



EMPLOYMENT TRIBUNALS

BETWEEN

CLAIMANT

v

RESPONDENT

Mr B Lingard

Sussex Partnership NHS Foundation
Trust

JUDGMENT

UPON an application by the Claimant for reconsideration pursuant to Rule 70 of the Employment Tribunal Rules, the application is refused as there are no reasonable prospects of the judgment, sent to the parties on 31 March 2022, being varied or revoked.

REASONS

A. LEGAL PRINCIPLES

1. Rule 70 of Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 provides that an Employment Tribunal may, either on its own initiative or on the application of a party, reconsider a judgment where it is necessary in the interests of justice to do so. On reconsideration, the judgment may be confirmed, varied or revoked.
2. Rule 71 states that 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. In this case, a reserved judgment dated 4 February 2022 was sent to the parties on 7 February 2022.
3. Rule 72(1) states that 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.

4. Rule 72(2) states that if the application has not been refused under Rule 72(1), the original decision shall be reconsidered at a hearing unless the Employment Judge considers, having regard to any response to the notice provided under Rule 72(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.

B. APPLICATION

5. The application sent in by the claimant by email dated 14 April 2022 seeks a reconsideration of a judgment in which the claimant was ordered to pay £10,000 towards the respondent's costs.

C. CONCLUSIONS

6. Despite the application for reconsideration running to some 18 pages, the claimant makes no reference to the judgment on costs at all, but instead attempts to re-argue matters that have already been litigated.
7. There is no basis whatsoever to allow this application, which is therefore refused.

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Employment Judge Hyams-Parish
25 April 2022

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