



EMPLOYMENT TRIBUNALS

Claimant: Miss L Horsman

Respondent: Rascals Playtime Childcare Limited

JUDGMENT

The respondent's application dated 9 February 2024 for reconsideration of the Judgment sent to the parties on 2 February 2024 is refused.

REASONS

1. Pursuant to Rule 72 of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013, there is no reasonable prospect of the original decision being varied or revoked for the reasons set out below.
2. The claimant presented her claim form to the Employment Tribunal on 23 October 2023 and the Tribunal forwarded a copy of that claim form to the respondent on 14 November 2023, notifying the respondent that it must submit its response by 12 December 2023 and that a video hearing was listed to take place on 29 January 2024 at 14:00. The letter to the respondent was not returned to the Tribunal as undelivered and I am satisfied that the respondent received that letter and all further letters sent to it by the Employment Tribunal.
3. The respondent failed to submit a response to the Tribunal on 12 December 2023. Tribunal sent a letter to the respondent on 18 December 2023 notifying the respondent that, as it had not presented a response, under Rule 21 of the Rules of Procedure 2013 a Judgment may be issued and that the respondent would be entitled to receive notice of any hearing but that the respondent would not be entitled to participate in any hearing without permission from an Employment Judge.
4. The respondent did not make any application to the Tribunal for permission from an Employment Judge to participate at any hearing.

5. On 26 January 2024 the Tribunal sent to the claimant and the respondent the link to join the CVP hearing listed to take place on 29 January 2024. The respondent did not make any application to the Tribunal at that stage to participate in the hearing.
6. The claimant attended the CVP hearing on 29 January 2024 at 2 PM. There was no attendance by the respondent. Judgment was entered in favour of the claimant on 29 January 2024 and a copy of that Judgment was sent to both parties on 2 February 2024.
7. The respondent made an application to the Tribunal by email on 9 February 2024 stating "I have received both a letter outlining how to join the video platform for the [sic] learning, and the judgment letter. I was not able to join as I did not receive the letter in time. I wish to challenge the judgment amount. Lauren was given a contract. Find both contract and her acknowledgement of it. Find also attached Lauren's pension statement confirming all her deductions in her pension. Lauren email address noted in the statement to confirm she has this also".
8. The respondent's application for a reconsideration of the Judgment sent to the parties on 2 February 2024 is refused on the grounds that the respondent has failed to copy the application to the claimant. Even if the application had been copied to the claimant, in accordance with Rule 72 of the Tribunal Rules the respondent's application for a reconsideration is refused because the respondent has failed to comply with the requirements of the Employment Tribunal process throughout the entirety of the litigation. The respondent was given the opportunity to file a response to the claim but chose not to do so. The respondent was notified of the hearing date in the Tribunal's letter dated 14 November 2023, which amounts to 11 weeks' notice of the hearing. It was incumbent upon the respondent to contact the Tribunal offices if there was any delay in the respondent receiving the link to join the CVP hearing, but the respondent failed to do so.
9. Taking the respondent's application for a reconsideration at its highest, the further documents sent to the Tribunal by the respondent on 9 February 2024 do not demonstrate that the employee pension contributions had been paid by the respondent to the external pension provider and the document said to amount to a contract of employment provides a different name for the employer than that of the respondent and does not demonstrate that this document was ever received by the claimant.
10. In all the circumstances, there is no reasonable prospect of the original decision being varied or revoked and the application is refused.

Employment Judge Arullendran

Date: 12 March 2024

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Recording and Transcription

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<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>