



EMPLOYMENT TRIBUNALS

Claimant: Miss K Heague

Respondent: Spire Healthcare Limited

JUDGMENT ON RECONSIDERATION

Rules 70-73 of the Employment Tribunal Rules of Procedure 2013

The Rule 21 Liability only judgment of 04 July 2023 has been reconsidered and is revoked.

REASONS

1. I was made aware that I may have issued a Rule 21 judgment in error in this case when a member of the judicial admin team got in contact with me on the afternoon of 18 July 2023. This was following the respondent having contacted the tribunal that same day, querying whether such a judgment had been issued in error.
2. By letter dated 20 July 2023, I wrote to the parties with my provisional view on this matter. I explained that my provisional view was that the Rule 21 judgment should be revoked. And explained that this was due to the following factors:
 - a. I issued a Rule 21 judgment in this case on the basis that no response had been received to the claim, on 04 July 2023. This judgment was sent to the parties on 17 July 2023.
 - b. I issued a Rule 21 judgment on the basis that a response was required by 28 April 2023. This was the original deadline for the respondent to file a defence. A deadline which at the point of issuing the judgment had passed.
 - c. However, a colleague, Employment Judge Leach, had sought information from the claimant on the correct name of the respondent (as the name in the claim form appeared to be a trading name), to be presented by 19 June 2023.
 - d. The claimant provided the full name of her employer and an updated address, which differed from the address on which the claim form had been originally served.

- e. EJ Leach directed that the claim form should be re-served on the respondent at the correct address. This was done under cover of letter dated 20 June 2023. Within the tribunal letter, there was an amended deadline for presenting a defence. This was amended so as to give the respondent until 18 July 2023 to present their ET3.
 - f. I had not taken note of the amended date for presenting a defence/ET3 and issued a Rule 21 judgment prematurely.
 - g. The respondent has presented an ET3 before the expiry of the time for presenting their defence.
3. The parties were invited to email the tribunal with any objections to my proposal to revoke the Rule 21 judgment. That was to be within 7 days of receiving the tribunal document dated 20 July 2023. Neither party has sent in any objections.
4. In these circumstances I have reconsidered the Rule 21 judgment issued to the parties on 04 July 2023 (and sent to them on 17 July 2023). The reasons for my decision are those set out at paragraph 2 above.

Employment Judge **Mark Butler**
Date__31 July 2023__

JUDGMENT SENT TO THE PARTIES ON
18 August 2023

FOR THE TRIBUNAL OFFICE

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