



EMPLOYMENT TRIBUNALS

Claimant: Phyliss Clarke

Respondents: Freelancer & Contractor Services Association (1)
Parasol Limited (4)
Commissioners for HM Revenue and Customs (5)

DECISION UPON APPLICATION FOR RECONSIDERATION

1. Following a Preliminary Hearing attended by the claimant in person and counsel on behalf of the first and fifth respondents and the fourth respondent respectively, conducted by video link on 28 April 2022, I determined that:-
 - (i) the claimant's claims against the first and fifth Respondents be struck out under Rule 37(1)(a) of the Employment Tribunal Rules of Procedure on the ground that they had no reasonable prospect of success;
 - (ii) the claimant's claim against the fourth Respondent be dismissed on the ground that the Tribunal had no jurisdiction to consider the claim – the same being time-barred.
2. Written reasons for that decision were produced on the day of the hearing and sent to the parties the following day. On 29 April 2022, the claimant wrote to the Tribunal by email as follows:-

Dear Sir/ Madam,

I am writing to confirm that the 'decision' which is false and misleading will be appealed as already stated at the start of the hearing for the following reasons, Mr Sutton:

1. got the law wrong
2. did not apply the correct law
3. did not follow the correct procedures and this affected the decision
5. had no evidence to support its decision
6. was unfairly biased towards the other party

Further I consider Mr Sutton is not fit to occupy the position of judge and should be investigated as he is not fit for this type of work. As a whistleblowing claim has been raised the tribunal should follow the correct procedure to ensure the crime of Mr Sutton and the relevant representatives does not continue.

Therefore a request for reconsideration by Mr Sutton is not suitable in these circumstances. If another person occupying the position of judge would like to reconsider they must do so within 10 working days.

Mr Sutton must revise the document to remove the false and misleading comments about the claimant within 7 days. As there are holidays next week he must send the updated document by 10 May or further action will be taken.

3. In relation to the request that I should recuse myself from further involvement in the proceedings, upon my review of the grounds advanced by the claimant and having consulted the Regional Employment Judge for the London Central Tribunal, I determined that there was no proper basis why, in the interests of justice, I should do so. I duly retained involvement in the proceedings and, at a hearing on 20 June 2022, heard the first and fifth respondents' application for costs.
4. In the light of the claimant's comments in her email of 29 April 2022, it did not appear that she was seeking reconsideration by myself of the original decision. In fact she stated in terms that this was 'not suitable'. She has subsequently sought an update on what she describes as her application for reconsideration and I have therefore reviewed my earlier decision pursuant to Rule 70-72 of the Tribunal's Rules of Procedure 2013.

5. Having undertaken that exercise, in accordance with the process set out in Rule 72, I do not consider that my decision contained false and misleading comments as the claimant maintains. Neither, on any other basis, do I consider that there is any reasonable prospect of that decision being varied or revoked.

6. Accordingly, the application for reconsideration is refused under Rule 72(1).

Employment Judge Sutton QC

Date: 17 August 2022

Sent to the parties on:
17/08/2022