



EMPLOYMENT TRIBUNALS

Claimant: Ms K Paczkowska

Respondent: R-Com Consulting Limited

RECONSIDERATION JUDGMENT

The claimant's application dated 17 January 2024 for reconsideration of the Judgment sent to the parties on 21 December 2023 is refused.

REASONS

introduction

1. I have undertaken preliminary consideration of the claimant's application for reconsideration of the Liability and Reserved Remedy Judgment sent to the parties, with Reasons, on 21 December 2023. References in these Reasons to paragraph numbers from those Reasons are **bold** numbers in square brackets.

Law

2. An application for reconsideration is an exception to the general principle that (subject to appeal on a point of law) a decision of an Employment Tribunal is final. The test is whether it is necessary in the interests of justice to reconsider the judgment (rule 70).

3. Rule 72(1) empowers me to refuse the application based on preliminary consideration if there is no reasonable prospect of the original decision being varied or revoked.

4. I had regard to the overriding objective under rule 2 of dealing with a case fairly and justly, and to comments made by the Employment Appeal Tribunal to the effect that an application for reconsideration is not a "second bite at the cherry": **Liddington v 2Gether NHS Foundation Trust EAT/0002/16** and **Ebury Partners UK Limited v David [2023] EAT 40**.

Enforcement

5. The claimant's email of 17 January 2024 begins by pointing out that the respondent has not made payment pursuant to the Judgment. Under paragraph 12

of the Reserved Remedy Judgment time for payment was extended to 28 days after 21 December 2023. It was therefore due after the claimant's email.

6. In any event, issues about the enforcement of Tribunal awards are not a matter for the Employment Tribunal. They are enforced through the civil courts.

Claimant's Application

7. Three points are then made in support of the application for reconsideration. I have considered each in turn.

Protected Disclosures

8. The first point is that the Tribunal should have allowed and upheld complaints of detriment due to protected disclosures.

9. We set out in [15]-[19] the basis on which the Tribunal refused to allow the claimant permission to amend her claim so as to introduce such a complaint. A decision to the same effect had already been made by Employment Judge Leach.

10. There is no prospect of the Tribunal changing its view on this point, which technically is an application for the order to be varied so as to allow such complaints to be determined, rather than for the judgment to be reconsidered.

Injury to Health

11. The second point was that the Tribunal should reconsider the fact that it chose not to make any award for injury to health.

12. We set out at [204] and [210] why no such award was made. There was no medical evidence to support such an award for any of the three matters on which the claim succeeded.

13. We do not underestimate the impact on the claimant of her period working for the respondent and the litigation which ensued, but the Tribunal can only award compensation for successful legal complaints, and then only if it is supported by medical evidence. There is no reasonable prospect of the Tribunal changing its decision on this point.

Human Rights

14. The third point raised was about "human rights concerns", but the application does not specify what judgment the claimant considers the Tribunal should have made.

15. Employment Tribunals do not have any freestanding jurisdiction over human rights issues in these cases, but the Human Rights Act 1998 and any relevant Convention rights are taken into account in dealing with a case and making the determination after hearing all the evidence and submissions.

16. There is no reasonable prospect of the Tribunal changing its decision on this point.

Outcome

17. For those reasons the application for reconsideration is refused. The claimant will need to pursue an appeal to the Employment Appeal Tribunal if she considers that the Tribunal judgment was wrong in law.

Regional Employment Judge Franey
30 January 2024

JUDGMENT AND REASONS SENT TO THE PARTIES ON
5 February 2024

FOR THE TRIBUNAL OFFICE

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