



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Ms I R Geafar

Secretary of State for Justice

JUDGMENT ON RECONSIDERATION

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

Upon the claimant's application made by email of 18 August 2023 to reconsider the judgment sent to the parties on 14 August 2023 under Rule 71 Employment Tribunal Rules of Procedure 2013 and without a hearing:-

The application to reconsider is refused as there is no reasonable prospect of the judgment being varied or revoked.

REASONS

Introduction

1. The claimant's case for disability discrimination was heard by an employment tribunal by CVP on 17, 18 and 19 July 2023 in line with the list of issues which had been drawn up at a preliminary hearing. Oral judgment was given on the third day and the claimant requested written reasons which were then provided. The claims were unsuccessful.
2. The claimant sent an email on 18 August 2023 which was an application for reconsideration. This email raised several issues about the judgment. She states that it is in the interests of justice for the judgment to be reconsidered and provides several reasons.
3. In summary, she states that there is new evidence which she was unable to provide because of the impact on her by trauma. She refers to the respondent's application to strike out her claim at the start of the hearing because she had not provided a witness statement in line with tribunal orders but, as the judgment makes clear, the claim was not struck out. She refers to page 24 of the bundle which is considered at paragraph 15 of the judgment and explains any inconsistency in her case by reference to her repressed memory. She also appears to suggest that additional things

were said in the meeting on 15 June 2021 which she had not said previously and did not put to Mr Jenkinson. She takes issue with the accuracy of the Ms Forder's statement and, in particular, her timings. She also purports to provide further evidence on her meeting with Ms Carmen-Rigden. She also provides considerable information on her medical conditions and treatment for them.

Rules

4. The relevant employment tribunal rules for this application read as follows:

RECONSIDERATION OF JUDGMENTS

Principles

70. A Tribunal may, either on its own initiative (which may reflect a request from the Employment Appeal Tribunal) or on the application of a party, reconsider any judgment where it is necessary in the interests of justice to do so. On reconsideration, the decision ("the original decision") may be confirmed, varied or revoked. If it is revoked it may be taken again.

Application

71. Except where it is made in the course of a hearing, an application for reconsideration shall be presented in writing (and copied to all the other parties) within 14 days of the date on which the written record, or other written communication, of the original decision was sent to the parties or within 14 days of the date that the written reasons were sent (if later) and shall set out why reconsideration of the original decision is necessary.

Process

72.—(1) An Employment Judge shall consider any application made under rule 71. If the Judge considers that there is no reasonable prospect of the original decision being varied or revoked (including, unless there are special reasons, where substantially the same application has already been made and refused), the application shall be refused and the Tribunal shall inform the parties of the refusal. Otherwise the Tribunal shall send a notice to the parties setting a time limit for any response to the application by the other parties and seeking the views of the parties on whether the application can be determined without a hearing. The notice may set out the Judge's provisional views on the application.

(2) If the application has not been refused under paragraph (1), the original decision shall be reconsidered at a hearing unless the Employment Judge considers, having regard to any response to the notice provided under paragraph (1), that a hearing is not necessary in the interests of justice. If the reconsideration proceeds without a hearing the parties shall be given a reasonable opportunity to make further written representations.

(3) Where practicable, the consideration under paragraph (1) shall be by the Employment Judge who made the original decision or, as the case may be, chaired the full tribunal which made it; and any reconsideration under paragraph (2) shall be made by the Judge or, as the case may be, the full tribunal which made the original decision. Where that is not practicable, the President, Vice President or a Regional Employment Judge shall appoint another Employment Judge to deal with the application or, in the case of a decision of a full tribunal, shall either direct that the reconsideration be by such members of the original Tribunal as remain available or reconstitute the Tribunal in whole or in part.

5. In essence, my first task is to consider whether the application has been made in time. It seems that it was made in time, and, if not, I considered the application in any event. Secondly, I should consider whether a reconsideration is in the interests of justice. Where I consider there is no reasonable prospect of the decision being varied or revoked, under Rule 72, the application shall be refused.

Conclusions

6. The hearing was heard by CVP. It lasted for the three days allocated to it. The reconsideration application does not raise issues which would lead me to reconsider the judgment made. The hearing was an effective hearing with documentary and oral evidence. Various adjustments were made because of the claimant's health but she had the opportunity to ask any questions of the respondent's witnesses and provide her own evidence. The tribunal considered that evidence and came to its judgment after careful deliberations.
7. Nothing further said by the claimant in this email indicates that it is in the interests of justice to re-open matters. The claimant is seeking to add further information after she gave evidence and after the tribunal has reached its conclusions. In any event, that information, even if it is accurate, does not seem to be of particular significance to the issues the tribunal had to determine. I must refuse this application as there is no reasonable prospect of the judgment being varied or revoked.

Dated 13 September 2023

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Employment Judge Manley
South East Region

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Judgment sent to the parties on
22 September 2023

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For Secretary of the Tribunals