



EMPLOYMENT TRIBUNALS

Claimant

Mrs Jill Reid

Respondent

Gilmour Quinn Financial Planning Ltd

v

Heard at: Watford

On: 25 February 2022

Before: Employment Judge S Bedeau

RECONSIDERATION JUDGMENT

The claimant's application for a reconsideration of the Remedy Judgment sent to the parties on 26 November 2021, is refused.

REASONS

1. On 19 January 2022, the claimant applied for a reconsideration of the Remedy Judgment sent to the parties on 26 November 2021 on the basis that it is in the interests of justice to do so.
2. Counsel for the claimant informed the tribunal and the respondent's representative by email on 29 November 2021, that during his discussion with the respondent's representative when the tribunal stood the case down to enable the parties to explore the possibility of agreeing the figures in respect of compensation, because of pressure of time, he had miscalculated the compensation the claimant was entitled to. He wrote:

“The error arose in recalculating the sum due to take account of the Tribunal's finding that the claimant should have found comparable employment by 6 April 2021. While other figures were revised to incorporate this date, unfortunately I omitted to recalculate the figure for the sum earned in mitigation of loss at the claimant's new employment with Foster Denovo. As a result the Compensatory Award figure is understated as the original figures including earnings up to October 2021, when these should have been limited to April 2021.”

3. The case was stood down at 4.00pm on 25 November 2021. At 4.31 Mr Wayman told the tribunal that he had given his figures to Ms McGuire, Solicitor on behalf of the respondent, and said that the claimant's application for wasted costs was no longer being pursued. The Tribunal again stood the case down at 4.34, to enable Ms McGuire to consider the figures. During that time it was open to Mr Wayman to review the schedule.
4. At 4.45 Mr Wayman took the tribunal through the agreed figures which the tribunal included in the judgment as no issue was raised in relation the correctness or otherwise of the figures given. The hearing ended at 4.55.
5. I have much sympathy for counsel, but time was given to the parties to explore whether it was possible to resolve remedy after the tribunal made relevant findings of fact. There was no request for more time nor for an adjournment. The figures were agreed, and Mr Wayman took time to explain them to the tribunal.
6. The application seeks to challenge what was agreed and adopted by the tribunal. It is strenuously opposed by Ms McGuire who submitted that the error is covered by professional indemnity insurance.
7. Under rule 71 Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, as amended, "ET Rules of Procedure", a party can make an application for reconsideration within 14 days of the date on which the original decision was sent or within 14 days from the date that the written reasons were sent, if later.
8. Rule 72(1) provides:

"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."
9. Under rule 72, ET Rules of Procedure, and having regard to the matters above, I have concluded that there is no reasonable prospect of the Reserved Judgment being either varied or revoked as the figures were agreed by the parties and given to the tribunal. I was not referred to any case law on the issue of a representative's error in calculating a schedule of loss after judgment has been given.
- 10. Accordingly, this application by the claimant for a reconsideration, is refused.**

Employment Judge S Bedeau

25 February 2022

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Sent to the parties on:

11/3/2022

For the Tribunal:

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