



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

Respondent

AND

Ms J Pranczk

Hampshire County Council

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

Employment Judge: A Richardson **Date:** 17th December 2021

JUDGMENT ON THE CLAIMANT'S APPLICATION FOR RECONSIDERATION OF THE JUDGMENT OF 29th OCTOBER 2021 PROMULGATED ON 9TH NOVEMBER 2021

The judgment of the Tribunal is there are no grounds for the decision to be reconsidered under Rule 72 and there is no reasonable prospect of the decision being varied or revoked. The application for reconsideration is therefore refused.

REASONS

1. The history of these consolidated cases is complicated and requires study of the earlier case management orders referred to in the case management dated 29th October 2021 with the decision on the application of the respondent to strike out claims of disability discrimination only, contained in claim number 1403729/2018 (the second ET1 claim out of four filed claims, the first having been dismissed by the EAT). The reasons for the decision to grant the application and for striking out the disability discrimination claims

contained in that claim 1403729/2018 are given in the case management summary dated 29th October 2021.

2. This application for reconsideration of the dismissal of the disability claims in 1403729/2019 are set out in an email from the claimant dated 23rd November 2021. The application is in time.

3. Rules 70, 71 and 72 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 schedule 1 provide (so far as relevant):

70 A Tribunal may, either on its own initiative (which may reflect a request from the Employment Appeal Tribunal) or on the application of a party, reconsider any judgment where it is necessary in the interests of justice to do so. On reconsideration, the decision (“the original decision”) may be confirmed, varied or revoked. If it is revoked it may be taken again.

71 Except where it is made in the course of a hearing, an application for reconsideration shall be presented in writing (and copied to all the other parties) within 14 days of the date on which the written record, or other written communication, of the original decision was sent to the parties or within 14 days of the date that the written reasons were sent (if later) and shall set out why reconsideration of the original decision is necessary.

72(1) An Employment Judge shall consider any application made under rule 71. If the judge considers that there is no reasonable prospect of the original decision being varied or revoked (including, unless there are special reasons, where substantially the same application has already been made and refused), the application shall be refused and the Tribunal shall inform the parties of the refusal. Otherwise the Tribunal shall send a notice to the parties setting a time limit for any response to the application by the other parties and seeking the views of the parties on whether the application can be determined

without a hearing. The notice may set out the Judge's provision views on the application.

5. The claimant's email of 23rd November 2021 contained other complaints/assertions/ comments relating to the proceedings which do not appear to related to the application for a reconsideration of the decision on case number 1403729/2018 relating to disability. The application as been identified from the narrative under the heading **Hearing** in the email of 23rd November 2021 and are summarised as follows:

(i) the respondent had prepared the bundle for the hearing on 30th September 2021 without the claimant's agreement with the result that the bundle was inadequate and did not contain any of the authorities and written submissions concerning **Henderson v Henderson**. The claimant had also received the bundle late.

(ii) there had been no discussion on **Henderson v Henderson** or any of the authorities;

(iii) there had been no discussion on the claimant's application for disclosure;

(iv) the Tribunal had only considered the points in the agreed list of issues referring exclusively to time limits/jurisdiction;

(v) reference to the EAT judgment in the First Claim 1401464/2018 is not understood.

(vi) the second claim was brought in time and the claimant could not be blamed for not predicting that at the time of filing the first claim subsequent repeated discriminatory incidents which took place within the First Claim period. The conduct of the respondent after 30th April 2018 would not infringe Henderson v Henderson;

(vii) the claimant's authorities were not considered *Westbrook Dolphin Square v Friends Provident [2012 and First Western v Waiyego [UKEAT/0056/18]*;

(viii) all claims in the Second Claim are dismissed.

6. The purpose of the hearing was only to consider the time limit/jurisdiction point on the claimant's disability discrimination allegations preceding 19th July 2019. The hearing took all day and judgment on the strike out application was reserved. There was insufficient time to consider a disclosure application from the claimant and subsequent directions on disclosure were given. The disability allegations under consideration were summarised at paragraph 7 of the Agreed List of Issues, extrapolated from the relevant headings of cause of action relating to disability in the Agreed List of Issues, and these were the disability claims under consideration at the Hearing. These disability claims were brought under the Second ET1 1403729/2018.

7. A bundle consisting of 152 pages included a copy of all the pleadings, the tribunal orders and correspondence. The claimant was familiar with all of these documents. The claimant provided written submissions totalling 9 pages and a detailed chronology of events also of 9 pages. The discussions which extended across the entire day, focussed on **Henderson v Henderson** and its application to the disability allegations. The claimant participated fully in the Hearing. The submissions of both parties were read and taken into account. The claimant's disagreement with the decision of the Tribunal is not a basis for reconsidering or revoking the decision.

8. I consider there are no grounds for the application to be reconsidered under Rule 72. There is also no reasonable prospect of the decision being varied or revoked. On this ground too, the application is therefore refused.

Employment Judge A Richardson
Date: 17 December 2021

Case Number 1403729/2018

1401290/2019

1406313/2019

Judgment sent to Parties: 12 January 2022

For the Tribunal Office