



# EMPLOYMENT TRIBUNALS

**Claimant:** Dr J Mangrola

**Respondent:** Home Office

## JUDGMENT ON RECONSIDERATION

Rules 68-71 of the Employment Tribunal Rules of Procedure 2024

Upon the Claimant's application, made on 16 February 2025, to reconsider the judgment refusing the Claimant's application for interim relief, the written reasons for which were sent to the parties on 30 January 2025, under Rule 70 of the Employment Tribunals Rules of Procedure 2024, and without a hearing, the application for reconsideration is refused as there is no reasonable prospect of the judgment being revoked or varied.

## REASONS

### Introduction

1. On 18 November 2024, I heard the Claimant's application for interim relief. At the end of the hearing, I gave an oral judgment and informed the Claimant that his application had not been successful. The Claimant requested written reasons at the hearing, and they were sent to the parties on 30 January 2025.
2. On 16 February 2025, the Claimant applied for the judgment to be reconsidered in light of new developments. Attached to the email he sent to the Employment Tribunal was a document titled Reconsideration Request, and Annexes 1, 2, 3a, 3b, and 4.
3. In the document titled Reconsideration Request, the Claimant set out that it had come to his attention after the hearing on 18 November 2024 that the Respondent had submitted two false documents in the bundle for the interim relief hearing. The first was an undated document said to have been written by Mark Osborne. The Claimant said this document was put forward by the Respondent to suggest the Claimant's complaint had been investigated between April and July 2022. The second was a document which was said to have been drafted by Permanent Secretary, Sir Matthew Rycroft. The Claimant said this document was put forward by the Respondent to suggest the Claimant's complaint had been addressed satisfactorily. In his Reconsideration Request, the Claimant says he does not believe he received either of these

communications between 4 April and 31 July 2022, and therefore either the documents were drafted after that period or were not drafted by Mr Osborne and Sir Rycroft, but by others who work for the Respondent. The Claimant suggested the Respondent submitted false documents to mislead the Tribunal, which the Claimant says is a criminal act and a breach of the Fraud Act 2006. The Claimant says he has sought access to his laptop so that he can prove the documents were never sent to him, but the Respondent has denied him access.

4. The Claimant has requested the Respondent agrees to an Independent Digital Forensic Examiner undertaking an examination of the Claimant's IT profile, along with the IT profiles of Sir Rycroft, Mr Osborne, and the IT profiles of any other employee who may be involved in this matter. If the Respondent does not agree to this, the Claimant asks the Tribunal to strike out the Respondent's Response and to vary the judgment on interim relief to be in his favour. He has also asked the Tribunal to order the Respondent to provide access to his former workplace laptop.
5. The Claimant also wrote that on 3 January 2025 he notified the Tribunal that he would not be available during the period 28 January 2025 to 10 February 2025 as he was abroad, for a commitment, during this period. The written reasons were sent to him on 30 January 2025 when he was away, and he was unable to respond until he returned. He therefore requested that the 14 day deadline for reconsideration be extended.

### **The relevant Rules and case law**

6. Rules 68 to 70 of the Employment Tribunals Rules of Procedure 2024 set out the procedure for tribunals to reconsider judgments:

**“68.—**(1) The 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.

(2) A judgment under reconsideration may be confirmed, varied or revoked.

(3) If the judgment under reconsideration is revoked the Tribunal may take the decision again. In doing so, the Tribunal is not required to come to the same conclusion.

### **Application for reconsideration**

**69.** Except where it is made in the course of a hearing, an application for reconsideration must be made in writing setting out why reconsideration is necessary and must be sent to the Tribunal within 14 days of the later of—

- (a) the date on which the written record of the judgment sought to be reconsidered was sent to the parties, or
- (b) the date that the written reasons were sent, if these were sent separately.

