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# EMPLOYMENT TRIBUNALS

**Claimant:** Ms M Rehman

**Respondent:** Department for Work and Pensions

## JUDGMENT ON APPLICATION FOR RECONSIDERATION

The claimant's application dated **18 November 2021** for reconsideration of the remedy judgment sent to the parties on **4 November 2021** is refused.

The remedy judgment is confirmed.

## REASONS

There is no reasonable prospect of the original decision being varied or revoked, because:

1. On 18 November 2021, the claimant wrote to the Tribunal to apply for a review of the Tribunal's judgment on remedy. The Employment Tribunals Rules of Procedure 2013 provides at Rules 70 – 72, a process for reconsideration of judgments. It is likely that the claimant meant to apply for reconsideration rather than review.
2. The claimant's application was made within the stipulated time limit of 14 days of the date on which the written record of the judgment was sent to the parties. As this was a hearing on the papers, time began to run from 4 November, which is the date on which the judgment was sent to the parties. The application was received on 18 November, so just in time.
3. The respondent wrote to the Tribunal and the claimant on 19 November to oppose the application. The respondent contended that the Tribunal made an appropriate award.
4. The Tribunal has considered the claimant's application. The claimant is referred again to paragraph 246 of the liability judgment which set out the allegations that succeeded. The Tribunal cannot award a remedy for allegations that failed. The claimant succeeded in her complaint that the respondent breached its duty to provide her with a reasonable adjustment by not providing an adjusted chair between 8 January and July 2018. The respondent also failed to consider giving her special paid leave in the same period. All other complaints failed and were dismissed. The claimant is referred to paragraph 1 of the reasons for

the remedy judgment. The Tribunal awarded the claimant a remedy for her successful complaints.

5. The claimant's application for reconsideration does not complain about the remedy that has been awarded but says that the Tribunal should also have awarded her remedy for other allegations in her case. The application states that the claimant's claim was not restricted to the two allegations that succeeded and that she ought to also be compensated for what is described as Ms Basford's deliberate effort to suppress the claimant's grievance, Ms Cabey ignoring a basic elementary principle of justice and Ms Sanya ignoring the claimant's reasonable adjustments. The application for reconsideration also asks for an uplift. It is not clear whether this is a reference to an ACAS uplift or some other type of uplift.
6. It is this Tribunal's judgment after consideration of the application for reconsideration that it does not have jurisdiction to award the claimant a remedy for unsuccessful allegations or allegations that did not form part of the case. We did not have an allegation against Ms Sanya as part of this case, although we did hear evidence about her in the liability hearing. The claimant did not refer to her in her submissions for the remedy hearing. The allegations against Ms Cabey and Ms Basford that we considered in the hearing are as outlined in the liability judgment and are different to what is set out in the application for reconsideration. The claimant cannot change her allegations at this stage. The Tribunal has set out in some detail, the issues it considered and why they failed. The Tribunal followed the agreed list of issues in doing so.
7. It is this Tribunal's judgment that the remedy judgment correctly considers the claimant's successful complaints and awards her a remedy in accordance with the law and Vento guidelines that relate to them.
8. For those reasons, it is this Tribunal's judgment that there is nothing in the claimant's application for reconsideration that challenges the Tribunal's judgment on remedy.
9. The Claimant's application for reconsideration of the Tribunal's judgment dated 4 November 2021 is refused for the reasons stated above, under Rules 70 and 72 of the Employment Tribunals Rules 2013. The judgment promulgated to the parties on 4 November is confirmed.

**Employment Judge Jones**  
**Date: 25 November 2021**