



EMPLOYMENT TRIBUNALS

Claimant

Respondents

Mr Q Thomas

v

Serco Limited

JUDGMENT

The claimant's application dated 10 September 2020 for reconsideration of the judgment sent to the parties on 2 September 2020 is refused.

REASONS

Summary

- 1 There is no reasonable prospect of the original decision being varied or revoked. That is because there is in the long application for reconsideration nothing which is not a simple dispute with the conclusions of the tribunal (and which accordingly could not justify the tribunal in reconsidering its judgment) which would, if it had been put to the tribunal before it came to its conclusions, have been likely to alter those conclusions. The observations made below are incidental to that conclusion.

Apologies

- 2 Before turning to some of the particular reasons for applying for a reconsideration, I now record that when I re-read the tribunal's reasons for its reserved judgment, I saw that a software glitch had caused the insertion of a new (and mistaken) paragraph number after paragraph 27 (i.e. a new paragraph number, with no text in it), with the results that (1) all of the subsequent paragraphs were automatically renumbered by Word, and (2) a number of the internal cross-references in the reasons became erroneous. It is regrettable that that has occurred, and I apologise for failing to see that it had happened.

- 3 I also apologise for the delay in my consideration of the claimant's application for reconsideration. However, it was not put before me until recently in this month, October 2021.

Two particular aspects of the application for reconsideration

- 4 The claimant's references to pension contributions in Section A of the application for reconsideration on pages 2 and 3 of the document containing that application ("the Application") are new in that there was no evidence before us, or mention (as recorded by me in my typed notes of the hearing) at the hearing of August 2020 of any issue relating to pension contributions.
- 5 The claimant's claim for notice pay was made as a claim for unpaid wages, and the claimant put before us no evidence of losses caused by the underpayment. Thus, there was no claim before the tribunal for interest of any sort, let alone the 8% sought (presumably by reference to section 24(2) of the Employment Rights Act 1996) on page 3 of the Application.

Generally

- 6 The claimant's application for reconsideration is in large part no more than a series of factual assertions, i.e. assertions about the matters about which the tribunal has made its findings of fact. In addition, in a number of respects the claimant makes new factual allegations, which were not made to the tribunal.

Employment Judge Hyams

29 October 2021

Sent to the parties on:

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For Secretary of the Tribunals