



EMPLOYMENT TRIBUNALS

Claimant: C
Respondent: Leicester City Council

Decided on the papers
On: 3 December 2021
Before: Employment Judge Adkinson sitting alone

JUDGMENT

After considering the claimant's application of 31 January 2022 for the reconsideration of the judgment sent to the parties on 6 December 2021, and for which written reasons were sent to the parties on 18 January 2021, the Tribunal orders that the application is refused.

REASONS

1. The claimant applies for reconsideration of my judgment in which I dismissed all claims brought under the **Equality Act 2010** because they were presented out of time and it was not just and equitable to extend time.
2. The application makes the following submissions in brief:
 - 2.1. She was told she should await the outcome of her grievance and no help was provided;
 - 2.2. Her English language is limited in terms of legal paperwork;
 - 2.3. She always trusted the employer to tell her of the next steps;
 - 2.4. It impacted her heavily and she has been living through trauma;
 - 2.5. Because she was suspended, she was under tremendous stress dealing with the investigation against her and suspension;
 - 2.6. Between January and October 2020, she was suffering anxiety, depression and trauma; and
 - 2.7. C now has a witness willing to come forward who was present at her grievance.

3. After careful consideration I conclude that none of this presents a real prospect of persuading the Tribunal that it is necessary to vary or revoke the decision. The reasons are as follows:
 - 3.1. The claimant has both had the opportunity to and has already given evidence about these matters and the Tribunal has considered that evidence given.
 - 3.2. Insofar as the claimant seeks to raise new evidence the Tribunal has applied the test **Ladd v Marshall [1954] 3 All ER 754 CA** (see **Outasight VB Ltd v Brown [2015] ICR D11 EAT**) and observes as follows:
 - 3.2.1. To the extent to which the claimant seeks to give new her own circumstances, there is nothing that suggests she could not have given that evidence at the original hearing. She had prepared a detailed statement and gave evidence herself.
 - 3.2.2. To the extent that there is a new witness present at her grievance,
 - 3.2.2.1. There is nothing that suggests she could not have called that witness at the original hearing or have at least adduced a statement from him,
 - 3.2.2.2. There is no detail of what the evidence might be. Assuming it is relevant, evidence about the grievance would probably not have had an important influence on the hearing because it would still not explain the significant delays that following in presenting her claim.
 - 3.2.2.3. It is impossible from the scant information provided to conclude the evidence is credible.
4. The application is, shortly, no more than an attempt to re-argue the case. To allow that to happen in these circumstances would not be in the interests of justice. It would undermine the principle of finality (absent an appeal) and it would be unfair to the respondent to put them to have to reargue a matter they considered settled, with consequent expense and effort, especially as there is no reasonable prospect of the application succeeding. In any case the claimant has had a fair and sufficient opportunity to present her arguments.
5. Applying **rules 70-72**, and in particular **rule 72(1)**, the application is refused.

Employment Judge Adkinson

Date: 3 February 2022

JUDGMENT SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.