



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs E Moses

**Respondent:** Visto Help Hands Care Limited

## JUDGMENT

The respondent's application dated **14th March 2025** for reconsideration of the judgment sent to the parties on **3rd January 2025** is refused.

## REASONS

1. The application is nearly 2 months out of time.
2. I do not under rule 5 (7) of the Employment Tribunal Procedure Rules 2024 consider it in the interests of justice to extend that time.
3. The Response was struck out following a comprehensive failure by the Respondent to comply with the Case Management Timetable.
4. The Respondent was represented at the hearing on 8<sup>th</sup> January 2025, which was converted from a final to preliminary hearing, where they were made fully aware of the consequences of the Response having already been struck out. There is nothing in the Summary of Judge Ayre from that hearing to suggest that the Respondent's representative did not understand the proceedings because of some language difficulty.
5. At that hearing the final hearing was re-listed for 1<sup>st</sup> April 2025, and a revised timetable set, with which the Claimant has fully engaged, requesting extensions of time to comply where appropriate. She has therefore already provided her documents to the Respondent as ordered in advance of the final hearing, even though they have no automatic right to participate.
6. The Respondent did not instruct legal representatives immediately, but Peninsula came on the record on 14<sup>th</sup> February 2025.
7. It is not therefore strictly correct to say as they do in the application that they are only "newly instructed".
8. Even if I had extended time and then considered that the application should not be refused under paragraph 70 (2) of the Employment Tribunal Procedure Rules 2024 I would then be required under rule 70 (3) to invite written representations, and potentially to order a hearing.
9. If after receiving those representations I decided to deal with the matter without a hearing I would still, under rule 70 (5), be required to invite further written representations before determining the application.

10. It is self-evident therefore that because of the extreme lateness of this application there would be insufficient time to deal with it before the final hearing date, or even if I could do so and the Respondent was successful to allow sufficient time thereafter to prepare for that hearing.
11. In any event my provisional view, even if I did not go so far as to consider that there is no reasonable prospect of the application being granted, would be that there is little prospect (cf rules 70 (2) and (3)).
12. That is because the ET1 additional information includes a clear notification of dismissal for redundancy as at 15<sup>th</sup> April 2024, stating in terms that the employment would be terminated for this reason and providing for no consultation procedure whatsoever. I note from Judge Ayre's Case Discussion that the Respondent now appears to be disputing that the Claimant was even dismissed, let alone that she fell within a redundancy situation. It is therefore in this context as to the potential demerits of the Response that the abject failure to comply with the Tribunal directions would need to be considered.
13. The balance of prejudice is heavily in favour of the Claimant, who has acted promptly and properly throughout, and who ought not to be deprived of the opportunity of a hearing at the earliest date. That is particularly so where, as I understand it the Claimant's immigration status is potentially in jeopardy as a result of the Respondent's actions in revoking her sponsorship, as also referenced in the letter of 15<sup>th</sup> April.
14. The case will therefore remain as listed for 1<sup>st</sup> April 2025. The Respondent will still only be permitted to participate to the extent allowed by the Employment Judge, and the Claimant accordingly has permission to add to her file of documents as she has requested.

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Approved by Employment Judge **Lancaster**

Date 19<sup>th</sup> March 2025

JUDGMENT SENT TO THE PARTIES ON

20 March 2025

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FOR THE TRIBUNAL OFFICE