



EMPLOYMENT TRIBUNALS

Claimant: Mrs Annette Lindley

Respondent: Capita Business Services Limited

JUDGMENT

The claimant's application dated **7th January 2023** for reconsideration of the judgment sent to the parties on **11th March 2022 with Written Reasons sent on 21st March 2022** is refused.

REASONS

1. The application was received substantially more than 14 days after the date on which the decision was sent to the parties.
2. There are no actual or specific reasons advanced for that delay, though it is apparent that the Claimant seeks generally to rely on her continuing mental ill-health.
3. The context for the making of this application is, however, clearly the letter from Regional Employment Judge Robertson dated 6th January 2023. In that letter he invited the Claimant to confirm whether she is in fact applying, albeit out of time, for a reconsideration of my decision on 11th March 2022.
4. As is apparent from Judge Robertson's letter, the Claimant had complained to the President of the Employment Tribunals on 30th and 31st October 2022. There is also a reference in the application to her already having raised an appeal to the Employment Appeal Tribunal. This would strongly suggest that it would have been equally practicable for her to have applied for reconsideration considerably earlier than 7th January 2023.
5. Having considered the context and the absence of specific reasons given for the delay, I refuse to extend the time as it is not in the interests of justice to do so. The application for a reconsideration is therefore rejected, primarily for lack of jurisdiction to accept it.
6. In the alternative even if I had allowed an extension of time there is, nonetheless, no reasonable prospect of the original decision being varied or revoked.

7. The circumstances of the unequivocal withdrawal of the original claim in 2012 were fully explored , as far as was possible after this lapse of time, at the hearing on 11th March. That is not in fact, however, the issue in the case.
8. There is nothing in the present application which in fact addresses the basis of the actual decision which was that: “There is no reasonable prospect of the Claimant successfully arguing that time should be extended so as to allow any of these complaints dating from on or before her dismissal on 11th September 2011 to proceed.”
9. I also note that the Claimant in her application asserts that she does not in fact have the mental capacity to conduct litigation. That is confirmed by a subsequent communication dated 9th January 2023. That includes a certificate, dated 22nd June 2022, from an approved medical practitioner confirming that in concurrent family proceedings the Claimant lacks mental capacity, and recommending the appointment of the Official Solicitor to act for her. If this claim were not struck out, it could not therefore proceed at the present time in any event.

Employment Judge Lancaster

Date 11th January 2023