



EMPLOYMENT TRIBUNALS

Claimant: Mr T Walker

Respondent: Whitehaven Rugby League Football Club (2010) Limited

RECONSIDERATION JUDGMENT

The email from the respondent's CEO of 4 March 2024 has been treated as an application for reconsideration of the judgment sent to the parties on 27 February 2024. The application is refused.

REASONS

1. 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).
2. The Court of Appeal in **Ministry of Justice v Burton** [2016] EWCA Civ 714 has emphasised the importance of finality, which militates against the discretion being exercised too readily.
3. The claim in this case was served on the respondent with a letter dated 22 November 2023, which gave the respondent until 20 December 2023 to respond.
4. No response was received.
5. A Judgment was issued for the sums claimed.
6. No application to extend time for the submission of the response has ever been received. No response form (or draft response form) has ever been provided.
7. The email received from the respondent's CEO says that it disputes the findings. The email says that a settlement was concluded between the parties on 19 December 2023. A copy of the purported settlement has been attached, which is a document dated 19 December 2023. Notably, the document provided

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is neither a COT3 agreement entered into with the assistance of ACAS, nor does it appear to be a valid settlement agreement entered into in accordance with the provisions of section 203 of the Employment Rights Act 1996. In accordance with the provisions of section 203, the agreement appears to be void to the extent that it purports to exclude or limit the application of any proceedings brought under the Employment Rights Act 1996.

8. In summary: the Judgment was validly issued, the respondent having not entered a response; no application to extend time for a response has been made and no draft response form has been provided; and the agreement relied upon as purportedly meaning that a Judgment should not have been issued, appears to be void inasmuch as it is held out to have validly concluded the proceedings issued.

9. There is accordingly no reasonable prospect of the original decision being revoked. It is not in the interests of justice for the Judgment to be revoked. The application is refused.

Employment Judge Phil Allen

15 March 2024

JUDGMENT SENT TO THE PARTIES ON

26 March 2024

FOR THE TRIBUNAL OFFICE