



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs A Boateang

**-and-**

**Respondent:** Royal Free London NHS Foundation Trust

## JUDGMENT

The Claimant's application for a reconsideration of the Judgment sent to the parties dated 12<sup>th</sup> April 2024, and sent to the parties on 24<sup>th</sup> April 2024, is refused under Rule 72 of the Employment Tribunals Rules of Procedure 2013. There are no reasonable prospects of the Judgment being varied or revoked.

## REASONS

1. By email send at 23:23 on 8 May 2024 the Claimant's representative asked for a reconsideration of the Judgment sent to the parties on 24<sup>th</sup> April 2024.
2. Under Rule 70 of the Employment Tribunal Rules of Procedure 2013 a Tribunal "may reconsider any judgment where it is necessary in the interest of justice to do so", and upon reconsideration the decision may be confirmed, varied or revoked.
3. Rule 72 provides that an Employment Judge should consider the request to reconsider, and if the judge considers there is no reasonable prospect of the decision being varied or revoked, the application shall be refused. Otherwise it is to be decided, with or without a hearing, by the Tribunal that heard it.
4. Under the 2004 rules prescribed grounds were set out, plus a generic "interests of justice" provision, which was to be construed as being of the same type as the other grounds. These were that a party did not receive notice of the hearing, or the decision was made in the absence of a party, or that new evidence had become available since the hearing provided that its existence could not have been reasonably known of or foreseen at the time. As for the interests of justice test, the case law establishes that, while this allows for a broad discretion, it must be exercised judicially, which means having regard not only to the interests of the party seeking the reconsideration, but also to the interests of the other party to the

litigation and to the public interest requirement that there should, so far as possible, be finality of litigation.

5. The Employment Appeal Tribunal confirmed in Outasight VB Ltd v Brown UKEAT/0253/14/LA that the 2013 rules did not broaden the scope of the grounds for reconsideration (formerly called a review). It is not a means by which a disappointed litigant can have another bite at the cherry.
6. In Ameyaw v PricewaterhouseCoopers Services Ltd EAT 0291/19 the EAT held that an application for reconsideration is not a vehicle for challenging a tribunal's reasons or, insofar as they do not form part of the essential reasoning upon which the decision is based, other things said by the Tribunal in arriving at its decision. A Judgment cannot be reopened simply to address alleged errors in the Tribunal's reasoning.
7. The application for reconsideration, despite its length is simply an attempt by the Claimant to reargue her case and to have another bite at the cherry. It is not enough that she disagrees with the conclusions of the Tribunal as to the credibility of witnesses, its assessment of the evidence, the interpretation of documents or the decision to move to an in-person hearing. In so far as she refers to a failure to apply legal principles, this is properly a matter for appeal.
8. The application discloses no proper grounds for a reconsideration and is refused.

---

Employment Judge F Spencer  
29 May 2024

JUDGMENT SENT TO THE PARTIES ON

3 June 2024

.....  
FOR THE TRIBUNAL OFFICE