



EMPLOYMENT TRIBUNALS

Claimant: Julie Ward

Respondent: Betsi Cadwaladr University Health Board

HEARD AT: Cardiff: 17 & 18 June 2021

BEFORE: Employment Judge Michell

CONSIDERATION OF APPLICATION FOR RECONSIDERATION OF JUDGMENT

Introduction

1. I gave an oral decision in this case at the conclusion of a final hearing conducted by CVP on 17 & 18 June 2021. Following promulgation of my written judgment, the claimant made a request for written reasons, which were duly given (“the Reasons”). By an email from the claimant’s representative Mr Roberts dated 30 June 2021, the claimant applied for reconsideration of my decision, pursuant to r.70 of Sch. 1 to the ET Regs 2013, having received the Reasons.
2. Regrettably, that application was only forwarded to me by the tribunal on 25 August 2021, as a result of the backlog in cases it has had to action.

Refusal of application

3. I consider there is no reasonable prospect of the original decision being varied or revoked.
4. I make the following observations in response to attachments to the 30 June 2021 email, by reference to the numbered points made by Mr Roberts:
 - a. **Point 1:** As to this:

- i. Mr Roberts makes various criticisms of the respondent's conduct in relation to a meeting on 7 May 2020. The reference ought to be to 7 April 2020.
 - ii. I made factual findings about the nature, purpose and content of the 7 April 2020 meeting, including the fact that it was not a formal disciplinary meeting. (Hence, as was discussed in some detail during the final hearing, the claimant did not have a "statutory right to be informed as to the purpose of the meeting", nor "a statutory right to be represented/accompanied" at it.) See paras 20-27 of the Reasons. I see no reason to change those findings in any material way.
- b. **Point 2:** As to this:
- i. Helen Roberts (the claimant's niece) was not called as a witness, as she was apparently not available. See paragraph 6 of the Reasons. I read her short witness statement, and I gave it due weight.
 - ii. In so far as relevant, Ms Robert's statement does not suggest that her 2015 complaint against Ms Pugh was found to be substantiated.
 - iii. Mr Roberts had the opportunity to cross examine in detail Ms Pugh about her alleged bullying of Ms Roberts. He did not do so. (Given the lapse in time between 2015 and 2020, and the different people involved, I suspect that any such cross examination may not have been productive in any event). Mr. Roberts did not suggest to Ms Pugh that anyone else had complained about her.
- c. **Point 3:** As to this:
- i. Even if it is right that the respondent "fails to demonstrate a knowledge of their own policy and procedures" in the manner alleged, by dealing with "a grievance that did not exist", any such failing took place after the date of termination. It therefore cannot directly assist the claimant in her constructive dismissal.
 - ii. See further paragraph 44 of the Reasons.

5. The application for reconsideration is therefore refused, in accordance with r.72(1) of Sch. 1 to the ET Regs 2013.

Employment Judge Michell

Date – 25 August 2021

Sent to the parties on 26 August 2021

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For the Tribunal Mr N Roche