Case No: 6000618/2023

EMPLOYMENT TRIBUNALS

Claimant: **Mrs M Abuayyash**

Respondents: **Bristol City Council (1)**
Mrs A James (2)

Upon an application made by the Claimant by email, and without a hearing, to reconsider the judgment sent to the parties on 14 May 2025 (the Judgment):

JUDGMENT ON RECONSIDERATION

The Claimant's application for reconsideration of the Judgment is refused because there is no reasonable prospect of the original decision being varied or revoked.

REASONS

1) Applications for reconsideration are governed by Rules 68 to 71 of the Employment Tribunal Procedure Rules 2024.

2) Rule 68 provides that a Tribunal may, either on its own initiative or on the application of a party, reconsider any judgment where it is "necessary in the interests of justice to do so". This allows an Employment Tribunal a broad discretion to determine whether reconsideration of a judgment is appropriate in the circumstances. The discretion must be exercised judicially. This means having regard not only to the interests of the party seeking the reconsideration but also 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.

3) The importance of finality was confirmed by the Court of Appeal in *Ministry of Justice v. Burton and anor [2016] EWCA Civ 714* in July 2016 where Elias LJ said that:

> "the discretion to act in the interests of justice is not open-ended; it should be exercised in a principled way, and the earlier case law cannot be ignored. In particular, the courts have emphasised the importance of finality (*Flint v Eastern Electricity Board [1975] ICR 395*) which militates against the discretion being exercised too readily; and in Lindsay v Ironsides Ray and Vials [1994] ICR 384 Mummery J held that the failure of a party's representative to draw attention to a particular argument will not generally justify granting a review."

4) Similarly, in *Liddington v. 2Gether NHS Foundation Trust EAT/0002/16* the EAT chaired by Simler P (as she then was) said in paragraph 34 that:

> "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 by 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."

5) The Tribunal dealing with the question of reconsideration must seek to give effect to the overriding objective to deal with cases fairly and justly.

6) The procedure upon a reconsideration application is for the Employment Judge that heard the case or gave the judgment in question to consider the application and determine if there are reasonable prospects of the original decision or judgment being varied or revoked. Essentially, this is a reviewing function in which the Employment Judge must consider whether there is a reasonable prospect of reconsideration in the interest of justice. There must be some basis for reconsideration. It is insufficient for an applicant to apply simply because they disagree with the decision.

7) If the Employment Judge considers that there is no such reasonable prospect then the application shall be refused. Otherwise, the original decision shall be reconsidered at a subsequent reconsideration hearing. The Employment Judge's role therefore upon considering such an application is to act as a filter to determine whether there is a reasonable prospect of the Judgment being varied or revoked were the matter to be considered at a reconsideration hearing.

8) This case was heard from 3-13 March 2025 at the Bristol Employment Tribunal. Both parties were represented at the hearing by their respective counsel.

9) The case was heard by a full Tribunal panel, which made unanimous findings of fact and conclusions. Full reasons were given orally at the conclusion of the hearing. Written reasons were then requested and provided.

10) On 10 July 2025, in response to correspondence from the Tribunal, the Claimant forwarded a copy of an application for reconsideration, which she said she had previously submitted on 27 May 2025. Unfortunately, that application was either not received or did not make its way to the Tribunal's file. There was then a delay in sending the reconsideration request to me, and a lengthy period of annual leave followed. Subsequent to that, on 29 September 2025, the Claimant submitted a further email to be taken into account in considering her application for reconsideration. As the reconsideration outcome had not yet been sent to the parties, it was considered and is dealt with below. We apologise to the parties for the delay in responding to the Claimant's request for reconsideration.

The Claimant's application

11) The Claimant's application for reconsideration was submitted on 25 grounds. I have

dealt with each of them by reference to the Claimant's numbering and headings in her reconsideration application(s).

12) The Claimant further notes in her introduction to the application that:

This application identifies multiple material errors in fact and law, including findings that were not supported by the evidence, or where evidence was misinterpreted, omitted, or accepted without scrutiny. I submit that these flaws render the judgment unsafe.

