



EMPLOYMENT TRIBUNALS

Claimant: Miss A Bovell

Respondent: Reading Borough Council

JUDGMENT

The claimant's application dated 14 February 2023 for reconsideration of the judgment sent to the parties on 1 February 2023 is refused.

REASONS

There is no reasonable prospect of the original decision being varied or revoked, because:

The application for reconsideration does not indicate that it is necessary in the interests of justice for the Tribunal to reconsider the decision.

The reconsideration application does not disclose any reasonable grounds for concluding that there has been an error of law by the Tribunal in reaching its decision.

The Tribunal has made its findings of fact based on the evidence presented at the hearing. The claimant disagrees with the Tribunal's findings of facts in places but this does not mean that the Tribunal was wrong to make those findings or that there was no evidential basis for those findings of fact. In making findings of fact the Tribunal may have to decide which party's evidence it prefers. Where the Tribunal has done that, it has explained the reasons for its findings. It was reasonably open to the Tribunal to make the findings of fact that it did, based on the evidence which was presented, even though the claimant may disagree with the findings.

The only complaint of race discrimination which was to be determined by the Tribunal was the complaint that the dismissal was an act of direct race discrimination. All other legal complaints within the case had been dismissed at earlier stages in the proceedings. Thus, it was not open to the Tribunal to consider whether the respondent should be liable for other acts of discrimination, either prior to or subsequent to the decision to dismiss the claimant. Furthermore, the parties did not argue the case on

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that basis, only on the basis that the decision to dismiss was/was not an act of direct discrimination. The Tribunal properly determined the claims before it based on the evidence presented and the arguments of the parties at the hearing.

In light of the one remaining complaint of section 13 discrimination which was open for determination by the Tribunal, the correct applicable legal test was identified and applied in this case. The claimant's application for reconsideration does not disclose reasonable grounds for concluding that the Tribunal misdirected itself in law or made any error of law in reaching its decision.

The claimant had a fair opportunity during the hearing to present her evidence, question the respondent's witnesses and make closing submissions. The claimant has had a fair final hearing and is not entitled to a second hearing of the same case in those circumstances.

Employment Judge Eeley

Date:13 March 2023

JUDGMENT SENT TO THE PARTIES ON

15/3/2023

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FOR THE TRIBUNAL OFFICE