



# EMPLOYMENT TRIBUNALS

Mr Keith Crossland

Chamberlains Security (Cardiff) Limited

Claimant

Respondent

v

## RECONSIDERATION OF JUDGEMENT: REJECTED EMPLOYMENT TRIBUNAL'S RULES OF PROCEDURE 2013

The claimant's application for reconsideration dated 17 November 2022 of the decisions made on 20 April 2021 (costs), 3 November 2020 (remedy) and the substantive judgment (after a hearing on 8, 9 and 10 May 2017) was received more than 14 days after the dates on which the decisions were sent to the parties. Having considered the reasons given for the delay, Regional Employment Judge Pirani refuses to extend time as it is not in the interests of justice to do so because:

- i. The points made in relation to fraud have been made previously on many occasions both at the Employment Tribunal and on appeal.
- ii. The new evidence produced by the claimant could have been produced with due diligence earlier.
- iii. The new evidence provided would not have made any difference to the results of the various hearings.
- iv. The Claimant succeeded in all three of his causes of action under his claims under sections 20 and 21 of the Equality Act 2010 in his claim of a failure to make reasonable adjustments; and in his complaint of breach of section 15 discrimination (because of something arising in consequence of his disability), and also in his section 27 victimisation complaint.
- v. The claimant has already made unsuccessful appeals to the Employment Appeal Tribunal and the Court of Appeal.
- vi. The Claimant has previously brought virtually identical proceedings alleging fraud in the Cardiff ET, whereupon he decided to withdraw them, opting for similar proceedings in the County Court. This led to a strike-out with costs being awarded against him.
- vii. At the last hearing (costs) it was noted that the claimant again requested, in his written submissions, that "the Bristol Judgment be set-aside because of fraud". The claimant went on to explain "I believe that the



- proper administration of justice requires it. The parties can then continue the claim in Cardiff”. However, in his oral submissions the claimant did not suggest that he wanted the remedy judgment set aside.
- viii. Lord Justice Bean concluded that arguments on appeal that the Employment Tribunal should have found the respondent to be dishonest are hopeless.
- ix. The Tribunal noted in its last judgment in relation to costs: Paragraph 77 of the substantive judgment provides: The claimant mentioned litigation and tribunal awards of injury to feelings of up to £30,000. However, this was not, as the respondent originally suggested, “from the very outset of the meeting”, but rather more than 30 minutes after the meeting started (see para 23 of ET3). In essence, the claimant is concerned about what he describes as “fraudulent grievance notes”. The reference in the ET3 was wrong and misleading. The minutes were inaccurate. The respondent fought and lost the Employment Tribunal. That is as far as this tribunal found in relation to this issue.
- x. The panel in the Bristol Tribunal substantive hearing noted at paragraph 69 of the substantive judgment that despite the fact that the claimant was legally trained and had previously been involved in litigation he failed to disclose the recording of the meeting or the fact of recording until he exchanged his first witness statement for the purposes of these proceedings. The panel also concluded at paragraph 70 that the claim form was drafted in a way which suggested that he had not recorded the meeting. Later, at paragraph 135, the tribunal concluded that the claimant must have known this was inappropriate conduct.

**Regional Employment Judge Pirani**

Date: 29 November 2022

Sent to the parties: 29 November 2022

For the Tribunal: