



# EMPLOYMENT TRIBUNALS

**Claimant**                      **Mrs T Williams**  
**Respondent**                    **Priory School (Isle of Wight)**

## JUDGMENT

The claimant's application dated 24 February 2021 for reconsideration of the judgment sent to the parties on 12 February 2021 is refused.

## REASONS

1. The hearing in this case took place before Employment Judge Hargrove on 14 December 2020 and 4 February 2021. Judgment was sent to the parties on 12 February 2021. The hearing was listed as a public preliminary hearing to determine only whether the claimant had sufficient length of service under section 108 Employment Rights Act 1996 (ERA) to bring her claim for unfair dismissal against the respondent.
2. At the 14 December 2020 hearing the bundle of documents sent to the tribunal was incomplete; there was no witness statement from the claimant; and the claimant's representative had difficulties accessing the hearing by CVP. Accordingly, Orders were provided which included an explanatory note setting out relevant background facts not in dispute, the relevant statutory provisions and the legal and factual issues which arose. Subsequently, the parties provided and elected to rely upon their written statements and submissions and additional documents, and did not asked for the hearing to be resumed in person or remotely.
3. Subsequent to the hearing, Employment Judge Hargrove retired. It is not practicable for Judge Hargrove to give consideration to this application. Accordingly, in accordance with rule 72 (3) the Regional Employment Judge appoints himself to deal with the application.
4. Because of the absence of Judge Hargrove there was some delay in processing the application. The parties were put on notice, by letter dated 23 April 2021, that the application would be dealt with by a different judge. The respondent was given the opportunity to respond to the application for reconsideration, which they did on 21 May 2021.

5. There is no reasonable prospect of the original decision being varied or revoked, because:
- a. the application fails to identify what legal error Judge Hargrove is said to have made
  - b. to the extent to which an error of law is identified, the claimant says that the judgment is “not in keeping” with section 108 ERA. This fails to address the reasoning deployed by Judge Hargrove.
  - c. the application fails to address the legal principles and case law set out by Judge Hargrove in his written reasons
  - d. there is no suggestion that Judge Hargrove was not in possession of all relevant documents and arguments
  - e. the application seeks to repeat arguments which were already before Judge Hargrove

**Regional Employment Judge Pirani**  
**Date: 07 June 2021**

Judgment and Reasons sent to the Parties: 21 June 2021

FOR THE TRIBUNAL OFFICE