



EMPLOYMENT TRIBUNALS

Claimant: Ms Abigail Williams

Respondent: HS2 Ltd

JUDGMENT ON AN APPLICATION FOR RECONSIDERATION

UPON considering on 19 April 2021 the claimant's application for reconsideration dated 8 December 2020, the further particulars provided in support of that application dated 5 January 2021 and the respondent's response to the application dated 9 March 2021.

The claimant's application for reconsideration is refused.

REASONS

There is no reasonable prospect of the original decision being varied or revoked, because it appears that the reconsideration application is an attempt by the claimant to reargue her entire case. The claimant's application is based upon expanding upon points which were raised and considered at the hearing or raising arguments which could and/or should have been deployed at the hearing. The application reads as though the claimant has taken the opportunity to make further submissions following the judgment. It is not in the interests of justice to reconsider a judgment on that basis.

I have considered all of the matters raised by the claimant and none of them are such that they would give any reasonable prospect of the original decision being varied or revoked.

In my judgement it is neither appropriate nor necessary to attempt to respond to the many arguments raised by the claimant. The diffuse arguments presented showed that the claimant disagreed with the decision but this is not sufficient to justify reconsideration. This was a case in which the parties and the interests of justice were best served by finality of litigation and in particular confirming the Tribunal's judgment.

I draw attention to the following specific points however:

- (i) The claimant has provided new evidence which was not before the Tribunal. In particular the medical consent form signed and dated by the claimant on 1 July 2019. The claimant has not however explained why this evidence was not produced by her at the hearing. In order to rely on new evidence it would be necessary for the claimant to show that the evidence could not have been obtained with reasonable diligence for use at the original hearing. She has not done so. In any event there is no reasonable prospect of the decision being varied or revoked in light of this new evidence. The new evidence could affect the Tribunal's findings of fact at paragraph 167 but it could not affect its

conclusions essentially because the claimant's position was not that her behaviour on 25 January arose in consequence of her medical condition but that she had not been violent at all. Furthermore, as we found, the respondent was fully aware of the claimant's medical condition and took it into account when deciding whether to dismiss. Further information from the claimant's GP would have had little to no relevance to the dismissal decision. In this context the consent form could not possibly justify the judgment being varied or revoked.

- (ii) The claimant raises points about Non Owen who the judgment refers to as one of the "legal witnesses" who gave evidence about the claimant being violent on 25 January. The claimant makes the point that Non Owen is the Company Secretary rather than a lawyer. There is no prospect of this distinction resulting in the decision being varied or revoked. It does not change what the judgment refers to as the "fundamental point" that these witnesses had no reason to lie about the claimant and her own case was that they were not part of any collusion (see paragraph 150 of the judgment), and the subsequent finding that it was reasonable for Mr Jordan to test the claimant's allegation of collusion by speaking to Non Owen (paragraph 271 e of the judgment).
- (iii) The claimant now appears to believe that HR and legal were in collusion. This is a change in her position. The claimant's new position does not have any prospect of varying or revoking the judgment. The tribunal has already rejected the claimant's case that there was collusion generally (see paragraph 146 - 147 of the judgment in particular). The fact that the respondent may have sought legal advice prior to 9 December 2018 does not support an allegation that HR and legal colluded to falsify allegations of violence against the claimant. There is no reasonable prospect of the Tribunal's decision being varied or revoked as a result of this information.
- (iv) Finally, the claimant has made a number of allegations about the conduct of the hearing. My recollection of the hearing is different to that of the claimant. Moreover, I do not believe the claimant raised any concerns during the hearing itself. In my view there was nothing in the conduct of the hearing which could possibly warrant the decision being varied or revoked. The claimant had the opportunity to give evidence, ask questions and make submissions on all issues. The claimant's application is an overall attempt to re-argue the issues because she disagrees with the decision. This is not a valid ground for a reconsideration.

Employment Judge Meichen

26 April 2021