



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss S Taylor

**Respondent:** Shine Bright Day Care & Out of School Club Ltd

**UPON APPLICATION** made by letter dated **28 January 2025** to reconsider the Reserved Judgment dated **18 August 2022** under rule 69 of the Employment Tribunal Procedure Rules 2024, and without a hearing,

## JUDGMENT

1. Paragraph 2 of my Reserved Judgment is varied; paragraph 2 is replaced with the following:

**“2. The amount of the deduction that the Respondent is ordered to pay to the Claimant Miss S Taylor is £2,664.00.”**

## REASONS

2. The Respondent appealed to the Employment Appeal Tribunal 3 February 2023 (EA-2022-000991-AT).

3. On 15 January 2025 the Employment Appeal Tribunal stayed the appeal to give opportunity to the Appellant (herein referred to as the Respondent) to submit to the Employment Tribunal (and copy to the Employment Appeal Tribunal) an application for reconsideration albeit out of time.

4. On 28 January 2025 the Respondent made its application for reconsideration. The application consisted simply of the Respondent submitting a copy to this Tribunal its notice of appeal to the EAT.

5. In their cover email the Respondent stated that the application is for me to reconsider my Judgment, revoke the Judgment and relist the hearing for the Third Claimant to be heard afresh, with evidence.

6. Under Rule 68, the following principles apply:

### ***Principles***

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.*

7. On 30 January 2025 the following letter was written by the Tribunal office and sent to the parties at my request:

*The Respondent's application for reconsideration has been referred to Employment Judge Knowles who has commented as follows:*

*"The Third Claimant Miss Taylor should, on or before 11 February 2025, send to the Tribunal office any written representations that she wishes to make in relation to the application.*

*Both parties should also write to advise the Tribunal, on or before 11 February 2025, whether or not in their view the application can be determined without a hearing.*

*My provisional view (for the purposes of Rule 70(3)) is that it would be in the interests of justice to grant the Respondent's application for reconsideration and to vary the Judgment to reduce the sum awarded to £2,664 unless the Third Claimant disputes the Respondent's assertion that £2,016 was paid during the relevant period. That appears to me to be the most appropriate outcome given that is the outcome sought by the Respondent in paragraph 17 of their notice of appeal. This would avoid the whole case having to be heard again afresh and the time and cost consequences that would have for the parties. Both parties may let me have their comments on my provisional view, and I reiterate that this is only a provisional view which is subject to the parties' views, when they write to the Tribunal on or before 11 February 2025."*

8. On 8 February 2025 the Claimant wrote to the Tribunal to accept the proposed approach.

9. On 12 February 2025 the Tribunal office wrote to the Respondent asking again for their response. They were given until 19 February 2025.

10. On 21 February 2025 the Respondent wrote to inform the Tribunal that they were struggling to gain instructions from their client, but that they would reply as soon as they were able to take instructions.

11. On 12 March 2025 the Tribunal office wrote to the Respondent to confirm my direction that unless a response was received no later than 18 March 2025 then I proposed to undertake the reconsideration on the papers without a hearing.

12. On 18 March 2025 the Respondent wrote to confirm that they have no instructions from the Respondent.

13. I have therefore decided to proceed with the reconsideration in chambers today without a hearing.

14. It is in the interests of justice to consider the application even though it was made outside of the time limit prescribed by paragraph 69 of the Employment Tribunal Rules 2024. That is because the hearing at which the Judgment was entered had been listed as a case management hearing and not a final hearing and evidence as to payments made to the Claimant was not presented.

15. I have afforded the Respondent the period between 30 January 2025 and today (1

April 2025) to provide representations on the provisional view I expressed in the letter 30 January 2025. No representations have been received indeed it appears that the Respondent's representatives cannot gain instructions from the Respondent despite the time that has no elapsed.

16. The Claimant has accepted the approach proposed in the Tribunal's letter 30 January 2025.

17. Whilst the Respondent requested a revocation of my original Judgment and for me to list a fresh hearing, it is clear from the notice of appeal that they are only requesting that a payment of £2,016 be deducted from the amount that the Respondent was ordered to pay to the Claimant.

18. This is a simple matter which can be dealt with without a hearing if the Claimant does not challenge the Respondent's assertion that she received a payment of £2,016.

19. I am prepared to exercise my discretion in these particular circumstances.

20. I have taken into account the interests of the Claimant.

21. Her main interest is avoiding further delay and she does not object to the proposed approach.

22. In my conclusion it is necessary in the interests of justice to vary the original Judgment.

23. I therefore conclude that that amount should be deducted, and that the relevant paragraph in my Reserved Judgment dated 18 August 2022 be varied and replaced with the following:

*"2. The amount of the deduction that the Respondent is ordered to pay to the Claimant Miss S Taylor is £2,664.00."*

Employment Judge T Knowles  
1 April 2025