



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss J. Pranczk

**Respondent:** Hampshire County Council

**Heard remotely on:**

Monday, the 13<sup>th</sup> February 2023  
Tuesday, the 14<sup>th</sup> February 2023  
Wednesday, the 15<sup>th</sup> February 2023  
Thursday, the 16<sup>th</sup> February 2023  
Friday, the 17<sup>th</sup> February 2023  
and Friday, the 24<sup>th</sup> March 2023

**Before:** Employment Judge David Harris  
Ms Louise Simmonds  
Mr Hanif Patel

**Representation**

**Claimant:** In person

**Respondent:** Mr Peter Doughty (Counsel)

## **JUDGMENT ON APPLICATION FOR RECONSIDERATION**

The judgment of the Tribunal is that the Claimant's application for reconsideration is refused because there is no reasonable prospect of the decision being varied or revoked.

## **REASONS**

1. By an application received by the Employment Tribunal on the 21<sup>st</sup> June 2023, the Claimant applied for a reconsideration of the Tribunal's written judgment, with full reasons, dated the 14<sup>th</sup> May 2023.
2. Schedule 1 of The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 contains the Employment Tribunal Rules of Procedure 2013 ("the Rules"). Under Rule 71 an application for reconsideration under Rule 70 must be made within 14 days of the date on which the decision (or, if later, the written reasons) were sent to the parties. It is accepted that the Claimant's application was received within the relevant time limit.
3. The grounds for reconsideration are only those set out in Rule 70, namely that it is necessary in the interests of justice to do so.
4. The Claimant's grounds of the application for a reconsideration are stated to be as follows:-

***The Claimant would like to ask for reconsideration of the Judgement delivered to the parties on the 8 June 2023.***

***There are issues which she found were misrepresented in the Judgement, and the decision concerning her claims was influenced by incorrect statements given by the Respondent's witnesses.***

***Claimant enclosed with this application few documents which she hopes the Tribunal will find helpful.***

***Please find additional documents related to the case:***

1. ***Hampshire County Council Whistleblowing Procedure, dated 28.10.2010 – 8 pages (numbered).***

***Full list of the policies was never given to the employees. The subject of whistleblowing was formalized in the claim to the ET in April 2019, yet the policy was never given or even mentioned to the Claimant. The policy clearly states***

*examples of malpractice which should be disclosed, including those issues raised by the Claimant.*

2. *Calendar 2012-2019 with marked 4-weekly (rolling) rota – 4 pages (not numbered; chronological calendar).*

*The document provides clarification to the claims included and discussed during the Hearing. It confirms that Claimant truthfully stated that working pattern was not corrected – in spite of Respondent's assurances – and that the issue persisted to the end of her employment. It influenced the claim concerning deductions from the wages and also protected disclosure.*

3. *Claimant's assessment concerning autism dated 03-07-2020 – 1 page.*

*The assessment was completed during COVID restrictions and needs to be formalized with face-to-face appointment. Claimant was advised by her GP to complete assessment privately (fees), as waiting time for adults' assessment is very long.*

4. *Claimant's sleep records during the Hearing in February 2023 – 1 page.*

*The events directly preceding the Hearing excluded any chance to find legal representation or even support for Claimant. Exclusively due to that, Claimant was extremely anxious, sleeping 3-4 hours per night. That she was even coherent is kind of a miracle.*

5. *Patricia Cannon LinkedIn printout – 1 page.*

*Ms Cannon was directly involved in Claimant's case on the HR Department side; preparing reports, guiding the Registered Manager through procedure (with multiple mistakes), as well as a witness before the Tribunal (August 2018).*

*Coincidentally, Ms Cannon's employment in senior position in HR Department came to an end in July 2019 (Claimant was dismissed on 19<sup>th</sup> July 2019). It raises the question if both those events were related, as Claimant pointed to multiple mistakes in the documents prepared by Ms Cannon.*

5. The matters raised by the Claimant in her application for a reconsideration of the judgment have been considered in the light of all of the evidence and submissions presented to the Tribunal before it reached its unanimous decision as set out in its judgment and reasons dated the 14<sup>th</sup> May 2023.

6. Further, the Tribunal also reminded itself of the following propositions of law relating to an application for reconsideration of a judgment. The Employment Appeal Tribunal ("the EAT") in *Trimble v Supertravel Ltd* [1982] ICR 440 decided that if a matter has been ventilated and argued then any error of law falls to be corrected on appeal and not by review. In addition, in *Fforde v Black* EAT 68/60 the EAT decided that the interests of justice ground of review does not mean "*that in every case where a litigant is unsuccessful he is automatically entitled to have the tribunal review it. Every unsuccessful litigant thinks that the interests of justice require a review. This ground of review only applies in the even more exceptional case where something has gone radically wrong with the procedure involving a denial of natural justice or something of that order*".
7. It appears to the Tribunal that the Claimant, by her application for a reconsideration of the judgment, seeks to reopen matters that were fully ventilated and argued during the course of the final hearing and to introduce fresh evidence into the proceedings. Having regard to the principles set out in the case of *Outasight VB Ltd v. Brown* (UKEAT/0253/14/LA) and having regard to the new evidence that the Claimant wishes to rely upon, the Tribunal was not satisfied that the evidence in question could not have been obtained by the Claimant with reasonable diligence at an earlier stage in these proceedings. Accordingly, the Tribunal was satisfied that it is not open to the Claimant to rely on the new evidence that she now produces.
8. Furthermore, the grounds for the reconsideration appear to the Tribunal to be, in effect, submissions that the Tribunal made material errors of law in relation to its findings of fact and made errors of law in relation to the treatment of the facts of the case in its written reasons.
9. If the errors of law contended by the Claimant have been made by the Tribunal, then they would fall to be corrected in the course of an appeal and not by a review of the Tribunal's judgment and reasons.
10. In respect of the penultimate ground for the reconsideration, the Tribunal was not satisfied that the case management of the proceedings, including the listing of the final hearing, had deprived the Claimant of the opportunity of obtaining legal representation or support.

Claim Numbers: 1403729/2018  
1401290/2019  
1406313/2019

11. Accordingly the Tribunal refuses the application for reconsideration pursuant to Rule 72(1) because there is no reasonable prospect of the Judgment being varied or revoked.

**Employment Judge David Harris**

Date: 13 November 2023

Judgment sent to Parties: 05 December 2023

For The Tribunal Office