



EMPLOYMENT TRIBUNALS

Claimant: Francis Grant

Respondent: Oxleas NHS Foundation Trust

JUDGMENT

The claimant's application dated **09 December 2022** for reconsideration of the judgment sent to the parties on 28 November 2022 is refused.

REASONS

This claim was listed before me on the 24 November 2022. Judgment was sent to the parties on the 28 November 2022. On the 09 December 2022 the claimant wrote to the Tribunal requesting a reconsideration of the Judgment. On the 13 December 2022, the respondent wrote to the Tribunal in response to the claimant, highlighting paragraph 72 of the Employment Tribunal Rules.

Application to reconsider:

The basis of the claimant's application relates only to the application to amend his claim to include other heads of claim that had not previously been claimed. His application for reconsideration does not relate to the decision to refuse leave to amend to plead a new disability, namely bronchitis.

As a preliminary submission, the claimant states that he was unaware that the Tribunal would be considering his application to amend at the preliminary hearing. In advance of the hearing, the claimant and respondent had both filed separate agendas. Both documents acknowledged that one agenda item would be the claimant's application to amend. At the preliminary hearing, both parties were represented by counsel. At the outset, I discussed with both counsel the agenda for the hearing. Both agreed that the first item to be determined was the claimant's application to amend. I therefore do not accept that the claimant did not know that his application to amend would be determined at the preliminary hearing. It was an item on his own agenda, and his counsel stated that the application would be made.

Having discussed with counsel the items on the agenda, the claimant's counsel was invited to make his application to amend. He did so and raised the arguments that are set out in the claimant's application for reconsideration dated the 09 December 2022. Having heard those arguments, the respondent replied and the claimant's counsel was given a further opportunity to make submissions, which he did.

As stated, the claimant was aware that his application to amend would be made, his counsel was prepared to do so and did so. He raised the arguments set out in the claimant's email and having done so, I ruled on the application and provided my reasons for doing so. The issues that are raised in the application to reconsider have already been considered by the Tribunal.

The claimant's application for reconsideration is therefore refused as there is no reasonable prospect of the original decision being varied or revoked.

Employment Judge Apted

Date: 19th December 2022