



EMPLOYMENT TRIBUNALS

Claimant: Mr S Sheldon

Respondent: Tec Reports Limited

Heard at: Nottingham by CVP

On: Monday 29 March 2021

Before: Employment Judge Blackwell (sitting alone)

Appearances

For the Claimant: M McEnerney of Counsel
For the Respondent: M Choudhury of Counsel

Covid-19 statement:

This was a remote hearing. The parties did not object to the case being heard remotely. The form of remote hearing was V – video. It was not practicable to hold a face-to-face hearing because of the Covid-19 pandemic.

JUDGMENT

The Employment Tribunal Judge gave judgment as follows:-

1. My decision is to recuse myself.

REASONS

Introduction

1. Mr Islam Choudhury makes an application for me to recuse myself which arises out of a case involving Mr Taylor who is a witness for Mr Sheldon in today's proceedings. Mr Taylor brought a case against the same Respondents which I heard on 3 and 4 January 2019. A judgment was sent to the parties on 26 January and there being a request for reasons, written reasons followed and was sent to the parties on 20 February 2019.

2. In the present case Mr Griffin, the Managing Director and Mrs Davies, the Operations Manager are witnesses and they were witnesses in the Taylor case. Mr Taylor obviously was also a witness because he was the Claimant in that case.

3. I made a number of findings of fact in that case which were dependent upon the views I took as to the credibility of Mr Griffin and Mrs Davies. I was also critical of Mr Griffin, see paragraphs 24 and 28 of the reasons I have referred to.

4. The legal test in respect of recusal, both Counsel have helpfully set out for me and it is that the hearing must be free from apparent bias and the method to determine that is whether the circumstances would lead a fair minded and informed observer to conclude that there was a real possibility that the Tribunal was biased. In my view and the more I think and read the reasons, the more my recollection of the Taylor case returns.

5. I take Mr McEnerney's point that inevitably there will be delay and there will be delay. However on balance it seems to me that the right decision is for me to recuse myself because of the adverse view I have taken on the credibility of Mr Griffin and Ms Davies. It therefore follows that I have no option but to recuse myself.

6. I invited the parties to consider Judicial Mediation but Mr Sheldon did not wish to engage. Therefore that is not an option.

Employment Judge Blackwell

Date: 08 April 2021

JUDGMENT SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

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