



EMPLOYMENT TRIBUNALS

Claimant: Ms C

Respondent: R Ltd

JUDGMENT

The claimant's application dated 29 June 2023 for reconsideration of the judgment sent to the parties on 5 June 2023 is refused.

REASONS

1. The claimant's application for reconsideration was made late, though a request for an extension of time was made in time. I am satisfied that it is in the interests of justice for the application to be determined on its merits and therefore extend time.
2. The first stage in dealing with a reconsideration request requires an Employment Judge (specifically, where practicable, the Judge who chaired the Tribunal panel) to consider whether or not there is reasonable prospect of the original decision being varied or revoked. If the Judge considers that there is no reasonable prospect of the original decision being varied or revoked, Rule 72 of the Employment Tribunals Rules of Procedure requires that the application be refused. Only if otherwise does the application proceed to be considered by the full Tribunal panel.
3. I have considered the application and consider there is no reasonable prospect of the original decision being varied or revoked. This is for the following reasons.
4. The application first seeks to challenge the Tribunal's factual finding that "there is no evidence whatsoever to support a finding that Miss Z was pressurized into making this statement by anyone. We found it was not procured in that way." (Judgment, paragraph 51) The application does not, however, point to any evidence that was before the Tribunal that undermines this finding. It presents arguments based on circumstances that the Tribunal already considered.

5. The application then seeks to elide the discussions at the two disciplinary meetings (that of Miss D and that of Ms C). However, having carefully considered the points raised, I see no reasonable prospect of the factual findings at paragraphs 52-54 of the Judgment, which underlie the decision on unfair dismissal at paragraphs 60-68 of the Judgment, being varied. Dealing with the key themes:
 - a. The application suggests that the audio recording of the Miss D meeting makes evident that Mr G and Miss Y had not in fact been discussed at that meeting. However, the Tribunal found that was not the case, based on a detailed consideration of the transcript together with the official notes taken of the meeting which assist in filling inaudible gaps. Indeed, paragraph (i) of the application concedes this, when it refers to the discussion of the two interpretations of the Facebook posts - one of those interpretations being that they were a reference to Miss Y and her relationship with Mr G.
 - b. The allegation around the dismissal being linked to the Facebook posts is not coherent – it has always been the case that the stated reason for dismissal was that the claimant discussed Miss D’s disciplinary meeting (at which the Facebook posts were undoubtedly discussed, as were their two possible interpretations) with Miss Z, as the Tribunal ultimately found was the true reason.
 - c. The Tribunal rejected, based on the evidence, the suggestion that the allegations were not made clear to the claimant during the disciplinary process, and nothing is presented in the application that can reasonably be thought to change that view.
 - d. As to the point made in paragraph (l) of the application, Judgment paragraph 54 includes a finding that the decision was made collectively.
6. Looking at the application in its totality, it appears to be an attempt to re-run points that were already made at the Final Hearing, were considered by the Tribunal, and are already addressed in the Judgment.
7. For the above reasons the claimant’s application is refused.
8. This judgment has been produced in anonymized form pending resolution of the Respondent’s application for a permanent anonymity order under Rule 50.

Employment Judge Abbott
Date: **5 July 2023**

JUDGMENT SENT TO THE PARTIES ON
Date: **19 December 2023**

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FOR THE TRIBUNAL OFFICE