

- (a) 5 July at 09.25, 09.28, 09.33;
 - (b) 7 July at 16.37, 16.42;
 - (c) 12 July at 11.13, 11.47, 12.59, 16.09, 16.38, 16.48;
 - (d) 15 July at 12.11, 13.06, 16.33, 23.34, 23.38, 23.40, 23.45, 23.47, 23.49, 23.50 and 23.57;
 - (e) 21 July at 09.26;
 - (f) 22 July at 14.49.
- 2 By way of background, I heard a Preliminary Hearing in this case on 27 June and 1 July 2022. Following the hearing I produced a Judgment and separate Case Management Order dated 2 July 2022. It appears that before these documents had reached the parties, the Claimant had begun to communicate with the Tribunal requesting a reconsideration of my Judgment. In further correspondence, the Claimant has requested a reconsideration of my Judgment in so far as the Third Respondent is concerned. I also note that in a later email (dated 21 July 2022), the Claimant requested full written reasons for my Judgment. The number of separate and repeated communications received from the Claimant has been accompanied by multiple telephone calls from him to the Tribunal's administrative team.
- 3 An approximate timetable for receiving a response to his requests was provided to the Claimant. I have now been able to produce the full written reasons for my Judgment and this Judgment to his application for a reconsideration.

The Application

- 4 Under Rule 70 of the Tribunal Rules (ETs (Constitution & Rules of Procedure) Regs 2013, Sch 1), the Tribunal may reconsider any judgment where it is necessary in the interests of justice to do so.
- 5 Pursuant to Rule 71 an application for reconsideration shall be presented in writing within 14 days of the date on which the written record of the original decision was sent to the parties. For the avoidance of doubt I am satisfied that the Claimant's application should be treated as having been presented in time.
- 6 Rule 72 provides that if the Judge considers that there is no reasonable prospect of the original decision being varied or revoked, the application shall be refused. Overall I see no reasonable prospect of the judgment being varied or revoked in this case, on the basis of the interests of justice.

- 7 Having considered the material set out in paragraph 1 above, the conclusions reached in the Judgment have no realistic prospect of being changed on reconsideration. This is for the following reasons:
- 8 I note and understand that the Claimant disagrees with my decision not to allow the entirety of the amendments he sought to introduce to his claim. However I am not satisfied that the points of disagreement that the Claimant sets out in his document '(Amended) Reconsideration of Tribunal decision made on July 1st 2022' raise a reasonable prospect of the Judgment being varied or revoked, on the basis of the interests of justice.
- 9 In his document, the Claimant seeks to make detailed references to what he says are contemporaneous communications which show knowledge of the parties of certain matters including, for example, the content of the letter of 5 July 2018. I am not satisfied that the conclusions the Claimant draws from some of these references are entirely correct. I also note that the Claimant was represented by Counsel at the Preliminary Hearing and was thereby enabled to make any relevant representations he wished to the Tribunal at the hearing. The majority of the points he now sets out in writing were not so presented.
- 10 As set out in the written reasons for my Judgment, the considerations when deciding to allow or refuse an application to amend are not solely focused on the relevant knowledge of the parties of certain issues at or around the time they occurred. It is important to identify how a party has originally set out their case to the Tribunal and when and why the party seeks to introduce and rely upon further material by the application.
- 11 In so far as the application for reconsideration refers to the matter identified in paragraph 15 of the Case Management Order, I observe that this paragraph of the Order was recorded at the invitation of all the parties at the Preliminary Hearing. It was identified as a matter of some importance that the Claimant accepted that he was locked out of the portal before the existence of the letter of 5 July 2018 had been disclosed by the First Respondent to the Third Respondent. The precise wording of paragraph 15 was read back to and agreed by all representatives.
- 12 The Reasons for my Judgment set out the basis for my decisions to allow or refuse the various amendments sought. If this matter is examined on appeal, it will be for the higher tribunal to say whether those reasons and the Judgment can stand. All suggestions that I have erred in law are a matter for appeal.
- 13 For the avoidance of doubt, at all times the management of the hearing and length of breaks afforded to the parties were agreed with the parties. An additional day was listed to ensure all parties had an

adequate opportunity to consider the issues arising and fully address the Tribunal.

- 14 Again, I note the Claimant's lengthy and repeated submissions both in writing and repeated in telephone calls to the Tribunal, that my decision on the application is wrong. However I refuse his application as it discloses no proper grounds for a reconsideration and, accordingly, there is no reasonable prospect of the original decision being varied or revoked.

Finalised List of Issues

- 15 Within the later correspondence from the parties, it is identified that an issue arises with paragraph 20 of the List of Issues. To avoid further delay, the parties are required to include both suggested versions of this issue for the Tribunal's further consideration at the commencement of the full merits hearing.

Employment Judge Harrington
17 August 2022

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