



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr M Tariq

**Respondent:** Partnership Learning Trust

## JUDGMENT

The claimant's application dated **27 June 2025** for reconsideration of the judgment sent to the parties on **27 June 2025** is refused.

## REASONS

There is no reasonable prospect of the original decision being varied or revoked, because:

1. The Claimant applies for reconsideration on the basis that the Tribunal should not have made a finding that he likely superimposed a signature onto a document without first obtaining expert or forensic evidence on the impugned document.
2. Pursuant to rule 41 of the Employment Tribunal Rules of Procedure the Tribunal has a broad discretion to conduct a hearing in the manner which it considers fair, having regard to the overriding objective.
3. As noted in written reasons (para. 38), it was unfortunate that the Respondent did not understand sooner the significance the Claimant placed on the "section Z" documents. This was, however, understandable given that the Claimant had not prepared a full and detailed witness statement which explained his reliance on those documents. Instead the point only became clear during cross-examination of the Respondent's witnesses by reference to those documents on the first day of the hearing.
4. Similarly, it only really became apparent during the course of the hearing that the Claimant's case was that the misconduct for which he was dismissed (namely contacting students out of hours) had in fact been explicitly authorised by the Respondent. This had not been his case during the disciplinary procedure itself, nor had he pleaded this in his ET1. In order for the Tribunal to determine this issue a view had to be taken on the Claimant's credibility and reliability as a witness of fact.
5. The Tribunal considered a number of factors in deciding this point, including the manner in which the Claimant gave his evidence (written reasons paras. 57-63) and the inconsistency with the representations he made to his employer at the time (written reasons paras. 50, 87, and 91); in particular the Claimant had acknowledged in the disciplinary hearing that he should have not contacted

- students out of hours, which was at complete odds to his case before the Tribunal.
6. In deciding that the Section Z documents were likely doctored, the Tribunal also relied on a comparison between the Claimant's documents and those adduced into evidence by the Respondent (written reasons para. 98) and the incredibility of the Claimant's attempts to explain the varying discrepancies (para. 101). Further, there was no reason for Mr Lazell (as governor) to have conducted a probation review with the Claimant (para. 102).
  7. In light of these factors, it was not necessary nor proportionate to adjourn the final merits hearing so that the parties could obtain expert/forensic evidence on the veracity of the documents. Having regard to the overriding objective, the Tribunal was entitled to determine the issue based on the evidence available in the hearing.
  8. It should also be noted that the Claimant was challenged directly by Respondent's counsel during cross-examination on the document and it was put to him that he had inserted Mr Lazell's signature. The Claimant denied this. The Claimant was therefore on notice that this was an allegation that the Tribunal would need to determine and no request was made at that time, or subsequently, for forensic/expert evidence.
  9. In accordance with the guidance in **TW White & Sons Ltd v White** EAT/0022/21 and para. 6 of the Practice Direction on Panel Composition (2024), the Employment Judge has determined that there is no reasonable prospect of the original decision being set aside on the basis of the Claimant's submissions. It would not be in the interests of justice to re-open this issue and obtain further evidence on a point already decided. The application for reconsideration is therefore refused.

Date: 15 July 2025

Approved by

Employment Judge J Feeny

JUDGMENT SENT TO THE PARTIES ON

13 August 2025