



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs Katia Segor  
**First Respondent:** Secretary of State for Justice  
**Second Respondent:** Mr Michael Spellman

## RECONSIDERATION JUDGMENT/REASONS

1. I conducted a Public Preliminary Hearing (“PH”) in this case on 13 March 2023. The Record of that PH was sent to the parties on 16 April, together with (in a separate document) my Judgment (with Reasons) dealing with the Claimant’s application to amend to add further causes of action and my determination of certain claim in time issues.
2. By several subsequent emails, the Claimant has raised a number of issues and the first Respondent has responded to them. Those issues are, or relate to:
  - 2.1. Extensions of time to comply with various Orders.
  - 2.2. Reconsideration of my refusal of the application to amend.
  - 2.3. Reconsideration of my determination of the claim in time points.
  - 2.4. An application for a costs Order against the First (now sole) Respondent.

I shall deal with each in turn.

### Extensions of Time

3. I made various Orders with regard to the finalisation of the List of Issues, the provision of a Schedule of Loss, the exchanging of Lists of Documents, the agreement of the contents of a Hearing Bundle and its preparation and provision to the claimant. The final Order, in terms of time, was for the provision of the bundle to the claimant on 22 May. Hence, time for compliance with all such Orders has long passed.
4. I note that the claimant appears to have new solicitors. Taylor Wessing wrote to the Tribunal on 28 April 2023 saying that they now represented her. I have seen no correspondence from them (or from the Respondent) indicating that any attempt has been made to comply with the Orders, or requesting specific extensions of time to particular dates. The hearing of this matter is scheduled for October 2023. I am of the view that a timetable could be produced which would enable the case to be heard at that time. I would urge the parties to agree such a timetable and to ask that the Tribunal varies my orders to incorporate it, but in the interval to work towards it.

5. If no agreement can be reached, the parties must urgently write to the Tribunal explaining the inability to reach agreement and suggesting what they each see as the way forward. I am conscious of what is said about the claimant's mental health in the emails. There is a lack of detail, in particular as to the impact on her ability to conduct the litigation. If that is to be relied upon, then further detail (preferably including, or by way of, a detailed medical report) will be required.

**Reconsideration of the refusal to allow amendments**

6. The Respondent points out that this application appears to have been made outside the 14 day time limit in Rule 71 of the Rules of Procedure. No specific application was made to extend time under Rule 5, but having regard to the claimant's mental health and the short period of delay, I extend time in respect of both reconsideration applications.
7. This application is mentioned, very briefly at the end of the email of 11 May. Rule 71 requires that any application for reconsideration should set out why the reconsideration is said to be necessary. Here all that is said is that the "new evidence" that the claimant's alleged assailant has been charged with assaulting her shows that her claims should be allowed to proceed.
8. I accept (for present purposes) that he has been, or is to be, charged. I also note (as my Reasons record) that I was told that the CPS had decided to take the matter no further. Indeed, I was told that it was for that reason that the internal investigation was now continuing.
9. Neither of those matters played any part in my reasoning process when deciding that the amendments should not be allowed. I recorded the (then agreed) facts by way of background and to explain the current state of affairs. My reasoning process is explained in the Reasons.
10. Although this point is not made, I have considered whether it might legitimately be argued that because a criminal court is now going to look at relevant factual matters, this would suggest that a Tribunal should be able to do so. I do not consider that an attractive argument. I do not know which, if any, of the matters the subject of the proposed amendments is the subject of the charges against the alleged assailant. Furthermore, I consider that it is for me to carry out my own analysis of the proposed amendments in accordance with the appropriate principles of law.
11. In those circumstances I consider that there is no reasonable prospect of my decision being varied, or revoked and I refuse this application under Rule 72.

**Reconsideration of the claim in time judgment**

12. The claimant's email of 11 May 2023 sets out four reasons which are said to require a reconsideration. I shall deal with each in turn.
13. First, she says that, on the invitation of the Respondent's counsel, I departed from the direction given at the previous PH. This is a reference to my considering the claim in time issue as a substantive issue, to be finally

determined by me, rather than on a strike out basis. This is dealt with in detail in my Reasons. Although the previous PH Orders suggested that my PH was to consider whether to strike parts of the claim out as being presented out of time, all parties agreed that this had not been the previous judge's intention and that all representatives had prepared on the basis that this issue was to be finally determined by me.

14. Secondly, the claimant alleges that she had been prevented by the First Respondent from producing further documents for use at my PH. She refers to attached emails which are said to demonstrate this. I do not so understand those emails. However, I consider that it is of greater significance that neither the claimant, nor her counsel, suggested that there were further relevant documents which she could have produced (or wished to rely upon) either in her witness statement, her oral evidence, or in submissions. On the contrary, her counsel told me that he had prepared to deal with the issue of time limits on the basis that I was to determine it once and for all. The claimant has not produced (or described) any document upon which she wished to rely, but was unable to do so.
15. Thirdly, the claimant refers to the CPS charging decision with which I have already dealt. That the alleged assailant had, or had not, been charged played no part in my decision on the claim in time issues.
16. Finally, the claimant refers to the alleged misdescription of the alleged assailant's job title in the First Respondent's written submissions. I note that no correction was sought by the claimant at the PH. Neither that job title, nor the relative status of that individual and the claimant, played any part in my decision on the claim in time issues.
17. It follows that I consider that there is no reasonable prospect of my judgment being varied, or revoked as regards the claim in time issues and I refuse this application under Rule 72.

### **Costs**

18. The claimant seeks a costs order against the Respondent. I do not consider that any proper basis for my making such an Order has been advanced and I decline to make one.

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Employment Judge Andrew Clarke KC  
Date: 22 June 2023

Sent to the parties on: 29 June 2023  
For the Tribunal Office: GDJ