Case nos 1802068/2020
1803135/2021

EMPLOYMENT TRIBUNALS

Claimant: **Mr M Willis**

Respondents:
1. **GWB Harthills LLP**
2. **Ms H Russell**
3. **Ms E Lord«resp_others»**

JUDGMENT ON APPLICATIONS FOR RECONSIDERATION

The claimant's applications dated 26 January 2024 for reconsideration of the Tribunal's Claim 1 (1802068/2020) remedy and Claim 2 (1803135/2021) liability and costs judgments are refused under rule 72(1) of the Employment Tribunals Rules of Procedure 2013 as there is no reasonable prospect of the judgments being varied or revoked. In consequence, the claimant s application for a stay of the Claim 2 costs order pending the application for reconsideration is refused.

REASONS

1. The claimant in these proceedings, Mr Willis, has applied by letter dated 26 January 2024 for reconsideration under rule 71 of the Employment Tribunals Rules of Procedure 2013 of three judgments of the Tribunal in the proceedings: (1) the liability judgment in Claim 2 (1803135/2021) sent to the parties on 3 May 2022; (2) the costs judgment in Claim 2, sent to the parties on 21 December 2022; and (3) the remedy judgment in Claim 1 (1802068/2020), also sent to the parties on 21 December 2022.

2. Except that the claimant relies on one piece of what he says is new evidence and prays in aid my recent judgment on the respondents' Claim 1 remedy costs application, the applications are substantially the same as the claimant made on 20 July 2023 and which I dismissed on 4 August 2023 under rule 72 (1) as there was no reasonable

prospect of the judgments being varied or revoked. The claimant says that it is in the interests of justice to reconsider the judgments in the unusual circumstances of the cases where new evidence is available that undermines the key findings that have been made.

3. In his July 2023 applications the claimant relied on what he said was new evidence, summarised in paragraphs 3 and 4 of my judgment of 4 August 2023. In my judgment I said this:

"The Tribunal made its findings about the claimant's conduct in claiming IPB based on the extensive evidence it heard and saw, both witness and documentary, during lengthy full merits hearings at which the parties were represented by experienced counsel and for the reasons set out in detail in its written decisions. The new evidence on which the claimant relies is not evidence of primary fact. It consists of after-the-event assessments by an insurance company and a regulatory body, reached without formal judicial process or taking evidence at a hearing in the way the Tribunal did. I accept that those carrying out the assessments in the new evidence have taken a more benign view of the claimant's conduct than did the Tribunal. But having regard to the Tribunal having made its findings after a full and comprehensive judicial process, there is no reasonable prospect that the Tribunal will vary or revoke its judgments because of this new evidence. I therefore refuse the claimant's applications under rule 72(1)."

4. The only new evidence on which the claimant relies in support of these present applications appears at paragraph 62 of the applications. It consists of a letter from Aviva's solicitors, Mills & Reeve, expressing Aviva's apology for what is described as a "misunderstanding" on Aviva's part about the claimant's entitlement to profit share. I make the same assessment and reach the same conclusion, as set out above, about this new evidence as I made and reached in August 2023 about the new evidence on which the claimant then relied.

5. The claimant also suggests that parts of my Claim 1 remedy costs judgment cast doubt on the earlier decisions. They do not. I made my decision specifically in respect of the respondents' applications for Claim 1 remedy costs, after hearing submissions directed to that issue. I made clear in my judgment that I did not (indeed could not) go behind the earlier findings of the Rogerson Tribunal in the judgments they gave.

6. I have considered at the first stage of the process for reconsideration under rule 72(1) whether there is any reasonable prospect that the Tribunal will vary or revoke its judgments because of the new evidence on which the claimant relies. I find that there is not. As I concluded in my earlier judgment about the material relied on by the claimant in July 2023, and for the same reasons, there is no prospect that the Tribunal will vary or revoke its decision, and it is material that the claimant now makes substantially the same applications as he made then. The applications otherwise repeat at length the claimant's contentions that the Rogerson Tribunal made the wrong decisions. It is in the interests of justice that there is finality in litigation and the claimant cannot properly now seek to reopen and reargue the proceedings (or substantially repeat the applications which he made previously and which were rejected). Under tule 72(1), therefore, I refuse the claimant's applications for reconsideration.

7. The claimant has also applied for a stay of the Claim 2 costs order pending the applications for reconsideration. However, as I have refused the applications, the request for a stay falls away and is refused.

Regional Employment Judge **Robertson**

Date: 8 February 2024