



EMPLOYMENT TRIBUNALS

Claimant Mrs L Oyebisi
Represented by Mr H Ogbonmwan, Adviser

Respondent Hyde Housing Association Ltd
Represented by Mr N Caiden, Counsel

Before: **Employment Judge K Andrews**

JUDGMENT

The claimant's application dated 27 January 2021 for a reconsideration of the Order refusing interim relief sent to the parties on 13 January 2021 is refused.

REASONS

1. There is no reasonable prospect of the original decision being varied or revoked.
2. The decision was made on the basis of facts that both parties agreed were accurate. The nature of an interim relief hearing is such that no detailed scrutiny of evidence should be necessary and no evidence was submitted by the claimant. In any event as per rule 95 of the Employment Tribunal Rules 2013 no oral evidence will normally be heard at such a hearing. The submissions made by the claimant's representative – both oral and written – were fully taken into account.
3. The correct test was applied and although the hearing was relatively short, this test was given full consideration.
4. The hearing was subject to some technical difficulties but was not 'chaotic' as the claimant alleges.
5. Further, I do not accept that the claimant's representative was at any disadvantage let alone an extreme disadvantage as he suggests in his email dated 3 February 2021.
6. The claimant (in person) on 23 December 2020 applied for a postponement of the hearing for medical reasons and to allow her to obtain representation. The respondent objected to that application and also asked for the hearing to be held by video. The claimant replied again asking for a postponement and that the hearing to be held in

person. The Tribunal wrote to the parties on 5 January 2021, on the instructions of the Regional Employment Judge, refusing the application for a postponement as an interim relief hearing should be heard as soon as possible and that the medical evidence provided by the claimant did not address her ability to attend a hearing. It was also confirmed that due to the latest government guidelines regarding Covid-19, the hearing would take place by video link. Full details were enclosed as to how to access that link.

7. The hearing therefore proceeded on 6 January 2021 and was due to commence at 10am. I was informed by the clerk at 10am that the claimant was present but her expected representative was not. I asked the clerk to obtain the representative's number from the claimant and to call him to establish the position. At 10.25 I spoke to the parties, the claimant's representative was still not available, and agreed to start the hearing at 11.15 to accommodate the claimant's representative who I was told had had a recent bereavement.
8. Mr Ogbonmwan did then attempt to join the hearing at 11.15 but there were some technical difficulties with him doing so. By 11.55 I had been provided with the claimant's submissions (which he had emailed in at 11.08) and he had been provided with the documents from the respondent. The hearing was then able to get underway and Mr Ogbonmwan addressed me on his application. Following his full oral submissions Mr Caiden made brief oral submissions in reply in addition to his skeleton argument and at 1.05 Mr Ogbonmwan made some brief points in reply.
9. I adjourned to consider my decision. We resumed at 1.35 when I informed the parties that the application was unsuccessful and gave oral reasons (written reasons have subsequently been provided on the request of the claimant). Directions for the future conduct of the matter were also discussed and agreed.
10. I was and remain fully satisfied that Mr Ogbonmwan had the opportunity to make whatever representations he wanted on behalf of the claimant. He did not indicate that he was at any disadvantage by the hearing proceeding and I did not form that view.

Employment Judge K Andrews
Dated 9 February 2021