I bring this application as a litigant in person, and due to time and resource constraints, I have done my best to identify and organize the key points that I believe warrant reconsideration. However, this document may not capture every issue or irregularity, and
I respectfully ask the Tribunal to consider this context in assessing my application.

Ground 1 – "Failure to Order Disclosure of Ms James's Notes"

13) The Claimant is referring to the Tribunal's instructions to Mrs James that she could not take notes with her to the witness stand. The Tribunal did not make enquiries as to whether the notes were contemporaneous or prepared for the purposes of litigation. The Tribunal had before it an agreed Bundle of Documents, and unless specific issues are brought to the attention of the Tribunal, we would not know whether there were disputes as to whether disclosure obligations had been complied with.

14) If the Claimant felt that there were notes that should have, but were not, disclosed to her, it was open to her to a) make a request for them from the Respondents and b) make a request to the Tribunal for an Order for disclosure. The Tribunal is unaware what discussions were or were not had between the parties, but no request was made for an Order for disclosure by the Claimant or her counsel.

15) There is no reasonable prospect of the Judgment being varied or revoked on the basis of this ground.

Ground 2 – "Mischaracterization of My Role"

16) The finding of fact referred to by the Claimant is at paragraph 5 of the Judgment, and relates to the initial engagement of the Claimant in 2015, not the Claimant's role in the Resettlement team, which was the subject of this claim. This finding does not extend to describe the Claimant's role thereafter, or at the relevant time. The Claimant herself notes that the point she makes "was not directly tied to the disputed role".

17) The Claimant submits that the "mischaracterizarion" of her role indicates that the Tribunal did not understand "the true nature of [her] work" at the relevant time. A key aspect of the Claimant's claim was how she characterised her role compared to the Respondents, and the Tribunal understood that the Claimant and the Respondents did not agree as to the extent of the Claimant's role. The Tribunal understood the two positions and made findings of fact having carefully considered the evidence, including the evidence referred by the Claimant in her reconsideration application in respect of Ground 2. We did not agree with the Claimant's characterisation of her role at the material times. As referred to above, it is

insufficient for an applicant to apply for reconsideration simply because they disagree with the decision.

18) There is no reasonable prospect of the Judgment being varied or revoked on the basis of this ground.

Ground 3 – "False Justification That My Role Was Created Due to Illness. Material Error of Fact Regarding Purpose of Engagement (Redacted and Misleading Evidence Misinterpreted)"

19) The history leading up to the Claimant's initial engagement in the First Respondent's Resettlement Team is set out in the Judgment, insofar as it is relevant to the matters in issue. By the time the Claimant's engagement was confirmed, Mrs James was due to go off sick and the Tribunal found as a fact, having considered the evidence, that Mrs James "wanted to get the Claimant's engagement sorted out prior to her sick leave, as part of the arrangements for backfilling her role" and that, therefore, the Claimant was "to support the cover required during Mrs James's sick leave". The Tribunal did not hear evidence as to who knew about Mrs James's illness, and that was not relevant to the issues in this case. Whether the Claimant knew and at what stage is not relevant.

20) I note that the Claimant refers in this ground to "her role". These paragraphs in the Judgment do not refer to a substantive "role", but to the Claimant's initial engagement. The Claimant has not indicated how any alleged error of fact as to the reason why she was initially engaged has caused unfairness in the Judgment, which is what the Claimant appears to be alleging.

21) There is no reasonable prospect of the Judgment being varied or revoked on the basis of this ground.

Ground 4 – "Misleading Claims about Dan Berlin's Qualifications"

22) The Tribunal did not make any finding of fact about Mr Berlin's qualifications. Neither did we make a finding of fact, as suggested by the Claimant in her application under ground 4, that the Claimant "would not have succeeded in applying for the role", which I understand to be the Ukrainian Lettings Manager role, which is the role Mr Berlin was appointed to in 2022. The findings of fact in this regard are at paragraphs 36 and 37 of the Judgment, and the relevant conclusion is at paragraphs 228 and 229.

