



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

Respondent

Ms R Khatun

**Cheltenham Borough Homes
Limited**

Employment Judge Matthews

Judgment on Application for Reconsideration

Acting in accordance with rule 72 of the Employment Tribunals Rules of Procedure 2013 (the “Rules”) the Employment Judge refuses Ms Khatun’s application for a reconsideration of the Judgment sent to the parties on 3 November 2021 (the “Judgment”). The Employment Judge considers that there is no reasonable prospect of the original decision being varied or revoked.

Reasons

Introduction and applicable law

1. The Employment Judge must consider this application by reference to rules 70, 71 and 72 of the Rules. So far as they are applicable they read as follows:

“70 Principles

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 Application

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 Process

(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 provisional views on the application.

(2) If the application has not been refused under paragraph (1), the original decision shall be reconsidered at a hearing unless the Judge considers, having regard to any response to the notice provided under paragraph (1), that a hearing is not necessary in the interests of justice. If the reconsideration proceeds without a hearing the parties shall be given a reasonable opportunity to make further written representations."

2. On 3 November 2021 the Judgment was sent to the parties. On 18 November 2021, within the fourteen day time limit, Ms Khatun's application for reconsideration was received by the Employment Tribunals.

Conclusions

3. Ms Khatun's application is set out in a 5 page letter addressed to the Employment Tribunals dated 17 November 2021. The Employment Judge will refer to the letter's headings and numbering for ease of reference.

Time Limits/Continuing Acts

The Judgment addresses these issues in paragraphs 145-155. In doing so, the Tribunal took account of the application for an extension of time made on 20 September (not January) 2021, as already confirmed in correspondence.

A. Pregnancy/Maternity Discrimination

1. Entitlement to suitable facilities for expectant mothers and 2. Entitlement to additional rest breaks

These subjects are touched on in the Tribunal's findings of fact and, so far as they were identified as issues, in paragraphs 178-181 of the Judgment. However, here and elsewhere, Ms Khatun appears to be expanding the issues or identifying issues outside the List of Issues (as referred to in paragraph 1 of the

Judgment). As was explained to Ms Khatun, the Tribunal's task was to decide the issues set down for decision.

3. Lunch Breaks

The narrative in the paragraphs under this heading in Ms Khatun's letter goes some way beyond the subject of lunch breaks. Again, these subjects are touched on in the Tribunal's findings of fact and, so far as they were issues, in the Tribunal's conclusions at paragraphs 182-185 and 205-208 in the Judgment.

4. Antenatal appointments

This subject is touched on in the Tribunal's findings of fact. Further it is addressed in paragraphs 178-181 and 196-198 of the Judgment.

Entitlement to work from home

The Tribunal has made findings of fact on this subject and the identified issues are dealt with in paragraphs 196-198.

Employment Judge Matthews
Dated: 20 December 2021

Judgment sent to parties: 12 January 2022

For the Tribunal Office