



EMPLOYMENT TRIBUNALS

Claimant: Mr M Majidy

Respondent: School of Oriental & African Studies

Judgment

1. The Claimant's application dated 8 February 2024 for reconsideration of the judgment sent to the parties on 26 January 2024 is refused.

Reasons

2. I have considered the Claimant's application dated 8 February 2024 for reconsideration of the Judgment sent to the parties on 26 January 2024.
3. I have considered the request in accordance with the provisions set out in Rule 70 which provides that reconsideration is only appropriate where it is necessary in the interests of justice and under Rule 72 there is a reasonable prospect of the original decision being varied or revoked.
4. Reconsiderations are limited exceptions to the general rule that employment tribunal decisions should not be reopened and relitigated. It is not a method by which a disappointed party to proceedings can get a second bite of the cherry.
5. Reconsideration is not intended to provide parties with the opportunity of a rehearing at which the same evidence can be rehearsed with different emphasis, or further evidence adduced, which was available before.
6. A tribunal dealing with the question of reconsideration must seek to give effect to the overriding objective to deal with cases 'fairly and justly' — Rule 2.
7. In considering the application regard needs to be given to not only the interests of the party seeking the reconsideration, but also to the interests of the other party to the litigation and to the public interest requirement that there should, so far as possible, be finality of litigation.

8. I do not consider that the various matters referred to in the application for reconsideration would in accordance with the interests of justice make it appropriate for there to be a detailed reconsideration of the Judgment.
9. The detailed application for a reconsideration dated 8 February 2024 (7 pages) largely represents a repetition of arguments advanced as a part of the claim during the 4-day hearing. The majority of the matters in the application letter were considered as a part of the evidence and submissions and are reflected in the Tribunal's decision.
10. Nevertheless, in reaching this decision I refer specifically to the following points raised by the Claimant. I should, however, mention that I gave an oral judgment and as such do not have the benefit of access to the detailed reasons, given that it has not been transcribed.
11. The Tribunal's judgment was confined to the matters set out in the agreed list of issues. The Claimant has sought to add additional claims of victimisation to those particularised in the list of issues but it is not permissible to add new claims during the proceedings without leave to do so, which, in any event, would be unusual.
12. The Tribunal does not understand the reference made by the Claimant in the final sentence of paragraph 2 that the Tribunal warned him that she was a colleague of the to the Tribunal.
13. The Kepler strikeout application was dismissed, with oral reasons being given, on the opening day of the hearing. There is no basis for this judgment being reconsidered.
14. I do not accept that the Claimant was warned about "highlighting the Respondent's misleading comments to the Tribunal". The Claimant had the opportunity to cross examine the Respondent's witnesses and make submissions as to the credibility of the Respondent's evidence.
15. There was no pleaded claim of victimisation in relation to the failure to provide the Claimant with a timely outcome to the grievance and therefore that did not form part of the Tribunal's judgment.
16. I confirm that the Tribunal read and carefully considered the Claimant's submissions. Further, all relevant matters were taken into account in the Tribunal's deliberations and its judgment.
17. The Claimant's contentions regarding questions and comments made by the Respondent's representative are not appropriate subjects for a reconsideration application.
18. The credibility of the Respondent's witnesses was taken into account in the Tribunal's deliberations and judgment.
19. In paragraph 18 the Claimant appears to be seeking to introduce a further series of alleged acts of victimisation but as previously explained the claim was confined to the matters set out in the agreed list of issues.
20. The Tribunal's consideration of the issues was confined to the documents contained in the bundle and it would not be appropriate to now give

consideration to additional documents, for example, what the Claimant contends was the correct contract of employment as per paragraph 21.

Employment Judge Nicolle

Dated: **9 February 2024.**

Sent to the parties on:

20 February 2024

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For the Tribunal Office