



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr. M Charalambous

**Respondent:** Barnsley College

## JUDGMENT

The claimant's application dated 13 December 2021 for reconsideration of the judgment sent to the parties on 29 November 2021 is refused.

## REASONS

1. There is no reasonable prospect of the original decision being varied or revoked for the following reasons.
2. The grounds for reconsideration are set out in a five and a half page statement. There is an additional one page statement. The claimant relies on:
  - 2.1. The interests of justice
  - 2.2. New evidence.
3. Much of the statements consist of attempts to reargue the case or challenges to the tribunal's findings of fact. Taking into account the important principle of finality of justice it would not be in the interests of justice to reconsider the judgment on any of these grounds. The tribunal made findings of fact which were justified on the basis of the oral and written evidence before it.
4. The question of whether or not Mr. Bulloch's description to the tribunal of the way the qualification is awarded was accurate or misleading is not relevant to the issues that I had to determine. It is not relevant whether Mr Bullock or the Respondent's representative were accurate in stating to the tribunal that what happened was an administrative error. Other new evidence which the claimant wishes to obtain which might prove that the Respondent was or was not dishonest or incompetent is similarly irrelevant. It is not the tribunal's role, when deciding whether or not there has been a protected disclosure, to determine whether or not the respondent did something wrong. The question for the tribunal to determine relates to the claimant's belief at the time and whether or not that belief was reasonable on the basis of the facts known to him at the time.
5. The claimant wishes to rely on a series of emails on 17, 18 and 22 September 2020. It is not in the interests of justice to reconsider the judgment on the basis of this new

evidence. First, these emails could have been obtained with reasonable diligence for use at the original hearing. Second, although they are at least broadly relevant to the question of the claimant's belief at the time, they would not have had an influence at the hearing in the light of the claimant's clear evidence that there were a number of explanations and that he was open-minded at the time he made the disclosure.

6. I do not accept that it is in the interests of justice to reconsider the judgment because Duncan Bulloch's witness statement was provided late. This is a matter that should have been raised and dealt with at the start of the hearing.

Employment Judge Buckley

Date: 14 December 2021