



EMPLOYMENT TRIBUNALS

OPEN PRELIMINARY HEARING

Claimant:
Ms M Mulumba

And

Respondents:
(R1) Partners Group (UK) Limited
(R2) Partners Group (USA) Inc

On: 3 November 2021

Before: Employment Judge Nicolle in Chambers

Judgement

The Claimant's application dated 1 November 2021 for reconsideration of the Judgement sent to the parties on 18 October 2021 (the Judgment) is refused.

Reasons

1. I have considered the application by the claimant dated 1 November 2021 for a reconsideration of the Judgment (the Reconsideration Application).
2. I have considered the Reconsideration Application in accordance with the provisions set out in Rule 70 of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013 (the Rules) which provides that reconsideration is only appropriate where it is necessary in the interests of justice and under Rule 72 there is a reasonable prospect of the original decision being varied or revoked.
3. Reconsiderations are limited exceptions to the general rule that employment tribunal decisions should not be reopened and relitigated. It is not a method by which a disappointed party to proceedings can get a second bite of the cherry.
4. Reconsideration is not intended to provide parties with the opportunity of a rehearing at which the same evidence can be rehearsed with different emphasis, or further evidence adduced, which was available before.

5. A tribunal dealing with the question of reconsideration must seek to give effect to the overriding objective to deal with cases 'fairly and justly' in accordance with Rule 2.
6. In considering the application regard needs to be given to not only the interests of the party seeking the reconsideration, but also to the interests of other parties to the litigation and to the public interest requirement that there should, so far as possible, be finality of litigation.
7. I do not consider that the various matters referred to in the Reconsideration Application would in accordance with the interests of justice make it appropriate for there to be a detailed reconsideration of the Judgement.
8. I have reached this decision for the following reasons:
9. In relation to paragraph 14 of the Judgment whilst my understanding from Mr Craig was that the Respondents had consented to the first of the amendments requested by the Claimant in a letter dated the 22 April 2020 if this is incorrect and the Respondents opposed the first of the amendments but leave was granted by Employment Judge Burns this ultimately has no bearing on the Judgment.
10. In relation to the matters referred to by the Claimant in paragraphs (a) to (h) of section 5 of the Reconsideration Application I confirm that all of these matters were considered by me in reaching my decision. However, I did not consider these issues directly material to the decisions I needed to make as to whether the Claimant's claim of victimisation falls outside the ambit of S.108 of the Equality Act 2010 and/or is barred by judicial proceedings immunity.
11. Whilst I acknowledge that the Claimant feels strongly regarding these matters, and in particular what she considers to be the inconsistent treatment by the Respondents of other employees who she says have made similar recordings of the Investment Committee Meetings, these concerns do not, in my opinion, go directly to the issues I was required to determine in the Judgment.
12. In the circumstances I consider there is no reasonable prospect of the Judgment being varied or revoked and it is therefore unnecessary to seek the Respondents' response to the Reconsideration Application and nor is it necessary to seek the parties' views on whether it can be determined without a hearing.

Employment Judge Nicolle

3 November 2021

Sent to the parties on:

03/11/2021

For the Tribunal: