hearing nor, indeed, on the various previous occasions when a like application has been made. Secondly, the allegation of systematic racism generally against BAME company owners and specifically in the orders previously striking out this respondent's response fails to provide anything more than a misplaced assertion and one which has been made previously in correspondence with the tribunal. There is no basis for understanding how or why it is said to be the case that the racial characteristic of a director or shareholder of the respondent has influenced any of the orders nor does it engage with the surrounding facts, not least the reason why a Judge himself of a BAME origin might discriminate so. As it stands, it is an allegation wholly without merit and it would not be in the interests of justice for that to be a basis to reopen the litigation.

7. Consequently, I refuse the application for reconsideration at the initial consideration and without requiring the claimant to comment.

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Employment Judge R Clark
Date: 1 March 2021

JUDGMENT SENT TO THE PARTIES ON

2 March 2021

AND ENTERED IN THE REGISTER

2 March 2021

FOR SECRETARY OF THE TRIBUNALS