



# EMPLOYMENT TRIBUNALS

**Claimant**

Mrs S Avidor

v

**Respondent**

Cambridge Steiner School

**Before:** Employment Judge Laidler

## JUDGMENT ON RECONSIDERATION

It is not in the interests of justice to reconsider the judgment and the claimant's application is refused.

## REASONS

1. This is the application made on behalf of the claimant dated 1 September 2021 to reconsider the judgment and reasons sent to the parties on the 18 August 2021. The tribunal found that the claimant had resigned and had not in law been constructively dismissed and her claim for unfair dismissal failed and was dismissed.
2. Representations were requested from the respondent in response to the reconsideration application and those dated 13 October 2021 have been considered. Neither party requested a hearing for the application to be determined and the judge decided it was in accordance with the overriding objective for the application to be determined on the papers without a further hearing.

### Mr Smith's report

3. The tribunal stated its position about this report at paragraph 7 of its reasons. Some time was spent in finalising a list of issues for determination by the tribunal which are recorded at paragraph 4 of the reasons. Of crucial importance in any case of alleged constructive dismissal were the following issues:

“1.1 Was any breach found sufficiently serious to justify the Claimant resigning and / or was it the last in a series of incidents sufficiently serious to justify resignation?”

- 1.2 Did the Claimant resign because of the alleged breach(es) and not for some other unconnected reason?"
- 2 All parties were reminded to keep to the issues and in particular to focus on the reasons for the claimant's resignation.
- 3 The claimant's representative did put some questions to Mr Smith. He was not prevented from doing so. Mr Smith was not technically an 'expert witness' as suggested in the application.

**Document dated 15 August 2019**

- 4 This was produced by the respondent on the second day of the hearing and the claimant, and her representative raised no objections to it. It is an email from Joel Chalfen to various members of the school confirming he and Kristian (Professor Doctor Franze) had met with the claimant that day to 'work out a finance role in the absence of a business manager'. The tribunal was advised of and forwarded the email at the beginning of the hearing on the second day when the claimant was still being cross examined. Professor Doctor Franze was then called, and the claimant's representative could have put questions to him about the email had he chosen to do so. Mr Chalfen was then called by the respondent. He was asked questions in chief about the email. The claimant's representative asked him questions in cross examination and could have asked him about the email but did not.
- 5 The claimant does not agree with the tribunal's findings of fact. None of the points raised on the claimant's behalf show that it is necessary in the interests of justice for the tribunal to reconsider its decision. In most cases the points made are speculation stating that if certain questions had been put or documents considered they 'could' have led to certain findings. The tribunal has made its findings. The claimant does not agree with them and her right in that case is to appeal.
- 6 It is not in the interests of justice to reconsider the decision and the application is refused.

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Employment Judge Laidler

Date: 28/10/2021

Sent to the parties on:13/11/2021

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For the Tribunal Office