



## EMPLOYMENT TRIBUNALS

**Claimant:** Mr M Bell

**Respondent:** Sky UK Limited

**Heard at:** Leeds (in chambers, on the papers)      **On:** 10 May 2023

**Before:** Employment Judge Knowles

### JUDGMENT UPON RECONSIDERATION

1. The Claimant's application dated 4 April 2023 for reconsideration of the judgment sent to the parties on 27 March 2023 is refused.

### ORDERS

1. The Claimant's applications under Rule 34 of the Employment Tribunal Rules dated 22 and 29 March 2023 to add Jennifer Warren as a Respondent is refused.
2. The Claimant's application under Rule 32 of the Employment Tribunal Rules dated 29 March 2023 for an order requiring a number of individuals to attend to give evidence at the final hearing is refused.

### REASONS

1. The Claimant on 4 April made an in time application for reconsideration of my Judgment delivered to the parties orally 7 March 2023 and sent to the parties in writing 27 March 2023.
2. The Claimant is asking me to allow him to amend his claim to add an additional disclosure to that set out in his claim form at paragraph 3.10.2, namely to say that the additional information set out at paragraph 3.13 is a separate protected disclosure.
3. There must be finality in proceedings and the reconsideration process should not generally be used to gain a "second bite at the cherry" (*Todd t/a Hygia Professional Training v Cutter UKEAT/0063/07*).
4. Taking into account the grounds of the application for reconsideration and considering them in the round my conclusion is that the Claimant has had a fair opportunity to address the Tribunal on this point at the last hearing.
5. It is evident from the Claimant's application for reconsideration that the matters which he sets out at 3.13 are simply further discussion of the original disclosure and do not constitute a separate or different disclosure. This adds nothing to the Claimant's claim. The Claimant appears to misunderstand that once he has made a disclosure, it has been made. Again, I make the point that I made on 7 March, the Claimant is simply referring us to a list of his evidence in support of his single disclosure concerning multi-users

experience and potential discriminatory affect. The fact that there is a chain of messages about that makes no difference to the Claimant's claim that he made a disclosure. The Claimant is making his case unnecessarily complicated and is wasting the Tribunal's and both parties time in segregating individual parts of an ongoing discussion chain and suggesting that the independently amount to separate disclosure.

6. Again I make the point that the Claimant is at liberty, at the final hearing, to draw the attention of the Tribunal to full communication exchange. However, this case involves one disclosure which is the single/multi user issue.

7. There is no reasonable prospect of the original decision being varied or revoked for those reasons.

8. The Claimant's application made on 22 and 29 March 2023 to add Jennifer Warren as a Respondent is not well founded. I previously, following the hearing of a preliminary point on 1 November 2022, held that the Claimant was a worker and was employed by the Respondent for the purposes of Section 43K of the Employment Rights Act 1996 and that his claim of unlawful detriment for making protected disclosures as a worker could proceed.

9. However, the Claimant has never asserted that he was employed by Jennifer Warren and his complaint of unlawful detriment could only proceed against his employer as opposed to someone employed or engaged by the Respondent. For that reason, the Claimant's application is misconceived and is refused.

10. The Claimant applied on 22 March 2023 for an order requiring a number of individuals to give evidence at the final hearing.

11. The Claimant has not explained whether or not he has approached any of these people and made enquiries of them as to whether or not they would be prepared to attend the hearing voluntarily.

12. The Claimant has not explained why their attendance is necessary and what relevant evidence they may give.

13. For those reasons, that application is also refused.

Employment Judge Knowles

10 May 2023