



5

## **EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case No: 8000574/2023**

10

### **Reconsideration Application (in Chambers)**

**Employment Judge R Mackay**

15

**A**

**Claimant  
In Person**

20

**The Scottish Ministers**

**Respondent  
Represented by:  
Ms Campbell, Solicitor**

25

## **RECONSIDERATION JUDGMENT OF THE EMPLOYMENT TRIBUNAL**

The Judgment of the Employment Tribunal is that the claimant's application for reconsideration of its judgment dated 15 January 2025 is refused.

### **REASONS**

30

1. The claimant made an application for reconsideration of the judgment referred to above by e-letter dated 30 January 2025. The respondent's views on the claimant's application were sought, as well as the views of both parties on the need for a hearing on the matter.

35

2. By e-mail dated 19 February 2025, the respondent's solicitors opposed the application. They asked that the matter be considered without a hearing. The

claimant requested a hearing. Having considered the representations, it was determined that the application would be considered without a hearing on the basis that a hearing was not necessary in the interests of justice. Parties were invited to make further written representations within seven days if they wished to do so. Neither party did.

3. The effect of the judgment under reconsideration was that a number of claims brought by the claimant were judged to be out of time. Three claims were allowed to proceed. The claimant's application has six points. Some of these are questions, or requests for clarity, as distinct from a request for reconsideration as such.
4. The first point in effect seeks confirmation that the claimant may, in pursuing the permitted three claims, lead evidence about those which are out of time. It is possible that some of the earlier material may be relevant, but that is a matter for the tribunal at the final hearing.
5. The second and third points seek to challenge the tribunal's summary of the claimant's claims. As noted by the respondent's solicitor, these are only intended as a brief summary. The claimant is not prevented from relying on his own full particulars in progressing the claims.
6. The fourth point relates to the differential time limit which may apply to the claimant's claim for a failure to make reasonable adjustments. The tribunal held that this can only be determined after hearing the full evidence. There is no prospect of the tribunal reconsidering that position.
7. The fifth point questions whether the respondent's state of knowledge of the claimant's disability was sufficiently considered in reaching the conclusion that there was no continuing state of affairs such as to bring more of the claims into play. For the reasons set out at paragraph 39 of the judgment, no continuing

state of affairs was found to exist and there is no prospect of that being reconsidered.

- 5 8. The sixth point is essentially a request for a re-evaluation of the judgment and the reasons for it in light of the claimant's comments about the summarising of the allegations. There is no prospect of the judgement being varied or revoked on that basis.

9. The application is, accordingly, refused.

10

**Employment Judge: R Mackay**

**Date of Judgment: 24 March 2025**

**Date Sent to Parties: 24 March 2025**