### **Process for reconsideration**

**70.**—(1) The Tribunal must consider any application made under rule 69 (application for reconsideration).

(2) If the Tribunal considers that there is no reasonable prospect of the judgment being varied or revoked (including, unless there are special reasons, where substantially the same application has already been made and refused), the application must be refused and the Tribunal must inform the parties of the refusal.

(3) If the application has not been refused under paragraph (2), the Tribunal must send a notice to the parties specifying the period by which any written representations in respect of the application must be received by the Tribunal, and seeking the views of the parties on whether the application can be determined without a hearing. The notice may also set out the Tribunal's provisional views on the application.

(4) If the application has not been refused under paragraph (2), the judgment must be reconsidered at a hearing unless the Tribunal considers, having regard to any written representations provided under paragraph (3), that a hearing is not necessary in the interests of justice.

(5) If the Tribunal determines the application without a hearing the parties must be given a reasonable opportunity to make further written representations in respect of the application.

7. The 14 day time limit may be extended by virtue of the Tribunal's general power to do so under Rule 5. (Rule 5: The Tribunal may, on its own initiative or on the application of a party, extend or shorten any time limit specified in these Rules or in any decision, whether or not (in the case of an extension) it has expired). Such an application can be granted even where the initial 14 day time limit has already expired. There is no requirement that the party should demonstrate that compliance with the time limit was 'not reasonably practicable' or that it is 'just and equitable' to extend the time limit.
8. In *Outasight VB Ltd v Brown* [2015] ICR D11, EAT, Her Honour Judge Eady QC accepted that the wording 'necessary in the interests of justice' in what is now rule 69, under the current Rules, allows employment tribunals a broad discretion to determine whether reconsideration of a judgment is appropriate in the circumstances. However, this discretion must be exercised judicially, 'which means having regard not only to the interests of the party seeking the review or 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'.
9. In *Stevenson v Golden Wonder Ltd* [1977] IRLR 474, EAT, Lord McDonald said (regarding the review provisions under an earlier version of the rules) that they were 'not intended to provide parties with the opportunity of a rehearing at which the same evidence can be rehearsed with different emphasis, or further evidence adduced which was available before'.

**Extension of time for application**

10. While the Claimant's application for reconsideration was made late, the Claimant did write to the Tribunal in advance to say that he would be unavailable from 28 January 2025 to 10 February 2025, albeit his email to the Tribunal and the Respondent did not say he would be abroad. The written reasons were sent to the parties on 30 January 2025, which meant any application for reconsideration was due by 13 February 2025. The Claimant made his application on 16 February 2025, which is just three days outside the 14 day time limit. In the circumstances, and particularly in light of the fact that an extension of just three days is required, an extension of time is granted. The Claimant's application for reconsideration of the judgment will be considered.

**Reasons for refusal**

11. The Claimant's application for reconsideration is refused as there is no reasonable prospect of the original judgment being revoked or varied.
12. I am not persuaded that the fact that the Claimant does not believe he received either of the two letters in question between 4 April and 31 July 2022 indicates that the documents were forged or were intended to mislead the Tribunal. In reaching my decision regarding interim relief, I did not form a view about whether either document was or was not received by the Claimant between April and July 2022. Neither of these documents played a part in my decision to reject the Claimant's application for interim relief. My focus was on whether the Claimant had a pretty good chance of success when it came to persuading a Tribunal that he had made a protected disclosure or protected disclosures, and whether he had a pretty good chance of success with a claim for automatic unfair dismissal on grounds of having made a protected disclosure. I did not place any weight on what steps the Respondent had or had not taken to investigate the Claimant's complaints, as this was not relevant to the issues I was considering.
13. For these reasons, the Claimant's application for reconsideration is refused as there is no reasonable prospect of the original judgment being revoked or varied. In reaching this decision, I have also had regard to the Respondent's interests and the public interest requirement that there should, so far as is possible, be finality of litigation.

Approved by

Employment Judge Annand

9 March 2025

JUDGMENT SENT TO THE PARTIES ON

**Case No: 6013373/2024**

21/03/2025

FOR THE TRIBUNAL OFFICE