



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr T Hancox

**Respondents:** Ms Minette Batters & Ms Sarb Heer

## DECISION

In exercise of my powers contained in Rule 72 Employment Tribunal Rules of Procedure 2013 I refuse the Claimant's application on the grounds that there is no reasonable prospects of the decision being varied or revoked.

## REASONS

1. On 20 June 2021 the Claimant submitted an application for reconsideration of the Reserved Judgment I delivered following an Open Preliminary Hearing on 7 May 2021. He has since sent further written arguments to the Tribunal which I have also considered.
2. The power to reconsider a Judgment is contained in Rules 70 to 70 Employment Tribunal Rules of Procedure 2013. The rules enable a Tribunal to reconsider a Judgment where it is necessary in the interests of justice to do so. Rule 72 provides that an Employment Judge shall consider the application. If the Judge considers that there is no reasonable prospect of the decision being varied or revoked she shall refuse the application.
3. In deciding this reconsideration application I have read my Judgment carefully.
4. As to the claim against Ms Batters, I understand the Claimant to be contending that I was unable to hear the Open Preliminary Hearing as a Judge sitting alone. This was a matter he raised at the outset of the Open Preliminary Hearing and is fully dealt with in my Judgment at

paragraph 47. There is no reasonable prospect of my decision to go ahead as a Judge sitting alone being varied or revoked.

5. As to the claim against Ms Heer, I understand the Claimant to be saying that I deliberately failed to set out the law as pertaining to time limits in that I missed out (from paragraph 46 of my Judgment), and when rehearsing S118 Employment Rights Act 1996, the words “or, where that act or failure is part of a series of similar acts or failures, the last of them”. The Claimant is correct that I did not include that wording. That is because the Claimant’s allegations against Ms Heer concerned her allegedly editing minutes of a meeting, such minutes being in the Claimant’s possession by August 2020. Even where there is more than one act of editing notes, this had to have occurred by August 2020 and the claim was not issued until January 2021 and was plainly out of time. As set out in my Judgment by September 2020 the Claimant was considering a further claim against Ms Heer, but he did not issue this until January 2021. There is no reasonable prospect of my decision on the time point being varied or revoked.
6. The Claimant’s next contention appears to be that I was in a position of conflict of interest, having had previous involvement in his cases under separate claim numbers. I dealt with this at paragraphs 3 and 4 of my Judgment and the Claimant is now suggesting in his reconsideration application that I did not find for him on the Open Preliminary Hearing to ‘save my embarrassment’ does not bear scrutiny. There is no reasonable prospect of my decision being varied or revoked.
7. For the reasons above I refuse the Claimant’s application for reconsideration.

Employment Judge Hindmarch

Date 26/07/2021