



# EMPLOYMENT TRIBUNALS

**Claimant:** Dr R Nyatando  
**Respondent:** Rolls-Royce PLC & Others  
**Heard at:** Nottingham  
**Before:** Employment Judge Blackwell

**Decision of application for reconsideration**

## RESERVED JUDGMENT

Pursuant to Rules 70 to 72, of schedule 1 of the  
Employment Tribunals Constitution and Rules of  
Procedure Regulations 2013

### Decision

1. Dr Nyatando's application for a reconsideration dated 8 June 2021 is refused as there is no reasonable prospect of the original decision being varied or revoked.

## REASONS

1. By an application made by email on 8 June 2021 Dr Nyatando made an application for a reconsideration of parts of a reserved decision with reserved reasons sent to the parties on 26 May 2021 (The original decision).

### Dr Nyatando's Application

2. Dr Nyatando applies to have from paragraph 5 of the "history part of the decision to be corrected" because she disagrees with the comment "there was fault on both sides, but it seems to me predominantly to be with Dr Nyatando". This is not a decision which is capable of being reconsidered, it is merely a comment in the narrative. Nonetheless I have revisited the correspondence and stand by what I said.

3. It is accepted that in paragraph 11 the Respondent is incorrectly named as “Neddham” rather than “Leedham”.
4. The male colleague is identified throughout the disclosed documentation including the grievance procedure as Ady Milligan. The complaint is that each Respondent should be named on the heading of each decision. Again, that is not a decision and is simply the practice of the Tribunal so as to save time.
5. Dr Nyatando criticises the conclusions I draw as to the essence of her case particularly at paragraph 10 of the history. This is not a decision capable of being reconsidered. It is merely my opinion having spent severely days reading the pleadings and the Scott schedules. That opinion does not prevent Dr Nyatando from advancing her case.
6. The only part of Dr Nyatando’s application that appears to deal with a decision which is capable of being reconsidered it appears to relate to the decision to strike out her claim under Section 104 of the 1996 Act. My decision was set out at paragraphs 32 to 34 of the original decision.

*“32. The claim in relation to the assertion of a statutory right. Dr Nyatando would need to establish that the statutory right being asserted falls within subsection (4) of section 104.*

*33. In her written submissions, Dr Nyatando lists seven statutory rights. In my judgement, the only right that falls within subsection (4) is the right to paid holiday.*

*34. However, there is no evidence that Dr Nyatando asserted such a right and, even if she did, there is once again the problem of causation. Again, on the basis of the documentation that I have seen, including that to which Dr Nyatando has referred me, there is no reasonable prospect of the link between the assertion of a right to holiday and the subsequent dismissal. This claim should also be struck out”.*

7. There is nothing in the application which persuades me that Dr Nyatando has asserted a statutory right that falls within subsection 4 of section 104 it therefore follows that there is no reasonable prospect of the original decision in that regard being varied or revoked. Therefore, for these reasons’ Dr Nyatando’s application is refused because there is no reasonable prospect of the original decision being varied or revoked.

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Employment Judge Blackwell

Date: 2 August 2021

JUDGMENT SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE

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