



EMPLOYMENT TRIBUNALS

Claimant: Ms G Oksuzoglu

Respondent: London Borough of Haringey

JUDGMENT

The claimant's application dated **9 June 2021** for reconsideration of the remedy judgment sent to the parties on **15 June 2021** is refused.

REASONS

1. Rules 70-7 of the Tribunal Rules provides as follows:

70. Principles

A Tribunal may, either on its own initiative (which may reflect a request from the Employment Appeal Tribunal) or on the application of a party, reconsider any judgment where it is necessary in the interests of justice to do so. On reconsideration, the decision ("the original decision") may be confirmed, varied or revoked. If it is revoked it may be taken again.

71. Application

Except where it is made in the course of a hearing, an application for reconsideration shall be presented in writing (and copied to all the other parties) within 14 days of the date on which the written record, or other written communication, of the original decision was sent to the parties or within 14 days of the date that the written reasons were sent (if later) and shall set out why reconsideration of the original decision is necessary.

72. Process

(1) An Employment Judge shall consider any application made under rule 71. If the Judge considers that there is no reasonable prospect of the original decision being varied or revoked (including, unless there are special reasons, where substantially the same application has already been made and refused), the application shall be refused and the Tribunal shall inform the parties of the refusal. Otherwise the Tribunal shall send a notice to the parties setting a time limit for any response to the application by the other parties and seeking the views of the parties on whether the application can be determined without a hearing. The notice may set out the Judge's provisional views on the application.

(2) If the application has not been refused under paragraph (1), the original decision shall be reconsidered at a hearing unless the Employment Judge considers, having regard to any response to the notice provided under paragraph (1), that a hearing is not necessary in the interests of justice. If the reconsideration proceeds without a hearing the parties shall be given a reasonable opportunity to make further written representations. (3) Where practicable, the consideration under paragraph (1) shall be by the Employment Judge who made the original decision or, as the case may be, chaired the full tribunal which made it; and any reconsideration under paragraph (2) shall be made by the Judge or, as the case may be, the full tribunal which made the original decision. Where that is not practicable, the President, Vice President or a Regional Employment Judge shall appoint another Employment Judge to deal with the application or, in the case of a decision of a full tribunal, shall either direct that the reconsideration be by such members of the original Tribunal as remain available or reconstitute the Tribunal in whole or in part.

2. The Tribunal has discretion to reconsider a judgment if it considers it in the interests of justice to do so. Rule 72(1), requires the judge to dismiss the application if the judge decides that there is no reasonable prospect of the original decision being varied or revoked. Otherwise, the application is dealt with under the remainder of Rule 72.
3. In deciding whether or not to reconsider the judgment, the tribunal has a broad discretion, which must be exercised judicially, having regard not only to the interests of the party seeking the review or reconsideration, but also to the interests of the other party to the litigation and to the public interest requirement that there should, so far as possible, be finality of litigation.
4. In this case, after the remedy judgment was given orally, written reasons were requested and these have been provided. Further, the Claimant made an oral application for costs, which the Respondent said should not be dealt with on the day, and therefore case management orders were made.
5. Pursuant to those orders, on 9 June 2021, the Claimant wrote to the tribunal with details of her costs application. She had failed to send a copy to the Respondent (in breach of the rules and the case management orders), and I directed that the tribunal staff should send a copy of the document to the Respondent for their comments on the costs application.
6. At the time, I had not regraded the final paragraphs of the Claimant's letter as being anything other than (a) an explanation/apology for why the supporting documents for the costs application had not been available at the hearing in May (which was part of the reason that the application could not go ahead) and (b) a comment that the Claimant was suffering hardship since the end of her employment she should be awarded the costs of the "fair trial". In other words, I did not initially regard the 9 June letter as a reconsideration request. My directions that the Respondent comment on the letter were only intended as a reference to the costs application.
7. The Respondent's comments were contained in a letter dated 2 August 2021 (which was referred to me around 8 October 2021). The Respondent stated

that some parts of the Claimant's letter were unclear, but on one interpretation, they could be seen as a request for reconsideration.

8. I therefore re-read the 9 June 2021 letter and I have decided to treat it as a request for reconsideration of the remedy judgment. (It is also a costs application, and that costs application will be dealt with separately).
9. There is no reasonable prospect of the original decision being varied or revoked.
 - a. The Claimant refers to having short notice of the remedy hearing date. However, the date had been arranged last December.
 - b. The Claimant refers to having been harassed and victimised. However, the remedy hearing was about the successful unfair dismissal claim only. The other claims had been considered at the original liability hearing, and later by the EAT.
 - c. The Claimant refers to having been made ill by the Respondent's treatment of her. As discussed more fully in the written reasons for the remedy decision, the panel's decision was that there was a 100% chance of the Claimant having been fairly dismissed, even in the absence of the defects which made the dismissal. The unfairness of the dismissal did not cause any loss.
10. The application for reconsideration is refused.

Employment Judge **Quill**

Date: 21 October 2021

JUDGMENT SENT TO THE PARTIES ON

3 November 2021

FOR THE TRIBUNAL OFFICE