



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr R. Archie

**Respondent:** Home Office

## JUDGMENT

The claimant's application dated 9 April 2024 for reconsideration of the judgment sent to the parties on 26 March 2024 is refused.

## REASONS

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

1. The Tribunal considered the case law which is authoritative and binding on employment tribunals and relevant to the issues of law being considered. The case cited by the Claimant is merely an example of how one Tribunal applied these legal principles to the particular circumstances which was upheld by the EAT as not being perverse. It is clear from reading the EAT's judgment that the decision to extend time could easily have gone the other way as the arguments were finely balanced.
2. The fact that a Stress Impact Tool meeting was originally convened on 11 November 2021 is not relevant to the Tribunal's conclusion that there is no reasonable prospect of the Claimant being able to establish that the earlier allegations form part of a course of conduct continuing over a period ending after 20 April 2022. In relation to the conclusion that the Claimant has no reasonable prospect of establishing that it was just and equitable to extend time in respect of these earlier allegations, this does not affect the key factors which the Tribunal took into account. In particular, it does not change the Tribunal's finding that the Claimant knew the facts enabling him to bring a claim, the grievance process had ended by September 2021 and yet he still took no steps to do so until contacting ACAS on 29 April 2022.

3. The fact that the Claimant believed he should wait until the internal grievance process had been exhausted before bringing a claim was taken into account by the Tribunal. The reasons specifically refer to the fact the grievance process was lengthy and that this may explain why a claim was not brought sooner than September 2021. However, this did not explain why there was a further lengthy delay thereafter. It was this further delay which was one of the factors weighed in the balance which led to the Tribunal concluding that the Claimant had no reasonable prospect of establishing that it was just and equitable to extend time in relation to the allegations pre-dating 20 April 2022.
4. The Tribunal made no finding as to the substance of the advice the Claimant received from his union representative but simply referred to the fact that he had the benefit of access to a union representative to advise him. Whether the Claimant considers he received a good service from the union or not does not affect the decision reached by the Tribunal.

Employment Judge Rea

Date 24 May 2024