



# EMPLOYMENT TRIBUNALS

**Mr G WILLIAMS**

**Claimant**

and

**ROYAL MAIL GROUP LIMITED**

**Respondent**

## JUDGMENT

The claimant's application dated 3 April 2023 for reconsideration of the judgment and reasons sent to the parties on 24 March 2023 is refused.

## REASONS

1. The claimant's application for a preparation time order and wasted costs was refused at a hearing by video (VHS) on 14 March 2023. Reasons for the refusal were then sent to the parties on 24 March 2023.
2. Other than repeating points made at the previous hearing, the claimant appears to seek reconsideration of that judgment on the following grounds:
  - a. There was no oath at the start of the hearing.
  - b. Royal Mail were entirely responsible for the avalanche of claims that inundated the Employment Tribunal.
  - c. Without prejudice evidence demonstrates that the respondent was aware of "false data" as of 1 August 2022. The finding of the tribunal that the respondent became aware that information was inaccurate on 14 September 2022 is therefore incorrect. The respondent committed possible perjury which is grounds for overriding any without prejudice protection.

- d. The claimant informed ACAS that the data was false.
  - e. Without prejudice documents and communication with ACAS should not have been excluded from consideration.
3. No witness evidence was heard at the hearing, so no oaths were required.
4. The so called avalanche of claims was, in part, caused by clarification of the law relating to overtime and holiday pay.
5. The email which the claimant seeks to rely on was sent by the respondent to the claimant on 1 August 2022. This was previously excluded as being without prejudice. The claimant now seeks to rely on it.
6. The email attached a draft COT3 agreement and ACAS were copied in. Genuine negotiations with a view to settlement, as this was, are protected from disclosure whether or not the without prejudice stamp has been expressly applied.
7. The email says the respondent values the legal value of the holiday pay claim as £175 .56, which takes into account any three-month gaps between leave periods. An offer was then made for £175.00.
8. In the event, as was set out in the written reasons, the respondent conceded that the claimant was owed £480.16 after the claimant provided a revised schedule of loss on 11 September 2022. The earlier schedule, submitted by the claimant on 12 August 2022, was for £883.26.
9. Without prejudice was originally sought to be set aside by the claimant at the preparation time hearing due to the respondent making “derisory offers”. Even on the claimant’s case the offer cannot be said to be derisory. There is no evidence of unambiguous impropriety on the part of the respondent or any other reason to override the without prejudice principle.
10. Even if the email were to be admitted in evidence, it would not have changed the conclusions. It was not until sometime later that the claimant clarified how much his claim was worth, whereupon the respondent conceded what was owed.
11. The fact that the respondent’s own records were or may have been inaccurate does not render their conduct during the litigation process unreasonable. It also does not demonstrate that the respondent was aware that the data was wrong at that time. When the claimant provided evidence to contradict the disclosed data, the claim was conceded.
12. Accordingly, there is no reasonable prospect of the original decision being varied or revoked.

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**Regional Employment Judge Pirani**  
9 May 2023

Sent to the parties on  
9<sup>th</sup> May 2023 by Miss J Hopes

For the Tribunal office