



EMPLOYMENT TRIBUNALS

Claimants: (See Schedule)

Respondent: WRW Construction Ltd (In administration)

UPON APPLICATION made by letter dated 1 December 2022 to reconsider the judgment dated 30 September 2022 under rule 71 of the Employment Tribunals Rules of Procedure 2013

JUDGMENT ON RECONSIDERATION

The Judgment of the Employment Tribunal is that the judgment of 30 September 2022 is varied such that a protective award is made for a protective period beginning on 12 July 2021.

REASONS

1. By Rule 70 of schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 the Employment Tribunal may, either on its own initiative or on the application of a party, reconsider any judgment where it is necessary in the interests of justice to do so. On reconsideration, the judgment may be confirmed, varied or revoked.
2. An application for reconsideration shall be presented in writing (and copied to all of the other parties) within 14 days of the date upon which the written record was sent to the parties.
3. Under Rule 70, a judgment will only be reconsidered where it is necessary in the interests of justice to do so. This allows an Employment Tribunal a broad discretion to determine whether reconsideration of a judgment is appropriate in the circumstances. The discretion must be exercised judicially. This means having regard not only to the interests of the party seeking the reconsideration but also the interests of the other party to the litigation and to the public interest requirement that there should, so far as possible, be finality of litigation.

4. The Tribunal dealing with the question of reconsideration must seek to give effect to the overriding objective to deal with cases fairly and justly. This obligation is provided in Rule 2 of the 2013 Regulations.
5. The procedure upon a reconsideration application is for the Employment Judge that heard the case or gave the judgment in question to consider the application and determine if there are reasonable prospects of the original decision or judgment being varied or revoked. Essentially, this is a reviewing function in which the Employment Judge must consider whether there is a reasonable prospect of reconsideration in the interest of justice. There must be some basis for reconsideration. It is insufficient for an applicant to apply simply because he or she disagrees with the decision.
6. If the Employment Judge considers that there is no such reasonable prospect then the application shall be refused. Otherwise, the original decision shall be reconsidered at a subsequent reconsideration hearing.
7. In this case, I issued a judgment based on the claimants' pleading that the claimants' employment ended on 13 July 2021.
8. By way of letter dated 1 December 2022, the claimant's representatives applied for a reconsideration of the judgment as after judgment had been issued the Redundancy Payments Service had indicated that an error on the date that the first of the dismissals took effect and confirmed that the information provided to them by the Respondent indicates that this was 12 July 2021 not 13 July 2021.
9. I consider that it is in the interests of justice to vary the judgment at §2 of the Judgment and §7 of the reasons by varying the date of termination from 13 July 2021 to 12 July 2021.

Employment Judge Brace

Date: 30 January 2023

JUDGMENT SENT TO THE PARTIES ON 6 February 2022

FOR THE TRIBUNAL OFFICE Mr N Roche

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