



EMPLOYMENT TRIBUNALS

Claimant: Mr J Danquah

Respondent: FDM Group Ltd

JUDGMENT

The Claimant's application for reconsideration of the Judgment sent to the parties on 1 August 2025 is dismissed.

REASONS

1. The Tribunal conducted the final hearing in the above case between 16 and 27 June 2025. Oral judgment was given on the afternoon of the final day of the hearing. The Claimant requested written reasons; these were sent to the parties on 1 August 2025 ("the Judgment").
2. On 15 August 2025, the Claimant applied for reconsideration of the Judgment.
3. Under Rule 68 of the Employment Tribunal Rules of Procedure, the Employment Tribunal may, either on its own initiative or on the application of a party, reconsider a decision where it is necessary in the interests of justice to do so. On reconsideration, the decision may be confirmed, varied or revoked.
4. Rule 69 provides that an application for reconsideration under Rule 68 must be made within 14 days of the date on which the decision (or, if later, the written reasons) were sent to the parties.
5. The process by which the Tribunal considers an application for reconsideration is set out in Rule 70. Where the Tribunal considers that there is no reasonable prospect of the original decision being varied or revoked, the application shall be refused. Otherwise, the Tribunal shall send a notice to the parties setting out a time limit for any response to the application by the other parties, and seeking the views of the parties on whether the application can be determined without a hearing.

6. The rules give the Tribunal a broad discretion to determine whether reconsideration of a decision is appropriate. Guidance for Tribunals on how to approach applications for reconsideration was given by Simler P in the case of *Liddington v 2Gether NHS Foundation Trust* UKEAT/0002/16/DA. Paragraphs 34 and 35 provide as follows:

“34. [...] a request for reconsideration is not an opportunity for a party to seek to re-litigate matters that have already been litigated, or to reargue matters in a different way or adopting points previously omitted. There is an underlying public policy principle in all judicial proceedings that there should be finality in litigation, and reconsideration applications are a limited exception to that rule. They are not a means by which to have a second bite at the cherry, nor are they intended to provide parties with the opportunity of a rehearing at which the same evidence and the same arguments can be rehearsed but with different emphasis or additional evidence that was previously available being tendered. Tribunals have a wide discretion whether or not to order reconsideration.

35. Where [...] a matter has been fully ventilated and properly argued, and in the absence of any identifiable administrative error or event occurring after the hearing that requires a reconsideration in the interests of justice, any asserted error of law is to be corrected on appeal and not through the back door by way of a reconsideration application.”

7. The Claimant's application was received within the relevant time limit. I therefore consider it under Rule 70.
8. The Claimant repeatedly refers to the Tribunal's findings as being “perverse”. He does not, however, explain why those findings are said to be perverse. There is nothing within the Claimant's repeated assertion that the Tribunal's findings are perverse that would lead to any reasonable prospect of the original decision being varied or revoked.
9. Paragraphs 2 - 9 appear to be based on a misunderstanding of the relevant causal test. There is nothing within those paragraphs that would lead to any reasonable prospect of the original decision being varied or revoked.
10. Paragraphs 10 and 11 assert that the Tribunal decided the wrong allegation at paragraph 306 of the Judgment. Given the lengthy and repetitious nature of the pleaded claims, the confusing way in which the Claimant's subsequent amendment application was presented, and the lack of an agreed list of issues prior to the final hearing, it is perhaps unsurprising that there was a minor discrepancy. Nevertheless, the second sentence of paragraph 306 of the Judgment shows that the Tribunal in fact engaged with the broad allegation relied upon by the Claimant. There is therefore nothing within those paragraphs that would lead to any reasonable prospect of the original decision being varied or revoked.

11. Paragraph 12 appears to be an attempt to add a new allegation. The Tribunal decided the allegations set out in the (extremely lengthy) amended pleadings. There is nothing within that paragraph that would lead to any reasonable prospect of the original decision being varied or revoked.
12. Paragraphs 13, 15 – 20, 22 – 32, 34 – 41, 43 – 44 and 46 appear to be nothing more than a disagreement with various factual findings and conclusions reached by the Tribunal. There is nothing within those paragraphs that would lead to any reasonable prospect of the original decision being varied or revoked.
13. Paragraph 14 also appears to a disagreement with the conclusion reached by the Tribunal regarding whether the Claimant had a protected belief at the relevant times. And in any event, given the Tribunal's subsequent findings in the alternative, the complaints would have failed even if the Tribunal had concluded that the Claimant had had a protected belief at the relevant times. There is nothing within that paragraph that would lead to any reasonable prospect of the original decision being varied or revoked.
14. Paragraph 21 makes an unsupported allegation of bias (which, for the avoidance of doubt, is denied). The comments referred by the Claimant are quoted in paragraph 117.1 of the Judgment, and dealt with in paragraph 243.3. There is nothing within that paragraph that would lead to any reasonable prospect of the original decision being varied or revoked.
15. Paragraph 33 alleges that the Tribunal did not adequately consider the Claimant's rights under the ECHR. The Convention rights raised before the Tribunal were dealt with in, *inter alia*, paragraphs 237.2 and 280 of the Judgment. There is nothing within that paragraph that would lead to any reasonable prospect of the original decision being varied or revoked.
16. Paragraph 42 alleges that the Tribunal erred by failing to draw an adverse inference from the Respondent's failure to call Naima Masud as a witness. The Claimant made no direct allegations against Ms Masud. There was therefore no basis on which to draw an adverse inference against the Respondent for failing to call Ms Masud as a witness. There is nothing within that paragraph that would lead to any reasonable prospect of the original decision being varied or revoked.
17. Paragraph 45 makes a further allegation of bias (which again is denied). The context of the comment at paragraph 301 of the Judgment regarding the Claimant's loss of perspective was that he alleged that the Respondent had contravened its own policy by suspending him for more than five days, when the relevant policy expressly allowed for suspension to last for longer than five days. The Tribunal's overarching finding regarding the Claimant's lack of insight (and by extension, his loss of perspective) is at paragraph 260 of the Judgment. The comment in paragraph 301 went to the overarching finding made in paragraph 260.
18. Paragraph 45 also refers to the Tribunal having "a laissez-faire attitude" in respect of the delivery of the oral judgment. It is not understood what is meant by that comment. Delivery of the oral judgment took place on the

afternoon of day 10 of the hearing. It lasted approximately four hours. The oral judgment was a relatively lengthy and detailed one; and in any event, now that written reasons have been produced they constitute the authoritative version of the Tribunal's reasoning. There is nothing within that paragraph that would lead to any reasonable prospect of the original decision being varied or revoked.

19. Having carefully considered the Claimant's application, and bearing in mind the importance of finality in litigation and the interests of both parties, for the reasons set out above I am not satisfied that there is any reasonable prospect of the Judgment or any part of it being varied or revoked. The application for reconsideration is therefore refused.

Approved by:
Employment Judge Leith

Date: 12 September 2025

Sent to Parties.
7 October 2025