



EMPLOYMENT TRIBUNALS

Claimant: Mr R Durrani
Respondent: De Montfort University

JUDGMENT ON RECONSIDERATION

The claimant's application dated 26 September 2024 for reconsideration of the Judgment sent to the parties on 19 September 2024 fails. The original Judgment is confirmed.

REASONS

1. By an email dated 26 September 2024, the claimant attached an application for reconsideration of the Judgment dated 18 September 2024, which had been sent to the parties on 19 September 2024.
2. The Judgment was given at the end of a three-day hearing to consider the claimant's direct race discrimination complaint.

The rules on reconsideration

3. Rule 70 of the Employment Tribunal Rules of Procedure 2013 says:
"A Tribunal may, either on its own initiative (which may reflect a request from the Employment Appeal Tribunal) or on the application of a party, reconsider any judgment where it is necessary in the interests of justice to do so. On reconsideration, the decision ("the original decision") may be confirmed, varied or revoked. If it is revoked it may be taken again."

4. The requirement that a judgment may only be reconsidered where reconsideration is necessary in the interests of justice reflects the public interest in the finality of litigation. There must be some basis for reconsideration; the process is not an opportunity for a party to provide further evidence or to seek to reopen matters which the Tribunal has determined.
5. Rule 71 says that an application for reconsideration must be made in writing within 14 days of the date on which the original decision was sent to the parties. Rule 72 explains the process to be followed on an application for reconsideration under rule 71, which says:

“(1) An Employment Judge shall consider any application made under rule 71. If the Judge considers that there is no reasonable prospect of the original decision being varied or revoked (including, unless there are special reasons, where substantially the same application has already been made and refused), the application shall be refused and the Tribunal shall inform the parties of the refusal...

(3) Where practicable, the consideration under paragraph (1) shall be by the Employment Judge who made the original decision or, as the case may be, chaired the full tribunal which made it;...”
6. The Tribunal has discretion to reconsider a judgment if it considers it to be in the interests of justice to do so. Rule 72(1) requires the judge to dismiss the application if the judge decides that there is no reasonable prospect of the original decision being varied or revoked. Otherwise, the application is dealt with under the remainder of Rule 72.
7. In deciding whether or not to reconsider the judgment, the Tribunal has a broad discretion, which must be exercised judicially, 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.
8. The reconsideration rules and procedure are not intended to provide an opportunity for a party to seek to re-litigate matters that have already been litigated, or to reargue matters in a different way. They are not intended to provide parties with the opportunity of a rehearing at which the same evidence and the same

arguments can be rehearsed (with or without different emphasis). Nor do they provide an opportunity to seek to present new evidence that could have been presented prior to judgment.

Conclusions on the claimant's application

9. The claimant's application for reconsideration was made within the required 14 days of the date on which the judgment was sent to the parties and the claimant and therefore complied with the procedure required by rule 71.
10. Rule 72(1) requires me to consider whether there is any reasonable prospect of the original decision being varied or revoked. I need to decide whether there is any reasonable prospect of a conclusion that variation or revocation of the original decision is necessary in the interests of justice. I have considered the application with this test in mind.
11. The claimant's application for reconsideration referred to errors of law in regard to *"Direct Discrimination and Indirect Discrimination in breach of Equality Act 2010 and Article 8 Human Right[s] Act 1998, there has been religious prejudice in acceleration to a cultural awareness of Employment jurisdiction."*
12. The claim before the Tribunal was for direct race discrimination only and it was unclear from the reconsideration application what those errors of law were.
13. The reconsideration application referred to, *"The sitting Judge has failed to recognise the claimant's case in the light of the penultimate of submission placed before her in this case."*
14. The panel considered all submissions provided by the parties that were relevant to the direct race discrimination claim it had to consider in the claimant's case.
15. The reconsideration application also referred to, *"The sitting judge confirmed at the beginning of the hearing to disclose her having some association 'unclear' with De Montfort University"*. I do not consider that this provides any basis upon which to reconsider the Judgment in this case. I had explained to the parties at the start of the hearing that I had lectured for the respondent, but had not done so since the

year 2000. There was no objection from either party to my involvement in the hearing until it was mentioned in the reconsideration application.

16. Findings of fact were made based upon the evidence as presented, and the panel applied the law to those findings in the conclusions. Having considered the grounds cited in the claimant's application, I do not consider that they provide any basis on which to revoke or vary the Judgment.
17. In light of this, there is no reasonable prospect of variation or revocation of the original decision. The application for reconsideration does not raise any procedural error or any other matter which would make reconsideration necessary in the interests of justice.
18. In the circumstances the application for a reconsideration of the Judgment is rejected on the basis that there is no reasonable prospect of it being varied or revoked. The application for reconsideration is therefore refused.

Employment Judge Welch

Date: 3 October 2024

JUDGMENT SENT TO THE PARTIES ON

....04 October 2024.....

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FOR THE TRIBUNAL OFFICE