



EMPLOYMENT TRIBUNALS

Claimant: Ms A House

Respondent: Synter Group Limited

JUDGMENT

The Claimant's application dated **16 February 2022** for reconsideration of the judgment sent to the parties on **3 February 2022** is refused.

REASONS

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

1. The Claimant gives the following reasons for seeking a reconsideration of the judgment
 - a. She is a litigant in person, with serious health conditions, including a learning disability/ADHD
 - b. In 2020 and 2021 she had a serious mental health crisis meaning she could not progress her claim
 - c. Reasonable Adjustments were not provided at the hearing, and the Equal Treatment Bench Book was not considered.
2. At the hearing on 8 December 2021 I considered carefully the Claimant's explanation, both made by her and by her lay-representative, for not complying with the Tribunal Orders. Ms Synter had made it clear at the hearing that she was aware of the Tribunal Orders, but had not been in a position to progress them.
3. In determining to strike-out the case, I had full regard to the Claimant's health conditions, and I accepted that they had a substantial impact on her ability to progress her claim, throughout the period of her claim. I also accepted that as a litigant in person for the majority of her claim, she was further disadvantaged, as

I accepted that having significant mental health symptoms would impact on her ability to cope and to progress her claim without assistance.

4. However, in saying this, I also noted the comment of EJ Crosfill that the Claimant had been able to write to the Tribunal and supply some medical evidence, that Judge Crosfill 'could not understand' why the Claimant was not able to progress Orders, given she was able to write to the Tribunal and gain some records from her GP.
5. I also had to consider the fact that the claim was issued in March 2020, and by December 2021 there had been no progress at all, meaning the march 2022 hearing could not take place, given the number of procedural steps which needed to be undertaken between then and the hearing.
6. The Equal Treatment Bench Book, recommends (in summary) the following adjustments for litigant with mental disabilities: allowing more time to undertake case management steps, being explicit in instructions, making adjustments to the hearings. There is nothing in the Bench Book which required open ended deadlines to comply with Orders, or that a failure to progress the case should be subject to a less lenient legal test. EJ Crosfill warned the Claimant that strike-out was being considered, yet the Claimant failed to take any steps to progress the case for a further year.
7. Taking account of the Equal Treatment Bench Book, and the requirement for reasonable adjustments, I concluded that the Claimant's failure to December 2021 to take any steps to progress her case was not satisfactorily explained by the medical evidence. I concluded based on the evidence that she had previously taken steps, and that notwithstanding her condition it would have been possible for her to take some further steps, or at least correspond with the Tribunal or Respondent's representatives, between December 2021 and December 2022, but that she failed to do so.
8. In conclusion, I balanced the requirements for equal access to justice for all the need to make adjustments against the requirement that case management Orders must be progressed, that there was a significant risk that a fair trial may no longer be possible given it would be nearly 3 years from the claim being issued to a potential hearing date, in early 2023. The Claimant's reconsideration request had provided no evidence to change this position, and accordingly her request is rejected.

Employment Judge Emery

6 June 2022