23) The process for shortlisting of or selection for the roles in question was not in issue – the Claimant did not apply for the Ukrainian Housing Manager role, which meant she was not considered for the Ukrainian Lettings Manager role.

24) There is no reasonable prospect of the Judgment being varied or revoked on the basis of this ground.

Ground 5 – "Manual Addition to Code of Conduct Form"

25) The Tribunal made its findings of fact based on the evidence available to it. The Claimant simply does not agree. That is not a legitimate basis for reconsideration.

26) There is no reasonable prospect of the Judgment being varied or revoked on the

basis of this ground.

Ground 6 – "Constructive Denial of Job Evaluation"

27) I understand the Claimant to be referring to the findings of fact at paragraphs 23 and 27 of the Judgment. The Claimant says in her application for reconsideration that "In August 2021, HR had confirmed my hours and responsibilities no longer met the casual worker definition". This correspondence was at pages 215 and 216 of the Bundle and is referenced in the Judgment. At this time, the Claimant was still treated as a casual worker, albeit there had been internal discussions. Employment status was subsequently raised by the Claimant's solicitor in November 2022 (paragraph 62 of the Judgment), and the First Respondent confirmed the Claimant's employment status on 25 November 2022 (paragraph 74 of the Judgment).

28) The evidence was considered by the Tribunal and findings made accordingly.

29) What "should" have happened in respect of job evaluation in August 2021 was not the issue in the case. The allegation (at issue 6.2.1) was that not evaluating the Claimant's role / withholding the possibility of a job evaluation from her was an act of direct race discrimination, i.e. because of the Claimant's case. The Tribunal did not uphold the complaint of discrimination.

30) Neither the Claimant nor her representative asked the Tribunal to Order disclosure of the documents / notes referred to by the Claimant under this Ground.

31) There is no reasonable prospect of the Judgment being varied or revoked on the basis of this ground.

Ground 7 – "Misleading Acceptance of PMO Involvement"

32) The findings of fact in relation to the PMO team's involvement with the Resettlement Team are at paragraphs 31 to 33 and 41-42. Evidence of the output of the PMO review was presented to the Tribunal, in the form of the proposed Language Policy and witness evidence (including the Claimant's evidence). We did not make a finding that the PMO team gave advice as to any formal job evaluation process.

33) It was open to the Claimant to request disclosure of any additional documents. No such application was made to the Tribunal.

34) As referred to above, the claim was one of race discrimination and we did not find that the Claimant was denied any job evaluation in August 2021 because of race.

35) There is no reasonable prospect of the Judgment being varied or revoked on the basis of this ground.

Ground 8 – "Exclusion from Job Evaluation Training Email (Discriminatory Detriment)"

36) This was pleaded as a claim for direct race discrimination, victimisation and/or whistleblowing detriment. The Tribunal considered why the Claimant was removed from the group email. The Claimant accepted that another employee was not included on the same email, albeit that the circumstances leading to his sickness were not the same. It was open to the Claimant / her representative to draw the

Tribunal's attention to any contradictory evidence in the Bundle. In her application for reconsideration under Ground 8, the Claimant says that she continued to receive other team communications between January 2023 and August 2023. The emails in the Bundle between those dates are direct emails to and from the Claimant relating to the various issues raised by her.

37) The Claimant does not suggest that she has found evidence now that was not available before. She does not appear to be raising any new points that she couldn't have raised at the final hearing of this matter. The basis of this ground is contrary to the principle of finality of litigation.

38) There is no reasonable prospect of the Judgment being varied or revoked on the basis of this ground.

