



EMPLOYMENT TRIBUNALS

Claimant: Miss N Sisodia

Respondents: (1) London School of Science and Technology
(2) Fairfield School of Business

JUDGMENT

The claimant's application dated 2 July 2022 for reconsideration of the judgment sent to the parties on 13 June 2022 is refused.

REASONS

There is no reasonable prospect of the original decision being varied or revoked. This is based on the following:

1. The thrust of the claimant's application is based on her disagreement with my findings of fact made after hearing the evidence and considering the claims at the hearing. My findings of fact remain unaltered.
2. The claimant refers to evidence already before the tribunal contained in the bundle and given orally. This was considered by the tribunal in forming its judgment and reasons.
3. As set out in my reasons, the evidence referred to was limited to those issues which were probative to my determination. It is simply neither possible nor necessary for the tribunal, in its written reasons, to refer in detail to all of the evidence before it when considering its decision. Where I have made a finding of fact on a disputed fact the reasons for this are clearly set out in the reasons already given.
4. The issues relating to disclosure sought by the claimant were not raised at the preliminary case management hearing before Employment Judge Dimbylow which would have been the opportunity to do so. The claimant's assertion that she sent multiple emails to the tribunal which were not responded to was not raised by the claimant during the final hearing nor did she apply for an adjournment at the hearing. In any event I have set out the reasons why in my judgment that issue is not determinative.

5. Dealing with specific points raised by the claimant in her application for reconsideration:
 - a. I made findings of fact as to who the correct employer was. These were made after hearing the evidence and considering the parties' positions. The claimant raises no new points. In any event for the reasons given previously, the claim would fail substantively in any event and therefore this issue was not determinative.
 - b. I have made findings of fact as to the number of meetings, the duration of the meetings and the content of the meetings leading to the dismissal already. In the event that the date of the meeting referred to as 12 June 2020 was in fact 11 June 2020, then this makes no material or probative difference to my overall conclusions.
 - c. I have made findings of fact, based on the evidence as to the financial position of the respondents at the relevant time.
 - d. I made findings of fact based on the evidence in respect of the alternative vacancies including the claimant's application for a different role. I also made findings of fact as to the process of identifying the pool/selection criteria for the redundancy process based on the evidence.
 - e. I made findings of fact in respect of the appeal process based on the evidence before me.
 - f. The fact that the Grounds of Resistance were filed subsequent to the exchange of documents was not raised during the hearing. No submissions were made that this caused unfairness in the tribunal process. In my view it does not. The claimant had sufficient opportunity to put her case in written evidence, oral evidence, cross-examination of the respondents' witnesses and closing submissions.
6. I have made clear in my written reasons where I have based findings of fact on oral evidence, written evidence in the bundle or a combination of one or the other.
7. The main thrust of the claimant's application for reconsideration is that she disagrees with my findings of fact. She raises exactly the same arguments that were raised in her evidence and submissions to the tribunal at the final hearing which were fully considered in my detailed oral and subsequent written reasons. Disagreeing with finding of fact which were properly made is not a reason to reconsider the decision in circumstances where no new evidence or procedural irregularities have been identified and where the claimant is restating the case which has already been determined.
8. In her application the claimant invites Employment Judge Dimbylow to consider reconsidering his decision. Only one application has been made. In any event the hearing and decisions made by Employment Judge Dimbylow were in January 2022, with the case management order sent to the parties shortly thereafter. Given that any application for reconsideration must be made within 14 days of the written record being sent (pursuant to rule 71 of the Employment Tribunal Rules 2013) any application for variation of Employment Judge Dimbylow's order in circumstances where the record was sent over five months earlier and after the final hearing of the matter must in my view fail. I have therefore considered any application to vary that order as part of these reasons. Additionally no specific criticism of Employment Judge Dimbylow's decision is raised within the application

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which would otherwise lead to a conclusion that it could be said there was a reasonable prospect of his decision being varied or revoked.

9. In those circumstances I am drawn to the conclusion that there is no reasonable prospect (i.e. one that is not fanciful) of the original decision being varied or revoked and the application must be refused.
10. This application has been considered on the basis of the written application only pursuant to rule 71(1) of the Employment Tribunal Rules 2013 and on the basis that having considered the claimant's application in detail I am wholly satisfied that there is no reasonable prospect of the original decision being varied or revoked.

Employment Judge **Wilkinson**
(signed electronically)

Date: 6 July 2022