



EMPLOYMENT TRIBUNALS

Claimant: Mr D Quarm

Respondent: The Commissioner of Police of the Metropolis

JUDGMENT

The Claimant's application dated 28th October 2021 (with six attachments) for reconsideration of (1) the strike out judgment dated sent to the parties on 8th October 2021 and (2) the costs judgment sent to the parties on 8th October 2021 is refused.

REASONS

There is no reasonable prospect of the original decisions being varied or revoked for the following reasons.

1. The basis for reconsideration relied on by the Claimant is set out in paras 24 and 25 of his application, namely (1) that an email to the Claimant's manager around 15th October 2021 was new evidence and (2) that the strike out and costs judgments were premature decisions not in the public interest given the Claimant's concerns raised since 2017 are now proved to be valid.
2. The Claimant's application for a reconsideration was not made within 14 days of being sent the judgments as required under Rule 71. I nonetheless considered his application in the interests of justice under Rule 2.

Application paras 1-18

3. These paragraphs relate the history of the Claimant's other claims and complaints against the Respondent prior to the bringing of this claim. The Claimant does not specifically explain why they are relevant to the issues in this claim which only covers the Respondent's claimed delay in obtaining the Barclays Deed of Postponement for the Claimant between January and February 2021. The implication appears to be that it follows from those past events that this claim therefore has reasonable prospects of success and should not be struck out.

4. Firstly, the judgement decided that the argument that there was an act amounting to a detriment or an act of less favourable treatment (said by the Claimant to be an undue delay by the Respondent in obtaining the Barclays Deed for the Claimant, the only act complained of, judgment para 12,46) had no reasonable prospects of success. The Claimant would have to establish that before motive would be considered. Nothing he sets out in paras 1-18 affect that fundamental building block in this claim.
5. Secondly, it does not follow from the history set out in paras 1-18 that the argument that the motive for such an act (even if the act was accepted to have occurred) has reasonable prospects of success. The Claimant relates a long history and has brought multiple claims but he has not yet succeeded in any of his claims over a prolonged period. It does not follow from that claimed history that the motive issue in this particular claim (past whistleblowing, past protected acts and/or race discrimination) has reasonable prospects of success.

Application paras 19-22

6. Para 20 criticises the Respondent for a delay caused by the getting back of the previous Halifax Deed. The Claimant confirmed at this hearing that he did not complain about that because he understood that it was reasonable to get the previous Deed back before issuing the new one (judgment para 13).
7. In para 20 the Claimant accepts that the Respondent was not aware of a March 2021 deadline – this formed part of the reasoning in the judgment (para 32).
8. In para 21 the Claimant refers to action he took on 23rd March 2021 reporting misconduct. He appears to be alleging that not recording his report was a further unlawful act. This was after this claim was presented and does form part of this claim.
9. In para 22 the Claimant refers to the ‘burying’ of his reports since this claim and claim 3202563/2020 were struck out. He appears to be alleging that the ‘burying’ was a further unlawful act. It is a vague allegation not relevant to the matters in issue in this claim.

Application Paras 23-26

10. The Claimant’s complaint is that the Respondent on the one hand did not act on his report dated 23rd March 2021 to deal with the misconduct he claimed but on the other hand around 7 months later around 15th October 2021 told his manager that this claim had been struck out and reminded his manager about the duty of care to the Claimant. The Claimant says the sending of the email to his manager was because of his March 2021 report and complains that there was a contrast between (1) not acting on his March 2021 report as regards misconduct allegations against others and (2) acting on that same information to encourage his manager to apply a duty of care (though he also says that

email was prompted by the strike out of this claim). This email is what the Claimant says is the new evidence relevant to a reconsideration. The email is not one the Claimant did not know about when the judgments were issued in this claim because it did not yet exist.

11. None of these matters has any relevance to the issues in this claim as regards the strike out judgment (no reasonable prospects) or the costs judgment (unreasonable conduct in bringing the claim/no reasonable prospects of success). Firstly the claimed act amounting to a detriment or less favourable treatment in this claim has no reasonable prospects of success, even before motive is considered. Secondly the report the Claimant made in March 2021 was made after this claim was presented and could not have motivated the Respondent's claimed actions in this claim. Thirdly, to the extent the Claimant is saying that the email in October 2021 means that this claim has reasonable prospects of success because it shows that the Claimant's past allegations in 2017 are somehow proved by the email, it is an email on his account which reminds his manager that there is a duty of care to him as an employee, which there is, and was prompted by the strike out of this claim. The account he gives of the email does not support his conclusion that his claims since 2017 are therefore now proved to be valid because that email somehow amounts to evidence which has proved him right.
12. Taking the above into account there is no reasonable prospect of the judgment or the costs judgment being varied or revoked.

**Employment Judge Reid
Date: 8 November 2021**