



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Ms S Shine

v

Manor Lodge School

Heard at: Watford, in person

On: 24 February 2023

Before: Employment Judge Hyams, sitting alone

Appearances:

For the claimant:

Mr M Quiros, representative (the claimant's partner)

For the respondent:

Mr David Arnold MBE, representative (a governor of the respondent)

JUDGMENT

The judgment signed on 22 June 2022 dismissing the claimant's claim of age discrimination contrary to section 39 of the Equality act 2010 is revoked on reconsideration under rule 70 of the Employment Tribunals Rules of Procedure 2013.

REASONS

- 1 On 20 June 2022, I conducted a preliminary hearing by telephone at which the claimant neither attended nor was presented. In the circumstances described in my judgment with reasons which I signed on 22 June 2022, I dismissed the claimant's claims made in these proceedings. I did so under rule 47 of the Employment Tribunals Rules of Procedure 2013.
- 2 On 1 July 2022, that judgment with reasons was sent to the parties. On 3 July 2022 the claimant sought in an email of that date a reconsideration of the

judgment, giving cogent reasons for doing so. It appeared from that email that Mr Quieros had sought to participate in the hearing but had been unable for technical reasons to do so.

- 3 I came to the provisional view on the basis of the content of that email that my judgment dismissing the claims under rule 47 should be revoked, and I caused that view to be communicated to the parties. The respondent did not agree that the judgment should be revoked, and as a result the hearing of 24 February 2023 was convened. At it, Mr Quieros and the claimant pressed the claimant's application for the reconsideration of the judgment and its revocation, and after a discussion which I had with the parties about that application, Mr Arnold ceased to oppose that application. I therefore granted it in relation to the claim of age discrimination but not unfair dismissal. That was because the claimant accepted that she did not at the time of her dismissal (whether or not it took effect at the end of her notice period or, as claimed by the respondent, on 5 March 2021) have two years' continuous employment.

Employment Judge Hyams

Date: 28 February 2023

JUDGMENT SENT TO THE PARTIES ON

16th March 2023

GDJ

FOR THE TRIBUNAL OFFICE