



EMPLOYMENT TRIBUNALS

Claimant: Mrs A Ali

Respondent: Home Office (Border Force (UK))

JUDGMENT FOLLOWING RECONSIDERATION

The claimant's application dated **15 June 2023**, for reconsideration of the judgment sent to the parties on **1 June 2023** is refused.

The Tribunal's judgment is confirmed.

REASONS

1. The Tribunal conducted the liability hearing in this matter on 20, 21, 22, 23, 27 and 28 September 2022. The judgment was reserved and was promulgated on to the parties on 1 June 2023. The Claimant brought a complaint of unfair dismissal and allegations of direct sex and disability discrimination, a complaint of a failure to make reasonable adjustments, indirect disability discrimination and discrimination arising from disability.
2. On 15 June 2023, the claimant submitted an application for reconsideration. The Claimant wrote again on 10 August to add points to the application but no other points were added. The application was copied to the respondent.
3. The Employment Tribunals Rules of Procedure 2013 provides at Rules 70 – 72, a process for reconsideration of judgments.
4. Having considered the Claimant's application, it is this Tribunal's judgment that there are no reasonable prospects of the original decision being varied or revoked, because:
 1. The Claimant's submissions to the Tribunal on the time issue was considered by the Tribunal and are discussed in the written reasons - as it related to the complaints of direct sex and disability discrimination - at paragraphs 295 – 299, and in relation to the complaints of discrimination arising from disability at paragraphs 310 – 314 and 317.
 2. The Claimant failed to persuade the Tribunal to use its discretion to extend time on a just and equitable basis in relation to those complaints that were judged to be out of time. The Tribunal considered the Claimant's submissions on the time point. There is nothing in the written submissions on this issue that would

cause the Tribunal to alter its decision or that the Claimant failed to refer to in the hearing because she was not aware of it at the time.

3. The Claimant had the benefit of advice from her trade union adviser throughout the internal disciplinary proceedings. According to her application for reconsideration, she also had advice from Mr Yash. The Claimant now submits copies of messages between her and Mr Yash which she says is the advice that he gave her about time limits. Mr Yash did not represent the Claimant at the hearing and the Tribunal had no evidence from him. The Claimant had the opportunity to put this evidence before the Tribunal at the hearing as all these messages were in her possession at the time. If the Claimant relied on incorrect legal advice from Mr Yash in deciding when to issue her claims then she needs to seek legal advice about that but even if that was the case, it would not be a basis for an application for reconsideration. The Tribunal does not know what advice Mr Yash gave to the Claimant about time limits because we were not told, we did not ask about it as it is a matter of privilege between her and him and because she did not raise any of this with us in hearing, when she had the opportunity to do so. The Tribunal does not know whether or not Mr Yash is qualified. We did not hear from him.
4. The Claimant has failed to refer to anything in her application for reconsideration that would cause the Tribunal to reconsider its judgment.
5. In those circumstances, it is this Tribunal's judgment, having considered the Claimant's application for reconsideration and the supporting documents, that there are no grounds to reconsider the judgment. It is this Tribunal's judgment to confirm the liability judgment.
6. There is nothing in the Claimant's application for reconsideration that in the interests of justice, would require this decision to be reviewed or changed.
7. The Claimant's application for reconsideration of the Tribunal's judgment dated 15 June 2023, is refused for the reasons stated above, under Rules 70 and 72 of the Employment Tribunals Rules 2013. The judgment promulgated to the parties on 1 June 2023 is confirmed.

Employment Judge Jones
Dated: 11 October 2023