



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms S Conway

**Respondent:** Carnegie Theatre Trust

## RECONSIDERATION JUDGMENT (No. 2)

Upon the claimant's application for reconsideration of the Tribunal's judgment with reasons sent to the parties on 5 July 2022, and with the consent of the respondent in correspondence dated 24 August 2022, and without the need for a hearing, the original judgment is confirmed, save as to the variation recorded in the reasons below.

## REASONS

### Grievance

1. The claimant's contention is that the Tribunal has made a mistake by striking out the 2018 grievance due to time limits. This formed part of complaint (g) on general discrimination within the claimant's original complaint to the Tribunal. The claimant refers to Judge Allen's record of the preliminary hearing held on 18 January 2022. She says that at paragraph (9) it is stated that strike out regarding time limits could not be decided in relation to this complaint at a preliminary hearing. She states that strike out on time limits could only be decided on complaints (c), (d), (e) and (f).
2. Complaint (g) is that the respondent failed to correctly deal with grievances on two separate occasions (in 2018 and 2020). The claimant contends that this is one claim in relation to the handling of grievances by the respondent. She says that Judge Allen decided any time limits regarding this complaint (g) should not be decided at a preliminary hearing due to it not being possible or appropriate to decide the question of whether they were part of a continuing act at a preliminary hearing. The only claims time limits could be applied to were those which might be determined as isolated events. The claimant submits that at paragraph 62 of the present Tribunal's written reasons for strike out it has incorrectly included (g) as a "possibility".

3. The claimant summarises her position as being that the Tribunal has made a mistake in striking out part of complaint (g) as being out of time, because this complaint had previously been decided would not be subject to decisions in relation to time limits. The claimant requests that the Tribunal reconsider striking out part of this allegation, and as directed at the preliminary hearing on 18 January 2022, the whole complaint of (g) be decided at the full hearing scheduled for October 2022.
4. The judge has agreed to this part of the application. The judge considers that this part of the original decision should be varied in the interests of justice for the reasons given by the claimant and by reference to paragraphs (3)(vii), (3)(viii) and (9) of Judge Allen's record of the previous preliminary hearing. It might indeed be better if evidence as to both grievances were to be heard and any question of time limitation decided at the final hearing so far as affects those grievances.
5. Complaint (g) shall proceed in its entirety to be determined at the final hearing (including any issues of time limitation).

**Linked conduct**

6. So far as the claimant's arguments on linked conduct relate to complaint (g) – linking the 2018 complaint and the 2020 complaint and establishing that time did not start to run until January 2021 – the judge considers that that is a matter best left to the final hearing as part of any consideration of complaint (g), as discussed above. The original judgment is also varied to that extent.

Judge Brian Doyle  
DATE: 22 September 2022

JUDGMENT SENT TO THE PARTIES ON  
11 October 2022

FOR THE TRIBUNAL OFFICE

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