



# EMPLOYMENT TRIBUNALS

**Claimant:** MISS K KAUR

**Respondent:** HATTEN WYATT SOLICITORS

## JUDGMENT

The Claimant's application dated 22 January 2021 for reconsideration of the judgment sent to the parties on 8 January 2021 is refused.

## REASONS

1. There is no reasonable prospect of the original decision being varied or revoked, because the Claimant is seeking to reargue facts already found.
2. At the beginning of the hearing the Claimant applied to amend her claim to include a claim of constructive dismissal. This was refused by the Tribunal on the basis that she did not have two years' service, as required by s.108(1) of the Employment Rights Act 1996. Thereafter the parties agreed that the issues to be determined were:
  - a. Was Clause 9.6 in the contract of employment that recouped the recruitment fee a penalty clause and/or (although not agreed by the Respondent as an issue) did it operate in restraint of trade? And, if not
  - b. Were the deductions to the Claimant's wages unlawful under the Employment Rights Act 1996?

The Claimant's skeleton argument dated 9/10/20 confirms that her understanding was that these were the issues before the Tribunal:

*"The Claimant contends that the principal issues are as follows:*

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- a) *Whether the resignation was in fact in response to the Respondent's breach and amounted to a constructive dismissal.*
- b) *Whether Clause 9.6 is void and therefore unenforceable.*
- c) *Whether an unlawful deduction has occurred."*

There is therefore no reasonable prospect of the original decision being varied or revoked, because the Claimant is seeking to argue matters not pleaded or understood to be before the Tribunal at the hearing.

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Employment Judge L Burge

Date 7 February 2021