



EMPLOYMENT TRIBUNALS

Claimant: Mr C. Richards

Respondents: British Ceramic Tiles Limited, in administration. (1)

Secretary of State for Business, Energy and Industrial Strategy (2)

DECISION UPON APPLICATION FOR RECONSIDERATION

1. Following a hearing before a full tribunal, held by video link on 27 July 2022 and attended by the claimant although not by either respondent, the Tribunal found that it lacked jurisdiction to entertain the claimant's claim for a protective award on the ground that the claim had been presented outside the applicable limitation period provided for under s.189(5) of the Trade Union and Labour Relations (Consolidation) Act 1992.
2. By letter of 6 August 20[22], the claimant seeks reconsideration of the Tribunal's determination. He recounts the steps that he says he took, from 17 September 2021, to add his name to the proceedings which had been brought and pursued to judgment by many of his former colleagues before the Bristol Employment Tribunal, under lead case number 1400412/2019.
3. The claimant provided detailed evidence at the hearing about the circumstances which led up to the commencement of these proceedings and explained the reasons

why he contended that his claim for a protective award should be permitted to proceed, albeit that the same had been presented very substantially out of time. In reaching its determination, the Tribunal carefully considered that evidence, as noted in the Tribunal's Reasons.

4. In his letter seeking reconsideration of the Tribunal's decision, the claimant states amongst other matters that in December 2021, an important period in terms of the relevant chronology, he had difficulties printing the claim form, and that the following month members of his family had Covid. These are matters which the claimant either did or could have put forward in his evidence at the hearing so that the Tribunal could assess whether they provided a sufficient explanation for the delay. The Tribunal was bound to base its decision on the matters that were put before it, and the claimant was given every opportunity, with encouragement from the Tribunal, to give a full account of the relevant circumstances.
5. The Tribunal has reviewed the Tribunal's earlier decision pursuant to Rule 70-72 of the Tribunal's Rules of Procedure 2013. Having undertaken that exercise, it does not consider that that it is in the interests of justice to reconsider its judgment dismissing the claim.
6. Accordingly, the application for reconsideration is refused.

Employment Judge Sutton QC

Date: 14 October 2022

Sent to the parties on:
14/10/2022