



# EMPLOYMENT TRIBUNALS

**Claimant:** L Cooke

**Respondent** Manchester University NHS Foundation Trust

## JUDGMENT ON A RECONSIDERATION

The claimant's application dated 4 December 2023 for reconsideration of the Judgment sent to the parties on 20 November 2023 is refused.

### REASONS

There is no reasonable prospect of the original decision being varied or revoked, because:

1. I have considered the claimant's application for reconsideration of the Judgment. The application was emailed by the claimant and received by the Tribunal on 4 December 2023. It consists of 2 pages of tightly typed submissions. I have taken the contents of the application into account.

#### Rules of Procedure

2. Rule 72(1) of the 2013 Rules of Procedure empowers me to refuse the application without convening a reconsideration hearing if I consider there is no reasonable prospect of the original decision being varied or revoked.
3. The test is whether it is necessary in the interests of justice to reconsider the Judgment (rule 70). Broadly, it is not in the interests of justice to allow a party to reopen matters heard and decided, unless there are special circumstances, such as a procedural mishap depriving a party of a chance to put their case or where new evidence comes to light that could not reasonably have been brought to the original hearing and which could have a material bearing on the outcome.

#### The application

4. The claimant failed in her claim of detriment for whistle blowing and disability discrimination. Her application for reconsideration expresses her dismay and disagreement with the conclusion that her claim should be dismissed.
5. Despite the lengthy and detailed points raised in her application, there is no reasonable prospect of the claimant establishing that the Tribunal made an error of law, or that any of the conclusions on the facts were perverse. Such contentions are in any event better addressed in an appeal than by way of reconsideration. However, the claimant's application contains a limited number of substantive points. I have considered each point in turn.
6. The claimant maintains that she made a protected disclosure on 30 July 2020 despite that the Tribunal found as a fact that this could not be the case because the issue of business insurance was not raised with her until the following day, 31 July 2020 – see paragraph 28 of the Judgment.
7. The claimant challenges the Tribunal's findings at paragraph 102 of the Judgment because the Tribunal has described matters raised as "self-serving excuses". The issue for the Tribunal was whether the claimant reasonably believed that the matters raised were in the public interest. The Tribunal considered that the claimant did not hold such a belief at the material time or at all. Rather, the claimant was pursuing a private employment dispute in an effort to avoid her contractual requirement to travel to other workplaces. The matters raised were at all times raised in her personal interest. The Tribunal has also concluded that the claimant had not raised anything that could be said to be in the public interest – see paragraph 102 of the Judgment.
8. The claimant points to the tribunal's findings of a number of failings by the respondent. The Tribunal has been critical of certain aspects of the respondent's dealings and processes undertaken. However, none of these matters affect the outcome of the claim about protected disclosure detriment. The Tribunal has found that the claimant did not make disclosures which qualified for protection and, even if she had, the claimant has not shown the detriments contended for – see paragraphs 33-53 and 103 of the Judgement.
9. Those matters to which the claimant refers in the last 2 paragraphs of the application were considered by the Tribunal at the hearing and taken into account in the course of its deliberations. It is not in the interests of justice to reopen such matters once decided.
10. The Judgment was the unanimous decision of the full Tribunal consisting of the Employment Judge and 2 non-legal members, and was reached after a full day's deliberations in chambers.

11. I am satisfied that the Tribunal clarified the claims, the issues to be determined, the procedure for the hearing, the purpose of cross examination and the purpose of closing submissions to the claimant and assisted her in that regard by taking her through each of the issues to be determined in the case.

**Conclusion**

12. Having considered all the points made by the claimant I am satisfied that there is no reasonable prospect of the original decision being varied or revoked. The application for reconsideration is refused.

---

Employment Judge Batten  
Date: 20 March 2024

JUDGMENT SENT TO THE PARTIES ON:

12 April 2024

FOR THE TRIBUNAL OFFICE