



EMPLOYMENT TRIBUNALS

Claimant: Ms Y Hood
Respondent: Leicestershire Partnership NHS Trust
On: 19 October 2023 (on the papers)
Before: Employment Judge Ahmed
At: Leicester

JUDGMENT ON AN APPLICATION FOR RECONSIDERATION

The Claimant's application for reconsideration of the decision made on 27/28 September 2023, and sent to the parties on 12 October, is refused.

REASONS

1. The Claimant applies for a reconsideration of the decision to refuse her application to further amend her claim (the "original decision").
2. The amendment application was determined at an attended Preliminary Hearing undertaken by a hybrid CVP hearing on 27 and 28 September 2023 (the "Preliminary Hearing").
3. The Claimant's application for reconsideration has been made in a series of emails commencing on 10 October 2023 and thereafter.
4. A medical report produced on the Claimant's behalf prior to the Preliminary Hearing indicated she was well enough to take part in the hearing. Any application for reconsideration based on the Claimant's inability to take an active part in the hearing is therefore unlikely to succeed.
5. The Claimant's submissions and representations insofar as they relate to the case management order are not relevant to any application for reconsideration as the orders are not a 'judgment' within the meaning of Rule 1(3)(b) and Rule 70 of Schedule 1 of the Employment Tribunal Rules of Procedure 2013.

6. Rule 72 (1) of the Employment Tribunal Rules of Procedure 2013 provides:

“An Employment Judge shall consider any application made under rule 71[an application for reconsideration]. 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....”

7. The Employment Appeal Tribunal in **Trimble v Supertravel Ltd** [1982] ICR 440 made it clear that if a matter has been ventilated and argued then any error of law falls to be corrected on appeal and not by way of a review (now a ‘reconsideration’).

8. In **Stevenson v Golden Wonder Limited** [1977] IRLR 474 the EAT made it clear that a reconsideration is not a method by which a disappointed litigant gets a “second bite of the cherry”. The EAT made it clear that the provisions were not intended to provide parties with the opportunity of a re-hearing at which the same evidence (or in this case, submissions) can be rehearsed with different emphasis or further evidence adduced which was available earlier.

9. The matters raised by the Claimant in her various emails in support of the application for reconsideration are either those which were fully ventilated at the Preliminary Hearing or are an attempt to re-litigate issues already determined or are matters which could have been ventilated at the time. If there was an error of law that is a matter for appeal and not reconsideration. The Claimant has not in any event identified an error of law.

10. There is no reasonable prospect of the original decision being varied or revoked.

11. The application for a reconsideration is therefore refused. The original decision is confirmed.

Employment Judge Ahmed

Date: 19 October 2023

JUDGMENT SENT TO THE PARTIES ON

19/10/2023.....

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FOR THE TRIBUNAL OFFICE

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