Ground 9 – "Tribunal Relied on Unsupported and Contradicted Memory"

39) The Claimant refers to a conversation about her role in the Summer of 2021 "in Redfield". I understand this to refer to the finding of fact at paragraph 18 of the Judgment. The Tribunal made no finding of fact as to the location of the discussion with the Claimant, or the amount of time the Claimant and Mrs James spent together on the day in question. The Tribunal assessed what the Claimant said about the substance of the discussion, as well as what Mrs James said, along with the contemporaneous related emails (referred to in paragraphs 18 and 19 of the Judgment).

40) The issue of Mrs James's notes is dealt with above.

41) There is no reasonable prospect of the Judgment being varied or revoked on the basis of this ground.

Ground 10 – "Tribunal Heard False Comparator Claim Without Scrutiny"

42) The Claimant raises matters in relation to this Ground that were not relevant to issues to be determined by the Tribunal. As referred to above, the Tribunal made no finding of fact in relation to Mr Berlin's qualifications and his qualifications were not relevant to the Claimant's claims. Neither did the Tribunal make any finding as to whether the process followed by Mrs James in relation to the Ukrainian Lettings Manager (which the Claimant has referred to as "Ukrainian Programme Manager") was "correct". That was not the issue. The Tribunal did not make any finding as to whether the Claimant "would not have succeeded" if she had applied for the Ukrainian Lettings Manager role (or the Ukrainian roles by any other name). Again, that was not an issue for the Tribunal to determine.

43) As referred to above, the findings of fact in this regard are at paragraphs 36 and 37 of the Judgment, and the relevant conclusion is at paragraphs 228 and 229.

44) There is no reasonable prospect of the Judgment being varied or revoked on the basis of this ground.

Ground 11 – "Tribunal Misrepresented My Participation in Development Training"

45) The Claimant's claim was that In March 2022, Mrs James, the Second Respondent, "made sure that the Claimant did not have a chance to apply for the Housing

Management role in the Refugee Resettlement Team by not providing her with training".

46) The Tribunal made findings of fact as to the various training offered to the Claimant (paragraphs 39, 40 and 59 of the Judgment). Paragraph 59 deals with the invitation to attend sessions on confidence building, using transferable skills, and Team Leader skills, which the Claimant chose not to attend. No finding was made as to why, and the reason why the Claimant did not attend these sessions is not relevant to the Claimant's claim that she was denied training opportunities.

47) Our conclusion, at paragraph 228 of the Judgment was that "when the Claimant asked for training, she was offered it". The Claimant's application for reconsideration confirms that she attended a "Team Leader Development Programme".

48) There is no reasonable prospect of the Judgment being varied or revoked on the basis of this ground.

Ground 12 – "Disproportionate Treatment in Job Evaluation Access"

49) It is not entirely clear which finding or conclusion the Claimant disputes. However, the Tribunal did not make a finding in the terms suggested by the Claimant. There was not an issue before the Tribunal as to whether the Claimant should have been offered a job evaluation in August 2021. The allegation was one of direct race discrimination, and is referred to above. As the Claimant references in her application for reconsideration, she was believed to be a casual worker at this time, and not in a substantive role. She refers in her application to "other colleagues". However, her substantive colleagues would not be appropriate comparators, as their circumstances were not materially the same as the Claimant's.

50) There is no reasonable prospect of the Judgment being varied or revoked on the basis of this ground.

Ground 13 – "Tribunal Accepted Inconsistent SCP Calculation Without Verifying Method or Policy"

51) It was open to the Claimant at the final hearing to make submissions on the correct spinal column point. That said, the relevant claim was not what point the Claimant should have been placed on, but whether there was discrimination or an unlawful deduction from wages.

52) In relation to Mrs James's evidence that she forgot a previous discussion with the Claimant relating to higher SCP some 14-15 months earlier, the Claimant relies on Mrs James's email in December 2022, prompted following receipt of a solicitor's letter.

53) If any further evidence, such as pay policies, was relevant, it could have been provided at the time.

54) The Claimant was awarded back pay, and the back pay agreed.

55) There is no reasonable prospect of the Judgment being varied or revoked on the basis of this ground.

