



EMPLOYMENT TRIBUNALS

Claimant: Mr P Buxton

Respondent: The Chief Constable of Northumbria Police

JUDGMENT ON RECONSIDERATION

The claimant's application dated 19 March 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 Judgment of the Employment Tribunal dismissing the claimant's claims on the grounds that they were not presented within the applicable time limit was sent to the parties on 2 February 2024. On 12 February 2024 the claimant wrote to the Tribunal requesting a reconsideration, however this was not copied to the respondent and no explanation was given by the claimant for the failure to comply with this requirement, as set out in Rule 71 of the Employment Tribunal Rules of Procedure 2013 (the "ET Rules").
3. On 11 March 2024 the Tribunal wrote to the claimant refusing the request for a reconsideration on the grounds that the claimant had failed to copy his application to the respondent. The claimant replied on 11 March 2024, again failing to copy his correspondence to the respondent, stating that he was unaware he was required to copy his application to the other party and stating that he wanted another Judge to reconsider the Judgment.
4. On 19 March 2024 the Tribunal wrote to the claimant referring him to Rule 71 of the ET Rules, explaining that the application was refused because he did not copy it to the respondent and that any application for a reconsideration must be dealt with by the same Judge who gave the original decision.

5. Claimant wrote to the Tribunal on 19 March 2024, again failing to copy the correspondence to the respondent, stating again that he was unaware that the application had to be copied to the other party. The Tribunal replied to the claimant on 19 March 2024 explaining the difference between a reconsideration and an appeal and explained once again that the application for reconsideration could not be dealt with unless it was copied to the respondent.
6. On 19 March 2024 the claimant copied his application for a reconsideration to the respondent, which was now out of time as it was more than 14 days from the date the original Judgment was sent to the parties. The claimant has not given any reasons for the delay between 11 March and 19 March 2024 for failing to copy his application to the respondent, despite being told numerous times by the Tribunal that he must copy his correspondence to the respondent. However, I have exercised my discretion in accepting the claimant's application for a reconsideration outside the applicable time limit, as set out in Rule 71, on the grounds that his original application, which he failed to copy to the respondent, had been made in time.
7. Having accepted the claimant's application for a reconsideration, I am required under Rule 72 (1) of the ET Rules to determine whether there is no reasonable prospect of the original decision being varied or revoked before requesting a response from the respondent. In doing so, I take the claimant's application dated 19 March 2024 at its highest.
8. The claimant's grounds for reconsideration are that, although he accepts he missed the time limit, he was unfairly dismissed and that he missed the primary time limits due to a lack of knowledge of the procedure and by relying upon multiple agencies to provide him with the information to guide him in the right direction. The claimant categorises this as a miscarriage of justice as he was unable to do his job but he alleges there was a failure to follow proper procedures by the respondent or to give him a chance to improve his work, for example by providing training. The issue of the claimant's lack of knowledge of the procedure was dealt with in full at the hearing on 31 January 2024, as were the issues relevant to when and where he obtained advice about the Tribunal process and time limits.
9. The claimant's claims were dismissed at the hearing on 31 January 2024 because those claims had been submitted outside the primary three month time limit and it was found that it was reasonably practicable for the claims to have been brought in time. The grounds for reconsideration set out in the claimant's email dated 19 March 2024 do not address why it is necessary in the interests of justice to reconsider the decision that it was reasonably practicable for the claimant to submit his claims within the primary time limit. The claimant's grounds for a reconsideration appear to relate to the substantive claim of unfair dismissal but such a claim cannot proceed and cannot be determined if it has been submitted outside the requisite three month time limit and there is nothing in the grounds submitted by the claimant which suggest that it is in the interests of justice that the decision that it was reasonably practicable to submit the claim in time should be varied or revoked.

10. Taking the claimant's grounds for a reconsideration at their highest, the application for reconsideration has no reasonable prospect of the original decision being varied or revoked and therefore the application is refused.

Employment Judge Arullendran

Date: 23 April 2024