



EMPLOYMENT TRIBUNALS

Claimant: Ms L Gallagher

Respondent: West End Night Owls Ltd

JUDGMENT ON A RECONSIDERATION

The claimant's application for a reconsideration of the Judgment sent to the parties on 14 October 2024 is refused.

REASONS

The Judgment issued was an inevitable consequence of the claimant's failure to pay a deposit ordered to be paid by 19 September 2024 as a precondition to her pursuing her complaints.

The claimant does not challenge the decision to make a deposit order or the amount ordered. She has expressed an intention now to pay the deposit. A reconsideration of the Judgment would involve a revocation or variation of the deposit order.

The making of the deposit order resulted from a conclusion that the claimant's complaints have little reasonable prospect of success. The claimant was considered to have obvious difficulties in showing that the belief she relied upon was capable of protection under the Equality Act 2010. Clearly, also the claimant's means were considered, after discussion with her, when determining the amount of the deposit to be ordered to be paid.

Following the ordering of the deposit, the tribunal received no communication from the claimant. The first communication indeed as being the claimant's email of 16 October 2024 which the tribunal treats as an application to reconsider the Judgment dismissing her claims. The claimant has not, for instance, sought any extension of time in which to pay the deposit or explained to the tribunal any difficulties she might have in making the payment or that she intended the deposit

to be paid. Whilst the claimant refers to clearly difficult personal circumstances in the interim period, she says that she has also within that period obtained a new job and had to wait until she was paid. The claimant could and should have made an application to the tribunal at an earlier stage. There ought to be finality in litigation and the effect of reconsidering this Judgment would be to allow a claim to proceed (subject to the claimant then paying the deposit) to the prejudice of the respondent after a further delay and where the claimant has little reasonable prospect of success.

Employment Judge Maidment

Date 25 October 2024

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