



# EMPLOYMENT TRIBUNALS

**Claimant**

**Respondent**

**Ms E Digby**

**v**

**The Leys and St Faith's Schools Foundation**

**Heard at:**

Huntingdon

**On:** 13 April 2023

**Before:**

Employment Judge Ord (in person)

## **Appearances**

**For the Claimant:** Mr C Jordan, lay representative

**For the Respondent:** Ms A Trencher, solicitor

## **JUDGMENT ON RECONSIDERATION**

1. The claimant's application for reconsideration of the judgment of Judge Doyle dated 10 October 2022 (sent to the parties on 27 October 2022 and full reasons sent to the parties on 13 February 2023) is refused because:
  - 1.1. It is out of time, and
  - 1.2. It has no reasonable prospect of success.

## **REASONS**

1. These proceedings came before Judge Doyle on 10 October 2022 to, inter alia, consider the correct respondent to the claim.
2. By judgment given orally on 10 October 2022 and full reasons being sent to the parties on 13 February 2023 the Judge found that at the relevant times for the purposes of the claimant's claim her employer was the (then) second respondent the Leys and St Faith's Schools Foundation, being registered charity 1144035 and a registered company limited by guarantee number 07748737.
3. By email dated 27 March 2023 the claimant applied for reconsideration of the judgment on the grounds of "fresh evidence".
4. The evidence referred to was a letter from the Charity Commissioner for England and Wales, two screenshots showing Charity No 1144035.
5. None of this information was "fresh evidence" to the extent that it would have been available had it been sought prior to the hearing before Judge

Doyle (save and except for any changes in the charity structures which took place after that date).

6. Under Rule 71 of the Employment Tribunal Rules of Procedure an application for a reconsideration must be made within 14 days of the date on which the written reasons were sent to the parties.
7. The written reasons were sent to the parties on 3 February 2023 and therefore an application for reconsideration should have been made no later than 27 February 2023.
8. The application was not made until 27 March 2023 and therefore it is out of time. The claimant has not advanced any argument to explain why time should be extended.
9. In any event the application has no reasonable prospect of success. The claimant seeks to add or alter the identity of the respondent against whom the case proceeds. It is not entirely clear (I did ask the claimant's representative and he was effectively unable to answer) how this assisted the claimant's case.
10. The respondent identified by Judge Doyle against whom the case proceeds, confirms that it is the relevant employing entity and liable for any acts or omissions in respect of which the claimant succeeds in these proceedings. Accordingly, any reconsideration to add an organisation as a further respondent would be a pointless exercise.
11. Further, the matter is given full consideration by Judge Doyle. Evidence given by individuals before Judge Doyle were accepted by him as set out in his judgment. The purpose of the claimant's desire to remove the second respondent as the sole remaining respondent and to substitute one or more other respondents (it is not clear what it is that the claimant is seeking here and Mr Jordan could not explain it) has no reasonable prospect of success.
12. For those reasons the application for reconsideration is refused.

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Employment Judge Ord

Date: 23/5/2023

Sent to the parties on: 24/5/2023

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For the Tribunal Office