



EMPLOYMENT TRIBUNALS

Claimant: Ms E. Thompson

Respondent: Vale of Glamorgan Council

AT: Wrexham **on:** 8th September 2022

BEFORE: Employment Judge T. Vincent Ryan

JUDGMENT

The claimant's applications, contained, mentioned or referred to in correspondence to the Tribunal dated 4th, 5th, 16th, and 17th August 2022 for reconsideration of the corrected reserved preliminary hearing judgment sent to the parties on 3rd August 2022 is refused.

REASONS

1. I have received and read the following correspondence from the claimant:
 - a. 4 August 2022 - entitled: Request for full reasons of PH held 28 June 2022 (sic) Judge Ryan (17 pages)
 - b. 5 August 2022 – entitled: Request for full reasons of PH held 28 July 2022 Judge Ryan (5 pages).
 - c. 16 August 2022 – email – re the claimant's request for reconsideration (1 screen/page)
 - d. 17 August 2022 claimant's "2nd Application for Recon" (5 pages)
2. I have received and read from the respondent:

its response dated 25th August 2022 (1.5 screens/pages).
3. I have taken the opportunity to re-read:
 - a. The Employment Tribunal's judgment dated 30th January 2019.

- b. The EAT judgment dated 17th May 2021.
 - c. My reserved preliminary hearing judgment which is the subject of the claimant's applications.
 - d. ETs (Constitution and Rules of Procedure) Regulations 2013 - regulations 70 - 73.
4. Upon application for reconsideration I have to consider firstly whether there is a reasonable prospect of my original decision being varied or revoked. If I consider that there is no such reasonable prospect then I am to refuse the application.
 5. If I were not to refuse the application then the views of the other party should be sought on whether or not there needed to be a hearing.
 6. If the original decision is to be reconsidered then it should be reconsidered at a hearing unless I consider that it is not necessary in the interests of justice; that said however, if there is no hearing then a reasonable opportunity must be given to the parties to make further written representations, that would be further to the above listed applications and response (and as noted by the respondent there has also been a considerable amount of further correspondence since the Preliminary Hearing in question).
 7. The Regional Employment Judge for Wales has already asked the respondent its views on the claimant's application. That was not based on a decision of mine that a reconsideration would be granted. It has been a helpful additional measure.
 8. I am mindful at all times of the overriding objective of the Tribunal which is set out in Rule 2; I must have in mind at all times the interests of justice.
 9. The claimants applications for reconsideration concentrate on the following points, although they cover other matters too:
 - 9.1 My alleged error in law.
 - 9.2 The alleged misconduct of Ms Criddle for the respondent, including allegations of misleading the tribunal and lying which she considers to be "a conscious and repetitive act".
 - 9.3 The alleged "airbrushing out" of Ms Alderman and her role in "failing" to update capability procedures in line with the Equality Act, based on evidence obtained after the original judgment of the Employment Tribunal.
 - 9.4 The respondent reporting matters to EWC, the details of which the claimant says were not known to her at the time of the initial tribunal hearing.
 10. With all humility I have not detected my error in law; the claimant has already presented an appeal to the EAT.

11. Regional Employment Judge Davies has already addressed the very serious allegations of professional misconduct made by the claimant against Ms Criddle. I am unable to base any reconsideration on those allegations in a situation where I did not feel that I was being misled and did not suspect dishonesty.
12. Consideration of the provisions of the Equality Act 2010 and application of those principles to the claimant take priority over the wording of the respondent's policy, because the claimant's claims related to how she was actually treated; how she was treated has been dealt with forensically already and is to be further considered at the hearing on the remitted issues. Ms Alderman has not been airbrushed out in my reserved preliminary hearing judgement; I concentrated upon the substance of the claimant's applications and the respondent's response. I have explained my reasoning for the decisions that I made. It is not essential that I name all the witnesses and people involved in the matters giving rise to the claimant's claims or that I address line by line everything that was written in the parties' submissions; that would be disproportionate and would necessarily involve a lot of irrelevant consideration. The allegations made against Ms Alderman were put forcefully and emphatically by the claimant at the preliminary hearing; they were rebutted by the respondent; I considered them.
13. The question of referral to EWC has been canvassed at previous hearings and in judgments. The allegations and submissions in this regard were put forcefully and emphatically by the claimant at the preliminary hearing and they were rebutted by the respondent. I considered them.
14. I wish to re-assure the parties that I did my conscientious best to consider all that was written and said, of relevance to the preliminary issues before me, in July and when making my reserved decision. I see no reason to reconsider it.
15. For all the above reasons I consider that there is no reasonable prospect of my decision being varied or revoked by me, and I refuse the applications for reconsideration. In any event and having regard to the overriding objective I do not feel that it would have been in the interests of justice, in compliance with the overriding objective and its considerations, to request further written representations from the parties as an alternative to a hearing or for there to be a hearing (Rule 72 (2)).

Employment Judge T.V. Ryan

Date: 08.09.22

JUDGMENT SENT TO THE PARTIES ON

14 September 2022

FOR THE TRIBUNAL OFFICE