



EMPLOYMENT TRIBUNALS

Claimant: Mr C Richardson
Respondent: Potts Print Limited

JUDGMENT

The claimant's application for reconsideration of the judgment of the Tribunal made on 3 October 2023 is refused.

REASONS

1. By emails dated 5 and 8 January 2024 Mr Richardson asks the tribunal to reconsider its Judgment in this matter that was given on 3 October 2023. By that judgment the tribunal dismissed Mr Richardson's complaint that the respondent discriminated against him by dismissing him.
2. A tribunal has power to reconsider any judgment where it is necessary in the interests of justice to do so: Rule 70.
3. An application by a party for reconsideration may be made at a hearing or in writing. If it is made in writing, it must be presented, with copies to all other parties, within 14 days of the date on which the written record, or other written communication, of the original decision was sent to the parties, or, if later, within 14 days of the date that the written reasons were sent, and it must set out why reconsideration of the original decision is necessary: rule 71. A tribunal has the power under rule 5 to extend the time limit in appropriate cases.
4. Mr Richardson did not copy the application to the respondent. I have decided to exercise my discretion to waive the requirement for the claimant to send a copy of his application to the respondent. The respondent's input is not required at this stage and therefore it is unlikely the respondent will have been prejudiced by the fact that Mr Richardson did not copy it in on the application.

5. Mr Richardson's application is made outside the 14 day time limit. In this case Mr Richardson made a prompt request for written reasons for the judgment. Those written reasons were sent to the parties on 13 December 2023. That means any application for reconsideration should have been made by 27 December 2023. I address the lateness of Mr Richardson's application at the end of these reasons.
6. The claimant's application for a reconsideration under r 71 must first be considered by me as the judge who chaired the tribunal which made it. If I consider there is no reasonable prospect of the original decision being varied or revoked, I must refuse the application. If I consider that there is some reasonable prospect of the original decision being varied or revoked I must seek a response from the respondent and seek the views of the parties on whether the matter can be determined without a hearing. The application is then to be determined by the full tribunal, whether it is dealt with at a hearing or on the papers.
7. In deciding whether it is necessary to reconsider a judgment in the interests of justice, the tribunal must seek to give effect to the overriding objective to deal with cases fairly and justly. That includes taking into account established principles. Those established principles mean the tribunal must have regard not just to the interests of the party seeking the review, but also to the facts that a successful party should in general be entitled to regard a tribunal's decision as final and that it is very much in the interests of the general public that proceedings of this kind should be as final as possible.
8. As Simler P said in *Liddington v 2Gether NHS Foundation Trust* UKCAT/0002/16/DA:

“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.”
9. The basis of the Mr Richardson's application, in essence, is that he disagrees with the tribunal's assessment of the evidence and is seeking to reargue his case. The points made now by Mr Richardson are substantially the same as those he made at the hearing, and which we took into account when reaching our decision. Mr Richardson is of course entitled to disagree with the tribunal's assessment of the evidence. That is not a proper basis on which to overturn the judgment, however.

10. There is nothing in the grounds advanced by Mr Richardson that could lead the tribunal to vary or revoke its decision. I consider there is no reasonable prospect of the original decision being varied or revoked. It follows that I must refuse the application.

11. As I have decided that Mr Richardson's application must be refused for those reasons, I do not need to consider whether to permit the claimant to make his application outside the usual 14 day time limit. To decide that point I would need Mr Richardson to explain why he made his application 9 days late. However, as I do not need to decide that issue there is no need for Mr Richardson to explain why the application was made late.

Employment Judge Aspden

Date 2 February 2024