



EMPLOYMENT TRIBUNALS

Claimant: Mr Alan Morton

Respondent: Health and Social Care Information Centre
Trading as NHS Digital

Heard by Remote video link - CVP

ON: 16 September 2022

BEFORE: Employment Judge Jones

REPRESENTATION:

Claimant: In person

Respondent: Ms Heard, Solicitor

JUDGMENT on Application for Reconsideration

The application of the claimant for reconsideration of the Judgment sent to the parties on 27 September 2022, in his email dated 10 October 2022 is refused on the grounds there are no reasonable prospects of the decision being varied or revoked.

REASONS

1. By rule 70, a Tribunal may reconsider any judgment where it is necessary to do so in the interests of justice.
2. By rule 72 an Employment Judge shall refuse an application if he considers there is no reasonable prospect of the decision being varied or revoked.
3. By email of 10 October 2022 the claimant has asked the Tribunal (and the respondent) to reconsider its decision because he has recently received information pursuant to a Freedom of Information Act request he made on 6 July 2022. He says this information reveals that an 8D post was created in 2018 and he was assimilated into it. He says the investigator, grievance and

appeal manager were presumably not provided with this information and were misled. He says it supports his case that he was underpaid.

4. Discovering information at a late stage can be a material factor to the issue of either whether it was not reasonably practicable to present a claim within the primary time limit or whether it has been presented within a just and equitable further period. In this case, however, the reason the claimant did not present the claim at an earlier period was not because of the absence of this information. He had presented his claims in July 2022 in ignorance of this information. It would doubtless have been disclosed had this case proceeded at the stage when the parties were obliged to disclose relevant documents. I do not therefore regard this as assisting the claimant on the relevant questions in respect of whether the claim was brought in time.

Employment Judge Jones

Date: 8 November 2022

FOR THE TRIBUNAL OFFICE