



EMPLOYMENT TRIBUNALS

Considered at: London South

On: 21 March 2025

By: Employment Judge Ramsden

In the matter of Ms L Tsang v Ms J Ainley

Consideration of judgment reached on: 20 January 2025

JUDGMENT ON RECONSIDERATION

1. The Respondent's application of 27 February 2025 for reconsideration of the judgment given in this matter on **20 January 2025** is refused.
2. The Claimant's application of 7 March 2025 for reconsideration of the judgment given in this matter on **20 January 2025** is refused.

BACKGROUND

3. The Claimant's Claim Form was presented on 14 July 2024, claiming that the Respondent had made unauthorised deductions from her wages, contrary to section 13 of the Employment Rights Act 1996 (the **1996 Act**) in the sum of £39.
4. The Respondent resisted that claim.
5. The matter came for determination before me on 20 January 2025. The Respondent did not attend the hearing, and so enquiries were made before proceeding. I was satisfied that:
 - a) The notice of the hearing that was to take place on 20 January 2025 was sent to the parties on 15 July 2024; and
 - b) The Respondent received that notice, because she referred to it in an email to the Tribunal on 15 December 2024 (stating that she would like that hearing to go ahead).

6. The Tribunal clerk emailed the Respondent on the day, and telephoned the Respondent using a telephone number provided for her by the Claimant (the Respondent had not provided the Tribunal with a telephone number herself).
7. In the circumstances, I concluded that the Respondent knew of the hearing, and it was reasonable to proceed.
8. I determined the claim in the Claimant's favour, and Ordered that the Respondent pay to the Claimant the £39 deducted from the Claimant's wages without authorisation.

APPLICATIONS

9. The Respondent applied, under Rule 69 of the Employment Tribunal Procedure Rules 2024 (the **ET Rules**), for reconsideration of my decision on 20 January 2025 to proceed with the hearing in her absence, and to determine the claim in the Claimant's favour. The Respondent considers that it was not in the interests of justice for the case to proceed in the circumstances it did.
10. The Claimant applied, under Rule 69 of the ET Rules, for reconsideration of my decision on 20 January 2025, wishing to amend the judgment to:
 - a) Add some further background to the judgment;
 - b) Alter the description of some parts of the background of the judgment;
 - c) Remove her name from text quoted in correspondence in the judgment; and
 - d) Add detail to the Background in that judgment. The judgment recorded that *"The following day the Claimant changed her mind about undertaking the work, and gave the Respondent the required 24 hours' notice to terminate her employment on Saturday 4 May 2024. She did not attend the Respondent's house again."* The Claimant wishes for some further text to be added that, in the absence of a written contract of employment, she continued to follow the terms and gave the required notice.
11. The Claimant's reasons for applying for reconsideration of that decision are that:
 - a) The press has picked up on the case and she wishes to minimise the places her name appears in it; and
 - b) The press reports are inaccurate and she considers the inclusion of further background information would correct that inaccurate reporting.

RULES

12. Rule 70 deals with the process the tribunal must follow regarding an application made under Rule 69:

“Process for reconsideration

- (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... 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...”*

REASONS

13. There is no reasonable prospect of the judgment being varied or revoked in response to the Respondent’s application. It is clear that the Respondent knew of the hearing and did not attend. The fact that she refers to an email she received the next day indicating that a new hearing date would be fixed does not change the Respondent’s understanding on 20 January 2025 of the fact that a hearing in this matter was taking place on that date.
14. There is no reasonable prospect of the judgment being varied or revoked in response to the Claimant’s application. The accuracy of press reporting of an accurate judgment is not a matter that warrants amendment of that judgment.

DECISION

15. For the reasons set out above, the applications of each of the Respondent and the Claimant for reconsideration fail, and that decision is confirmed.

Employment Judge Ramsden
Date 21 March 2025

Judgment sent to the parties on
Date: 25 March 2025