



EMPLOYMENT TRIBUNALS

Claimant: Mr D Cox

Respondents: (1) Adecco UK Limited
(2) Giant Group Limited
(3) London Borough of Croydon

Heard at: By CVP **On:** 24 November 2023

Before: Employment Judge Harrington

Appearances

For the Claimant: In person

For the First Respondent: Mr R Hayes, Solicitor

For the Second Respondent: Mr C McDevitt, Counsel

For the Third Respondent: Mr M Dannourah, Solicitor

JUDGMENT

The Claimant's application for reconsideration of the Judgment dated 19 January 2024 is refused.

REASONS

Introduction

- 1 Following my judgment on the Claimant's application for me to recuse myself from the Preliminary Hearing on 24 November 2023 and on his application to join four additional respondents, the Claimant now applies for a reconsideration.
- 2 I have read the entirety of the communications and documents received from the Claimant in support of his application. This includes a bundle he has prepared and a six page written application. I note that some of

the documents contained in the bundle have also been sent to the Tribunal as separate attachments to an email.

- 3 In considering the Claimant's application I have also referred back to the extensive documentation provided by the parties at the Preliminary Hearing and I have re-read my Judgment and my reasons for that Judgment.

The Application

- 4 Under Rule 70 of the Tribunal Rules (ETs (Constitution & Rules of Procedure) Regs 2013, Sch 1), the Tribunal may reconsider any judgment where it is necessary in the interests of justice to do so.
- 5 Pursuant to Rule 71 an application for reconsideration shall be presented in writing within 14 days of the date on which the written record of the original decision was sent to the parties. I am satisfied that the Claimant's application was presented in time.
- 6 Rule 72 provides that if the Judge considers that there is no reasonable prospect of the original decision being varied or revoked, the application shall be refused.
- 7 In my judgment, there is no reasonable prospect of the judgment being varied or revoked in this case and, accordingly, I refuse the Claimant's application.
- 8 There is no reasonable prospect of the original decision being varied or revoked because of the following reasons:
- 9 I note the Claimant's reference, on the first page of his written application, to caselaw which highlights the need to consider the interests of the other party to the litigation when a reconsideration application is made. The case of Outasight VB Ltd v Brown UAEAT/0253/14 makes clear that there are 'broader interests of justice, in particular the interest in finality of litigation'. I can confirm that in considering this application I have taken into account the interests of the other parties and the importance, so far as is possible, for finality in litigation. As referred to in my written Judgment of 19 January 2024, the EAT has also reiterated the need for this case to proceed promptly to a final hearing.
- 10 In his written application, the Claimant repeatedly refers to the draft List of Issues (for example, see Claimant's submissions at paragraph 1) 'Submissions for reconsideration'). As identified in my written reasons, I was fully aware when deciding the Claimant's application to add additional respondents, that the List of Issues was a draft and that it was not agreed by the Claimant (see for example, paragraph 67 of my written reasons). The input into that document of Mr Devlin of Counsel, who represented the Claimant at the hearings in the summer of 2022,

was referenced at those hearings and further input from him was recorded at paragraph 5 of the Case Management Orders from the hearings on 27 June and 1 July 2022. The draft List of Issues is a document which has been updated following the Claimant's previous application to make multiple amendments, my judgment on that application and the Respondents' concession on the proposed amendments referred for a rehearing by the Employment Appeal Tribunal.

- 11 The Claimant makes various comments under paragraph 2) 'Submissions for reconsideration'. He attacks my handling of the case and states that I refused to 'investigate' matters concerning the bundle and that it was clear that it 'was not going to be a fair hearing'. I do not recognise the Claimant's description of the hearing in these terms. The Tribunal considered all documents to which it was referred and care was taken to ensure all parties had knowledge of and access to all documents that were referenced. At no time was any application made to adjourn the case or for any other step to be taken because of issues about the documents being referred to by the parties.
- 12 At paragraphs 4) and 5) of his written submissions, the Claimant makes reference to parts of my written reasons which provide contextual information to his application to add further Respondents. The reasons confirm the history to the application and that the application was first made in May 2019. Due to the detailed procedural history of this case, the written reasons provide a summary of the most relevant procedural matters rather than a comprehensive chronological exploration. For the avoidance of doubt, the Tribunal was aware of correspondence from the Tribunal where REJ Freer acknowledged the Claimant's outstanding application to add further Respondents.
- 13 The Claimant makes a number of submissions attacking my judgment (that I erred in law), my behaviour and my impartiality. These are classic grounds for appeal and if Mr Cox proceeds to bring an appeal against my judgment on his applications, it will be for a higher tribunal to say whether my reasons and Judgments can stand.
- 14 I note the Claimant's strong belief that he has not been given a fair hearing but his application discloses no proper grounds for a reconsideration.

Employment Judge Harrington
9 February 2024

Sent to the parties on
13th February 2024

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For the Tribunal Office

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