



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs K Lacey

**Respondent:** The Charity of Thomas Dawson

**Heard at:** Cambridge (by CVP)

**On:** 27 June 2023

**Before:** Employment Judge Price

## Representation

**Claimant:** In person

**Respondent:** Ms M Mould, Solicitor

## JUDGMENT ON RECONSIDERATION

1. Upon the claimant's application dated 7 February 2023 for reconsideration of the Judgment sent to the parties on 26 January 2023, the decision of the employment tribunal was confirmed.

## REASONS

1. The claimant applied for a reconsideration on 7 February 2023 following my Judgment and written reasons sent to the parties on 26 January 2023. The respondent provided written representations on 20 June 2023. A hearing was then convened on 27 June 2023.
2. The claimant relied on various grounds and provided new evidence to accompany her application. The exact scope and content of the application was not clear from the

written submissions provided and nor was it clear why the new evidence was not admitted at the original hearing. I therefore did not consider that I could conclude whether the application had no reasonable prospects of success, without listing it for a hearing, in order to enable the claimant to fully explain the nature and grounds for her application.

3. At the reconsideration hearing it was agreed at the outset that the claimant had the following issues with the decision:
  - a. New evidence that she now seeks to rely upon;
  - b. That there was a failure on the part of the respondent to comply with charity law as there was a conflict of interest;
  - c. That the claimant was not offered an administrative role in a different charity that was advertised in 2021;
  - d. That the appeal process was fair as Ms Briggs already involved in the early discussions;
  - e. That she was not accompanied to the first consultation meeting and therefore the finding that she was accompanied to consultation meeting was incorrect; and
  - f. The claimant disagreed with the finding that the claimant was aware of right to take annual leave and that she on occasion took it.

#### New evidence

4. The new evidence is described by the claimant accurately in her application for reconsideration in the following terms:
  - 1) *Admin Managers job description*
  - 2) *Email dated 25 July 2017 with attachment on trustee notes (including conflicts of interest)*
  - 3) *Responsibilities of Charity Trustees – Summary (2 pages)*
  - 4) *CC3-feb20 - The essential trustee what you need to know, what you need to do*
  - 5) *Conflicts of interest – a guide for charity trustees – GOV UK’.*
5. As to the new evidence, the claimant explained she had some of the documents in her possession (the email she sought to admit) in a pile of copies of documents she had not gone through prior to the hearing and she had read the other documents on the internet but did not consider it necessary to put in these documents as evidence. Further, she believed she was not allowed to add evidence once the bundle had been created. She accepted that she did not provide them to the respondent prior to the hearing and the respondent did not prevent her from adding them to the bundle. Nor did she apply to the tribunal to have them added as evidence at the hearing. The claimant was not able to explain why she believed she could not add further documents after the bundle was completed and did not assert that anyone had told her this. In my view, these documents are ones that could have with reasonable diligence have been obtained for use before the tribunal and there was nothing stopping the claimant from seeking to add them as evidence before the tribunal. Part

of them were in her possession and the other part were available on the internet. In any event, it is not evidence that it so relevant that it would have had a bearing on the outcome of the result of the hearing. Therefore this new evidence is not admitted.

Failures in complying with charity law in particular not disclosing a conflict of interest regarding Ms Greenslade

6. The claimant raised this issue at the full merits hearing. She clearly put that it was her case the charity had not complied with charity law as she believed that a conflict of interest ought to have been declared by Reverend Gibson and Ms Greenslade as they had some knowledge of each other prior to Ms Greenslade being commissioned to assist the respondent charity on a pro bono basis with the restructure. The claimant clarified at the hearing that there was no suggestion that Ms Greenslade had any interest in the outcome of the decision regarding the claimant's employment or the restructure of the charity.
7. The claimant at the final hearing was not able to explain why the alleged failure to comply with charity law (declare the purported conflict) was relevant to the decision to dismiss her. She was asked about this before she ended her closing submissions and did not raise and could not explain any link between the alleged failure to declare a conflict of interest and her dismissal. The reasons accompanying the Judgment recorded that Ms Greenslade and the Reverend Gibson had some prior knowledge of each other.
8. The claimant reasserted her belief that the charity should have declared the conflict of interest and had acted unlawfully in terms of charity law in this regard, and stated that it was her belief that due to this Ms Greenslade should not have been allowed to participate in the decision making regarding the redundancy.
9. Repetition of this point is not a sufficient basis for varying or revoking the decision and on this ground the decision on the claim for unfair dismissal is confirmed.

The claimant was not offered the ad hoc administrative work done by a job role that was advertised for a different charity in 2021

10. The claimant argued at the reconsideration hearing that she should have been offered the administrative work that was being done by a new role of administrative manager which was advertised in early 2021 to be employed by a different charity (St Clément's Parish) and was advertised as working alongside the general managers of two charities, one being the respondent.
11. The claimant considered that she had not raised this argument at the initial hearing. The respondent's position was that this issue was raised and was dealt with both in cross examination and in submissions.
12. The claimant did make an argument at the full merits hearing that this later vacancy demonstrated that the administrative work she had done still needed to be done and

that the business should not have decided it wanted one general manager's role going forward.

13. The claimant in her written submissions for this application repeated this argument. She stated '*I believe that the administrative services required have not ceased or diminished in any way and are being performed either partly by the General Manager with support from the St Clements Parish Administrative Manager or that he is carrying out all the administrative work for the charity. The job description certainly indicates that he is working for and with the General Manager of the Charity of Thomas Dawson.*'
14. It was not suggested by the claimant that this alternative role was available at any point during the consultation exercise or prior to her redundancy and her employment ending. The respondent's position was that a decision had been taken that the charity wanted one role of general manager going forward and that the administrative manager role is working for a different charity as per the job advert.
15. A finding was made that there were no other roles for her (the claimant) to apply to at the time of the redundancy [para 46] and that it was within the reasonable range of responses for the respondent to decide to have one role of general manager not two roles as the claimant had proposed.
16. It is therefore understood the claimant is putting the same point that she made in the full merits hearing again. Again, repetition of this point is not a sufficient basis for varying or revoking the decision and on this ground the decision on the claim for unfair dismissal is confirmed.

Appeal process was unfair/the claimant was not accompanied to consultation meetings/awareness of the right to take annual leave

17. The claimant also raised the following issues in her reconsideration application:
  - a. That the appeal process was unfair as Ms Briggs already involved in the early discussions;
  - b. That she was not accompanied to the first consultation meeting and therefore the finding that she was accompanied to consultation meeting was incorrect; and
  - c. That she disagreed with the finding that the claimant was aware of right to take annual leave and that she on occasion took it.
18. On each of these points the claimant accepts that these arguments were made before the tribunal and a decision was produced on these points and that the issue is simply that she disagrees with them and believes that the finding was unfair. There was no new evidence brought or argument made as to why the decision should be varied or revoked on this basis therefore I am not satisfied that it should be, and on each of these grounds the decision on the claim for unfair dismissal is confirmed and the reasons given in the original judgment stand.

Employment Judge **Price**

Date 4 September 2023

JUDGMENT SENT TO THE PARTIES ON  
5 September 2023

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FOR THE TRIBUNAL OFFICE