



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4102453/2022

Hearing held via written submissions on 19 January 2023

Employment Judge A Kemp

Mrs Laura-Jean Harkin

**Claimant
In Person**

Master Peace Recruitment Ltd

**First Respondent
Represented by
Ms A Blake -
Operations Director**

Infinity Payroll Solutions Ltd

**Second Respondent
Represented by
Ms S Kingshot -
Director**

Little Missenden Ltd

**Third Respondent
No appearance or
representation**

Greencolor Ltd

**Fourth Respondent
No appearance or
representation**

Zymanthorpe Ltd

**Fifth Respondent
No appearance or
representation**

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The Judgment of the Employment Tribunal is:

- (i) refuses the claimant's application for reconsideration;

- (ii) refuses the first respondent's application for reconsideration; and
- (iii) declines to impose any penalty on the first respondent.

REASONS

1. Following the issuing of the Judgment in this case, the claimant and first respondent each emailed the Tribunal seeking to have the Judgment reconsidered. The first respondent also commented on the issue of a penalty.
2. The claimant's application for reconsideration was not made timeously within the terms of the Rule 71. The Judge does not consider it to be in accordance with the overriding objective to consider it in light of that.
3. In any event, if he had done he would have refused it on the ground that there is no reasonable prospect of the original decision being varied under Rule 72. The Judge proceeds on the basis of the evidence given before him. It is only in the most exceptional of circumstances that evidence that could have been placed before the Tribunal at the Final Hearing but was not can be considered, having regard to the principle of the finality of litigation. The Judge made the decision as best he could from the evidence that was led before him.
4. The application from the respondent is not, it appears to him, truly one for reconsideration, but is more in the nature of an appeal. If an appeal is to be pursued that requires the steps to be taken that are appropriate for an appeal, which the email is not. In any event, the points made in the email are not those which are such that there is a reasonable prospect of the original decision being varied under Rule 72. If payment is not made timeously interest is due on it as a matter of law. If, however, payment is made in early course the amount of interest is liable to be small.
5. The Judge has a discretion as to whether or not to impose a penalty, as set out in the Judgment itself. Having considered all the circumstances, including the terms of the email from the first respondent dated 12 January 2023, he has decided not to do so.

6. No penalty is accordingly imposed.

Employment Judge: A Kemp
Date of Judgment: 19 January 2023
Entered in register: 23 January 2023
and copied to parties