Ground 14 – "Tribunal Misapplied and Misunderstood the Polkey Reduction"

56) The Tribunal's conclusions are at paragraphs 180-187 of the Judgment. In summary, we found that the Claimant's dismissal was procedurally, but not substantively unfair, and that she would have been dismissed anyway. The reason for dismissal at paragraph 180 falls within "some other substantial reason", not conduct, disciplinary, or capability. It follows that a conduct, disciplinary or capability process was not required.

57) In any event, re-engagement was ordered, so no Polkey reduction was applied.

58) There is no reasonable prospect of the Judgment being varied or revoked on the basis of this ground. The Claimant's claim for unfair dismissal succeeded and she was awarded re-instatement.

Ground 15 – "Failure to Offer Redeployment Despite Medical Clearance and HR Misrepresentation"

59) In considering remedy (not an allegation of discrimination in relation to re-deployment) the Tribunal accepted the Claimant's submission that she was fit to work from 1 February 2024 and that she should therefore receive back pay from that date.
60) It was open to the Claimant to seek a different amount of compensation at full hearing.

61) There is no reasonable prospect of the Judgment being varied or revoked on the basis of this ground.

Ground 16 – "Failure to Offer Mediation During Informal Grievance Process"

62) Whether the Respondents should have offered mediation was not an issue for the Tribunal to determine. Whether the Respondents correctly followed the First Respondent's grievance policy was not an issue for the Tribunal to determine. The Claimant did not bring a claim for failure to make reasonable adjustments. The Tribunal's findings in relation to delays in the grievance process do not include findings as to whether the delay was acceptable or not.

63) The issues related to whether a delay in dealing with the Claimant's grievance amounted to discrimination, victimisation and/or detriment and it is in that context that the Tribunal found that "A delay of one month is not unusual, given the complexity and number of issues, particularly in the public sector" and did not uphold the Claimant's claim that there was delay because of race, a protected act or a protected disclosure.

64) There is no reasonable prospect of the Judgment being varied or revoked on the basis of this ground.

Ground 17 – "Tribunal Failed to Recognize Retaliatory Use of Evidence Following Protected Act"

65) The Claimant did not rely on a "protected act of seeking legal advice". Neither did we find the Claimant's solicitor's letter to be a protected act. Insofar as the Claimant relies on her 9 November solicitor's letter as a protected act, therefore the claim failed.

66) In any event, the Tribunal relied on the totality of the evidence before us in reaching our conclusions in relation to the Claimant's role, not just correspondence produced after the Claimant's solicitor's letter was received (as appears to be alleged).

67) There is no reasonable prospect of the Judgment being varied or revoked on the basis of this ground.

Ground 18 – "Tribunal Failed to Scrutinize Misuse of Grant Conditions and Misclassification of Employment (Respondents' Failure to Adhere to Grant Funding Conditions While Creating an Illusion of Compliance)"

68) The Claimant asserts that the Tribunal "erred in accepting the Respondent's justification for the decisions based on grant funding conditions, without requiring any supporting documentation".

69) The Claimant submitted further evidence to support this Ground on 29 September 2025. She said that this evidence "directly undercut the Respondent's assertion (accepted at first instance) that my status was dictated by "grant conditions," for which no grant documents were produced. This amounts to a material mistake of fact accepted without documentary proof and a failure to test a central assertion".

70) No such finding of fact was made by the Tribunal.

71) The Claimant further asserts that the Tribunal "accepted administrative indicators—such as the use of invoices—as justification for self-employment, while overlooking the fact that I was paid via PAYE, had pension contributions removed without consent, and had no written agreement regarding rolled-up holiday or pension pay. These factors are consistent with employee status and trigger statutory protections".

72) The Tribunal did not assess the Claimant's employment status. Employment status was agreed by the parties, having been conceded by the Respondents.

73) There is no reasonable prospect of the Judgment being varied or revoked on the basis of this ground.

