EMPLOYMENT TRIBUNALS

Claimant: Ms J Belgrave

Respondent: Blueprint Capital Ltd

JUDGMENT

The claimant's application (as described in reasons below) for reconsideration of the judgment dated 25 October 2024, sent to the parties on **24 December 2024** is refused.

REASONS

1. Rules 68-70 of the Tribunal Rules provides as follows:

> **70. Principles**
> (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..
>
> **69. Application for reconsideration**
> Except where it is made in the course of a hearing, an application for reconsideration must be made in writing setting out why reconsideration is necessary and must be sent to the Tribunal within 14 days of the later of—
> (a) the date on which the written record of the judgment sought to be reconsidered was sent to the parties, or
> (b) the date that the written reasons were sent, if these were sent separately..
>
> **70.— Process for reconsideration**
> (1) The Tribunal must consider any application made under rule 69 (application for reconsideration).
> (2) If the Tribunal considers that there is no reasonable prospect of the judgment being varied or revoked (including, unless there are special reasons, where substantially the same application has already been made and refused), the application must be refused and the Tribunal must inform the parties of the refusal.
> (3) If the application has not been refused under paragraph (2), the Tribunal must send a notice to the parties specifying the period by which any written representations in respect of the application must be received by the Tribunal, and seeking the views of the parties on whether the application can be determined without a hearing. The notice may also set out the Tribunal's provisional views on the application.
> (4) If the application has not been refused under paragraph (2), the judgment must be reconsidered at a hearing unless the Tribunal considers, having regard to any written representations provided under paragraph (3), that a hearing is not necessary in the

interests of justice.
(5) If the Tribunal determines the application without a hearing the parties must be given a reasonable opportunity to make further written representations in respect of the application.

2. The Tribunal has discretion to reconsider a judgment if it considers it in the interests of justice to do so. Rule 70(2) requires the judge to dismiss an application if the judge decides that there is no reasonable prospect of the original decision being varied or revoked. Otherwise, the application is dealt with under the remainder of Rule 70.

3. When deciding what is "necessary in the interests of justice", it is important to have regard to the overriding objective to deal with cases fairly and justly, which includes: ensuring that the parties are on an equal footing; dealing with cases in ways which are proportionate to the complexity and importance of the issues; avoiding unnecessary formality and seeking flexibility in the proceedings; avoiding delay, so far as compatible with proper consideration of the issues; and saving expense.

4. In deciding whether or not to reconsider the judgment, the tribunal has a broad discretion, which must be exercised judicially, having regard not only to the interests of the party seeking the reconsideration, but also to the interests of the other party to the litigation and to the public interest requirement that there should, so far as possible, be finality of litigation.

5. The reconsideration rules and procedure are not intended to provide an opportunity for a party to seek to re-litigate matters that have already been litigated, or to reargue matters in a different way. They are not intended to provide parties with the opportunity of a rehearing at which the same evidence and the same arguments can be rehearsed (with or without different emphasis). Nor do they provide an opportunity to seek to present new evidence that could have been presented prior to judgment.

6. Under the current version of the rules, there is a single ground for reconsideration — namely, *"*where it is necessary in the interests of justice*".* In Outasight VB Ltd v Brown 2015 ICR D11, the EAT explained that the 2013 revision to the rules had not been intended to make it more easy or more difficult to succeed in a reconsideration application. Earlier versions of the rules had included specific examples of potential grounds for reconsideration; the omission of those specific examples did not mean that those things were no longer possible routes to reconsideration; an application relying on any of those arguments can still be made in reliance on the "interests of justice" ground.

7. Previous appellate decisions (even under earlier versions of the Rules) can provide helpful guidance to a judge, but they are not intended as a checklist.

The individual circumstances of the particular application have to be considered on their own merits.

8. It is not necessary for the applicant to go as far as demonstrating that there were exceptional circumstances justifying reconsideration. There does, however, have to be a good enough justification to overcome the fact that, when issued, judgments are intended to be final (subject to appeal) and that there is therefore a significant difference between asking for a particular matter to be taken into account before judgment (even very late in the day) and after judgment.

9. As was stated in Ebury Partners Uk Limited v Mr M Acton Davis: [2023] EAT 40

> The employment tribunal can therefore only reconsider a decision if it is necessary to do so "in the interests of justice." A central aspect of the interests of justice is that there should be finality in litigation. It is therefore unusual for a litigant to be allowed a "second bite of the cherry" and the jurisdiction to reconsider should be exercised with caution.

The application

10. On 7 August 2025, the Claimant sent an email to the Tribunal without copying in the Respondent (or anyone else).

11. The email (correctly) stated that the Claimant had attached form N244 and other documents. Form N244 is not intended to be used for employment tribunal litigation, but that does not prevent me from reading the contents and making decisions on the substance of the application, as described in the covering email, the Form N244 attachment, and the other attachments.

12. On 20 August 2025, the Claimant sent a further email, again without copying it to anyone else. She then sent a further email on 29 August, again without copying it to anyone else.

13. The above-mentioned correspondence was referred to me on 23 September 2025. For the purposes of making judicial decisions, I do not need to comment on the contents of the second and third emails save to say that they were chasing the outcome of the 7 August application.

14. The application was made outside the 14 day time limit. It lacks merit, for the reasons mentioned below. I therefore do not extend time.

15. The claim form stated (amongst other things), "*I was employed with an employment contract under Blueprint Capital*". The complaints that were included in that claim form were accurately reflected in the judgment (and the Claimant's correspondence described above does not suggest otherwise).

They were all complaints that can only be brought against the claimant's employer.

16. The 7 August correspondence states that the Respondent did not pay the judgment. However, enforcement of the Tribunal's judgments is not a matter within the Tribunal's jurisdiction. The cover letter that supplied the judgment gave links to information about enforcement.

17. The 7 August correspondence states that the Respondent has ceased trading and that the company's director (who was named in the original claim form) is now operating a different company. Even on the assumption that those facts are true, there is no reasonable prospect of my being persuaded to vary the existing judgment to add this company (VClub) as a party liable for it.

18. In addition, I have considered whether to make a case management order to the effect that Vclub Ltd (and/or Yu Song) should be added as a respondent to claim number 3311195/2023, and to order that a Notice of Claim letter be sent, so that either the new respondent(s) submit response (and then the claims against them are determined in due course, at a final hearing) or they do not serve a response, in which case decisions under Rule 22 could be made. My decision is that such case management orders would not be appropriate. There is no basis for Vclub Ltd (and/or Yu Song) to be added to the existing claim. The application discloses no basis for a successful claim, that is within the employment tribunal's jurisdiction, against either of them. Still less does it set out any basis on which either of them could be liable for the specific complaints set out in the original claim form.

19. For the reasons stated above, having considered the application, I am satisfied that there is no reasonable prospect of the original decision being varied or revoked, and the application is refused.

Approved by: **Employment Judge Quill**

Date: 25 September 2025

JUDGMENT SENT TO THE PARTIES ON
25 September 2025

FOR THE TRIBUNAL OFFICE