



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Andrew Veal-Cox

**Respondent:** The Chief Constable of Avon & Somerset Constabulary

## JUDGMENT

The Claimant's application dated **1 December 2023** for reconsideration of the judgment dated **17 November 2023** and not yet sent to the parties is refused.

## REASONS

1. The Claimant's employment with the Respondent terminated on 16 March 2023. On 17 July 2023, he issued a claim for a redundancy payment against the Respondent arising from that dismissal. The claim was listed for a Final Hearing on 17 November 2023.
2. For the reasons which I gave orally at the conclusion of that hearing, I found that the claim was not well founded. My judgment was dated 17 November 2023 and I understand has not yet been sent to the parties. No written reasons have been requested.
3. The Claimant now applies for a reconsideration of that Judgment. The grounds are set out in the Claimant's email of 1 December 2023. In summary, he says that he now understands that he has been the victim of a breach of contract and on this basis seeks reconsideration and remedy equivalent to a redundancy payment.
4. 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 70 the Employment Tribunal may, either on its own initiative or on the application of a party, reconsider a decision where it is necessary in the interests of justice to do so. On reconsideration the decision may be confirmed, varied or revoked.
5. Rule 71 provides that 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) was sent to the parties.

6. The process by which the Tribunal considers an application for reconsideration is set out in Rule 72. Where the Judge considers that there is no reasonable prospect of the original decision being varied or revoked, the application shall be refused. Otherwise, the Tribunal shall send a notice to the parties setting out 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.
7. Rules 71 and 72 give the Tribunal a broad discretion to determine whether reconsideration of a decision is appropriate. Guidance for Tribunals on how to approach applications for reconsideration was given by Simler P in the case of *Liddington v 2Gether NHS Foundation Trust* UKEAT/0002/16/DA. Paragraphs 34 and 35 provide as follows:

“34. [...] a request for reconsideration is not an opportunity for a party to seek to re-litigate matters that have already been litigated, or to reargue matters in a different way or adopting points previously omitted. There is an underlying public policy principle in all judicial proceedings that there should be finality in litigation, and reconsideration applications are a limited exception to that rule. They are not a means by which to have a second bite at the cherry, nor are they intended to provide parties with the opportunity of a rehearing at which the same evidence and the same arguments can be rehearsed but with different emphasis or additional evidence that was previously available being tendered. Tribunals have a wide discretion whether or not to order reconsideration.

35. Where [...] a matter has been fully ventilated and properly argued, and in the absence of any identifiable administrative error or event occurring after the hearing that requires a reconsideration in the interests of justice, any asserted error of law is to be corrected on appeal and not through the back door by way of a reconsideration application.”

8. The Claimant’s application was received within the relevant time limit. I therefore consider it under Rule 72.
9. The Claimant’s claim was for a redundancy payment. He prepared evidence and submissions in respect of this for the Final Hearing. The Respondent’s response and evidence engaged with these issues and set out why it did not consider the Claimant to be entitled to a redundancy payment. All of the material was therefore taken into consideration by the Tribunal in coming to its decision.
10. The Claimant did not seek to amend his claim to include an allegation of breach of contract before it was dismissed. This option was available to him before the Final Hearing, and any such application ought to have been presented no later than that occasion.
11. Having carefully considered the Claimant’s application, and bearing in mind the importance of finality in litigation and the interests of both parties, I am not satisfied that there is any reasonable prospect of the Judgment or any part of it being varied or revoked. The application is effectively seeking to bring an entirely new claim which was not previously considered, and therefore amounts to an attempt at a second bite at the cherry.
12. The application for reconsideration is therefore refused.

**Case Number: 1404067/2023**

**Employment Judge Le Grys  
Date: 6 December 2023**

Judgment sent to the parties: 8 December 2023

For the Tribunal Office