



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms Don Varunika Lecamwasam

**First Respondent:** West London NHS Trust

**Second Respondent:** Mrs Grace Vanterpool

**Third Respondent:** Dr Christopher Hilton

## RECONSIDERATION JUDGMENT

The Claimant's application dated 3 April 2024 for reconsideration of the judgment sent to the parties on 20 March 2024 is refused.

## REASONS

1. The judgment was given orally at the hearing, with reasons, on 1 March 2024. The Respondent requested written reasons at the hearing. Judgment with written reasons was sent to the parties on 20 March 2024.
2. The Claimant emailed the Employment Tribunal on 3 April 2024 applying for a reconsideration of the judgment. The grounds for reconsideration appear to be in summary a disagreement with the findings of fact made in respect of the Claimant's allegation that the protected disclosures that the Claimant raised did include actually examples of harm and that the patients were not stable, the Claimant attached a table of redacted information on patience and the Claimant's comments on these patience regarding alleged breaches of the Respondents' SOPs and the NHS London March 2020 guidelines to support her application. The application also referred to the fact the Claimant says that the Respondents' did not put the Claimant's contract of employment in the bundle, Dr Hilton did not share the raising concerns policy at the start of 1 July 2019 when the Claimant TUPE to the First Respondent, that the Claimant was experiencing

work induced stress and PTSD, the Claimant's colleagues were vindictive and tried to get rid of the Claimant, the Claimant provided medical evidence dated 1 April 2024 saying that the Claimant's psychosexual and trauma therapy counsellor had been seeing the Claimant since 2018.

3. Rule 70 of the Employment Tribunal Rules of Procedure ("Rules") provides a sole ground for reconsideration as, where it is necessary to do so in the interests of justice. The interests of justice do not mean that in every case where a party is unsuccessful, they are automatically entitled to reconsideration. Instead, a Tribunal dealing with the question of reconsideration must have regard to the overriding objective to deal with cases fairly and justly, and the Tribunal should be guided by the common law principles of natural justice and fairness.
4. Tribunals have a broad discretion but that must be exercised judicially, which means not only taking into account the interests of the party seeking the reconsideration, but also the interests of the other party to the litigation and the public interest in the finality of litigation (Outsight VB Ltd v Brown 2015 ICR D11 EAT).
5. Under rule 71 of the Rules, an application for reconsideration must be presented in writing and copied to all other parties within 14 days of the date upon which the written record of the decision which is the subject of the reconsideration application was sent to the parties, or if a request for written reasons was made, within 14 days of the date the written reasons were sent out, if later.
6. There is no reasonable prospect of the original decision being varied or revoked, because the Claimant's application for a reconsideration dated 3 April does not present matters that have not already been considered at the hearing or were relevant to the issues that the Tribunal needed to make or evidence that the Claimant could have provided herself in her bundle. The table provided by the Claimant with her comments is entirely irrelevant to the findings the Tribunal had to make. It was accepted by the Respondents that the Claimant made protected disclosures and that the Claimant made the disclosures in good faith and she had a genuine belief, that was not in issue.
7. The medical evidence provided with the Claimant's reconsideration application does not touch upon the issue of the Claimant's disability and even if it did if the Claimant has been seeing her psychosexual and trauma therapy counsellor since 2018 she could have obtained the evidence for the trial.
8. The written reasons contain all the findings that were necessary to come to the judgment made. I have had regard to the overriding objective, to consider the case fairly and justly and I have done so in respect of the Claimant's application. I must also have regard to the public interest requirement so far as is possible there be finality of litigation. In the circumstances, the Claimant's application for

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reconsideration of the judgment sent to the parties on 20 March 2024 is refused.

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Employment Judge Young  
Date 5 April 2024  
JUDGMENT SENT TO THE PARTIES ON  
10 April 2024

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FOR THE TRIBUNAL OFFICE