



EMPLOYMENT TRIBUNALS

Claimant: Mrs E Atherton

Respondent: Lancashire County Council

JUDGMENT

The claimant's application dated 22 October 2024 for reconsideration of part of the judgment sent to the parties on 16 October 2024 is refused.

REASONS

1. I have undertaken a preliminary consideration of the claimant's application for reconsideration of part of the judgment sent to the parties on 16 October 2024.

The Law

2. An application for reconsideration is an exception to the general principle that (subject to appeal on a point of law) a decision of an Employment Tribunal is final. The test is whether it is necessary in the interests of justice to reconsider the judgment (rule 70).

3. Rule 72(1) of the 2013 Rules of Procedure empowers me to refuse the application based on preliminary consideration if there is no reasonable prospect of the original decision being varied or revoked.

4. In common with all powers under the 2013 Rules, a preliminary consideration under rule 72(1) must be conducted in accordance with the overriding objective which appears in rule 2, namely to deal with cases fairly and justly. This includes dealing with cases in ways which are proportionate to the complexity and importance of the issues and avoiding delay. Achieving finality in litigation is part of a fair and just adjudication.

The judgment

5. Judgment with reasons was given orally on 7 October 2024. Written reasons have not been requested by either party so have not been provided. So that my refusal of this application for reconsideration can be more easily understood, I summarise relevant parts of my reasons for that judgment.

6. The judgment, at a public preliminary hearing, was that the Tribunal did not have jurisdiction to consider certain complaints which were presented out of time, but that the Tribunal did have jurisdiction to consider other complaints, which were also presented outside the normal time limit but where I considered it just and equitable that they be considered. The complaints in respect of which I concluded the Tribunal has jurisdiction are proceeding to a final hearing listed in August 2025.

7. The claimant's application for reconsideration is in relation to one of the complaints in respect of which I concluded the Tribunal did not have jurisdiction: a complaint identified as 2.1.16 in the judgment. This was a complaint of disability related harassment (menopause symptoms being the disability relied upon). The complaint was that "On 12 April 2023 by email Ms Wallbank (wrongly) accused the claimant of putting the wrong notes on a child's records."

8. The claim to the Tribunal in respect of this complaint, as with all complaints, was presented outside the normal time limit. The reason for not considering it just and equitable to allow the claimant to proceed with this complaint was that it was difficult to discern a link between the treatment and the claimant's menopause symptoms so I considered there to be little reasonable prospect of the claimant succeeding in this harassment complaint. I did not consider it just and equitable to allow the claimant to proceed, out of time, with complaints, including that at 2.1.16, in respect of which I had concluded that they had little reasonable prospect of success.

The application

9. The claimant requests that I reconsider my judgment in relation to the complaint at 2.1.16. She writes:

"I note that at the preliminary hearing dated 7/10/2024 I could not find the correct evidence to support this claim of continuous harassment.

I have since had chance to look through the bundle and some information I had, and I have found the correct evidence that I need to add this to the management orders.

...

I feel this is a very important piece of evidence. It is because of this evidence that I was placed under a new manager. It shows that I was constantly being questioned and harassed and it also shows that I was following the correct process."

10. The claimant attached four documents to her application for reconsideration.

Conclusion

11. The claimant's letter sent on 22 October 2024 and the attachments do not address the issue of the relationship between menopause symptoms and Ms Wallbank accusing the claimant by email dated 12 April 2023 (wrongly, the claimant says) of putting the wrong notes on a child's records. Nothing in the application addresses the reason why I concluded it was not just and equitable to allow this complaint to continue.

12. In these circumstances, I consider there is no reasonable prospect of the original decision being varied or revoked. The application for reconsideration is refused.

Employment Judge Slater
Date: 19 November 2024

JUDGMENT AND REASONS SENT TO THE PARTIES ON
26 November 2024

FOR THE TRIBUNAL OFFICE

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