



EMPLOYMENT TRIBUNALS

Claimant: Mr M Skinner

Respondent Daisy Communications Limited

JUDGMENT ON A RECONSIDERATION

The Judgment made pursuant to Rule 21 of the Employment Tribunals Rules of Procedure 2013, dated 21 October 2021 and sent to the parties on 1 November 2021, is revoked. The claimant's claim of unauthorised deductions from wages is dismissed upon withdrawal.

REASONS

1. On 21 October 2021, the Tribunal gave judgment in the sum of £173.22 for unauthorised deductions from wages pursuant to section 23 of the Employment Rights Act 1996. The Judgment was issued in accordance with Rule 21 because the respondent had failed to enter a response to the claim by the statutory deadline of 17 August 2021. The Judgment was sent to the parties on 1 November 2021. I was the Employment Judge who signed that Judgment.
2. On 4 November 2021, immediately upon receipt of the Judgment, the respondent contacted the Tribunal to raise a concern that the Judgment had been made on a date after ACAS had notified the Tribunal that the claim had settled. An issue therefore arises as to whether the Judgment should be reconsidered.

Rules of Procedure

3. Rule 70 of the 2013 Rules of Procedure empowers the Tribunal, on its own initiative or on the application of a party, to reconsider any Judgment. In addition, Rule 73 provides for reconsideration by the Tribunal on its own initiative subject to the procedure in Rule 72(2).
4. Rule 72(2) provides that, unless a reconsideration is refused under Rule 72(1), the original decision shall be reconsidered at a hearing unless the Employment Judge considers, having regard to any written response and the views of the parties, that a hearing is not necessary in the interests of justice.
5. The test is whether it is necessary in the interests of justice to reconsider the Judgment. Broadly, it is not in the interests of justice to allow a party to reopen matters heard and decided, unless there are special circumstances which could have a material bearing on the outcome.

Conclusion

6. In accordance with Rule 72(2), I consider that a reconsideration hearing is not necessary in light of the apparent administrative error that has led to a Judgment being issued under Rule 21.
7. Having considered the Tribunal file and the evidence of notification of the settlement via ACAS, I am bound by the Tribunal Rules to revoke the judgment and to dismiss the claim upon withdrawal. It is apparent to me that, on 8 October 2021, ACAS had notified the Tribunal of the settlement which the parties had reached. However, due to an administrative oversight, the email from ACAS was not linked to the file at the time, or at all until the respondent brought the matter to the Tribunal's attention.
8. I am therefore satisfied that there are special circumstances which require me to revoke the Judgment dated 21 October 2021 which was sent to the parties on 1 November 2021. It is in the interests of justice that the claim shall be dismissed upon withdrawal in accordance with Rule 52 as the parties have agreed.

Employment Judge Batten
Date: 5 November 2021

JUDGMENT SENT TO THE PARTIES ON:
8 November 2021

FOR THE TRIBUNAL OFFICE