Case Number: 3305332/2024

EMPLOYMENT TRIBUNALS

Claimant: Mrs A Glenn

Respondent: Lakeside Healthcare

JUDGMENT

The claimant's application dated 23 October 2025 for reconsideration of the judgment given orally to the parties on 9 October 2025 is refused. The written record of judgment and written reasons are sent to the parties on the same date as this reconsideration judgment under r.70.

REASONS

1. The claimant has applied for a reconsideration of the oral judgment delivered in the hearing on 9 October 2025 under r.68 of the Employment Tribunal Procedure Rules 2024. Having considered the application under r.70(2), the employment judge considers that there is no reasonable prospect of the judgment being varied or revoked on those grounds. The application for a reconsideration is rejected.

2. The procedure for an application for a reconsideration is set out in r.70 Procedure Rules 2024. It is a two stage process. If the employment judge who made the original judgement considers that there is no reasonable prospect of the original decision being varied or revoked the application shall be refused under rule 70(2) and the Tribunal shall inform the parties of the refusal. Otherwise the Tribunal shall send a notice to the parties setting a time limit for any response and seeking the views of the parties on whether the application can be determined without a hearing. That notice may set out the Judge's provisional views on the application. Unless the judge considers that a hearing is not necessary in the interests of justice, if the application is not rejected under rule 70(2), then the original decision shall be reconsidered by the full tribunal who made the original decision.

3. The power to reconsider a judgement under rule 70 can only be used if it is necessary to do so in the interests of justice. That is apparent from the wording of the rule itself and, as it was held, by HH Judge Shanks in Ebury Partners UK Limited v Acton Davies [2023] IRLR 486 EAT 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. In general, while it may be appropriate to reconsider a decision where there has been some procedural mishap such that a party has been denied a fair and proper opportunity to present his case, the jurisdiction should not be invoked to correct to suppose that error made by the ET after the parties have had a fair opportunity to present their cases on the relevant issue. This is particularly the case where the error alleged is one of law which is more appropriately corrected by the EAT." (Para 24 of the judgement of HHJ Shanks).

4. The claimant applies on three grounds:;

   4.1. Material mistake of fact and/or misapprehension of the evidence;

   4.2. Procedural irregularity in the way ACAS conciliation was conducted and presented to the Tribunal; and

   4.3. That it is in the interests of justice to reconsider the judgment as the evidence does not support the conclusion that a binding settlement was reached.

5. The first and third grounds for the application amount to an argument that the Tribunal erred in the findings it made on the evidence, specifically the finding that on 13 December the claimant's representative had accepted the respondent's offer to settle the proceedings for £3,500 plus waiving any right to reclaim a sum they alleged to be an overpayment. This was the claimant's position at the preliminary hearing and, in effect, she alleges that the Tribunal's finding was perverse. Although the claimant (in her paras.17 & 18) attempts to cast this as procedural irregularities, the substance of her argument is that the findings were perverse. The reasons for the Tribunal's finding on this point are set out in the written reasons. The claimant had a fair and proper opportunity to present her case on these points and this is an alleged error of law which is not susceptible to reconsideration.

6. By para.8 of the reconsideration application, the claimant argues that the offer of 2 December 2024 was made subject to the following: "Mr Robinson needs to ask the Claimant to read the terms carefully and call to confirm whether she agrees or rejects them". This was not argued at the preliminary hearing and there is no reason given for the failure to do so. In any event, this appears to be a request by the ACAS conciliator that *Mr Robinson* needs to ask the Claimant to read the terms and *Mr Robinson* needs to call to confirm whether the Claimant agrees to them. For reasons given in the written reasons, there were no limits to Mr Robinson's ostensible authority which would cause it to be necessary for the ACAS conciliator to have to speak to the Claimant personally to receive that acceptance. No procedural safeguards were breached. This also covers the point made in paras.11 & 12 of the reconsideration application. There are no reasonable prospects of the

judgment being varied based on an argument that there was a procedural irregularity in the ACAS conciliation process.

7. The allegations of undue pressure, lack of sufficient legal formalities and lack of signature are ones which were rejected at the hearing and it is not in the interests of justice that they should be reopened. The arguments set out on the reconsideration are identical to those which were unsuccessful at the preliminary hearing.

Date: 23 November 2025

Approved by

Employment Judge George

JUDGMENT SENT TO THE PARTIES ON

24 November 2025

FOR THE TRIBUNAL OFFICE