Ground 19 – "Tribunal Accepted Inaccurate Oral Claim That I Replaced Zaynab Ismail"

74) The Claimant is incorrect in asserting that the Tribunal sought and relied on oral evidence in relation to the Claimant "replac[ing] Zaynab Ismail". As set out in paragraph 9 of the Judgment, "The IR35 casual starter form dated 12 August 2019 [184] states the Claimant's role as "casual support worker. Replacing Seynap Ismail"."

75) This finding relates to the start of the Claimant's engagement in 2019. As set out in paragraph 42 of the Judgment, by June 2022, "the Claimant and Mrs James both still considered the Claimant to be a casual member of staff" (it is worth noting for completeness that the Judgment further describes the confusion that existed between self-employed persons and casual workers).

76) The reference to Zaynab Ismail, and indeed to other persons whose work the Claimant covered, is relevant to the work done by the Claimant. The perceived status of the Claimant is relevant to why certain acts did or did not happen. Those are separate points.

77) There is no reasonable prospect of the Judgment being varied or revoked on the basis of this ground.

Ground 20 – "Tribunal Mischaracterized My Role Based on Informal Labels Rather Than Assessing Actual Duties"

78) The Tribunal found that the Claimant was carrying out the role of a "senior support worker" (not "basic support"). The Claimant did not raise any evidence in Tribunal, and does not raise any points in her application for reconsideration, that suggest she was doing anything beyond what a competent senior support worker would do (as well as interpretation, which other senior support workers also did).

79) The consistent evidence referred to in the Judgment is of the Claimant undertaking the role of Senior Support Worker. For example, paragraph 12 of the Judgment refers to the duties of Senior Support Workers in Mrs James's Resettlement Team, and as carried out by the Claimant. The Claimant considered that she could do more (paragraph 28), but the evidence is that she was assigned and doing Senior Support Worker work. Those findings were made based on evidence, including from the Claimant (which the Claimant acknowledges in her application for reconsideration). The Tribunal also noted at paragraph 62 of the Judgment, that the Claimant's solicitor compared the Claimant to Senior Support Workers, and asserted that the Claimant "*performs services which are similar to or substantially the same as those performed by other employees and works alongside these other employees. From the outside looking in people would note no difference between our client and the team's other employees."*

80) The Claimant does not agree with the Tribunal's assessment of the evidence. That is not sufficient reason to reconsider the Judgment.

81) There is no reasonable prospect of the Judgment being varied or revoked on the basis of this ground.

Ground 21 – "Tribunal Failed to Scrutinize Contradictions in Regrading and Appointment Process for Comparator"

82) It was open to the Claimant to raise points in relation to re-grading or recruitment at the hearing. However, the Claimant was not in a comparable position to Mr Berlin, who was accepted to be in a substantive post and more senior post.

83) It is not entirely clear what point the Claimant is seeking to make in respect of her claims and Mr Berlin's alleged change of role in January 2025, (of which no evidence was or is provided), but the points made appear to be speculative.

84) The matters before the Tribunal were carefully considered. There is no reasonable prospect of the Judgment being varied or revoked on the basis of this ground.

Ground 22 – "Tribunal Failed to Consider Lack of IT Access as Evidence That My Role Was Unstructured and Reactive"

85) The Claimant did not raise issues as to IT systems etc. Such matters were clearly known and could have been raised, if relevant, at the hearing. That said, the Tribunal did not make any determination as to the Claimant's employment status – it was not a matter in issue, the Respondents having conceded the matter.

86) There is no reasonable prospect of the Judgment being varied or revoked on the basis of this ground.

Ground 23 – "Tribunal Mischaracterized Isolated Policy Presentation and Misinterpreted Role Justification, Overlooking Racialized Undervaluation"

87) The Claimant has not accurately reported the findings of fact or conclusions made by the Tribunal.

88) By way of example, the Claimant says "The Tribunal also wrongly accepted that my duties were removed lawfully because I "knew" Ms James intended to create a BG8 interpreter role". There is no finding that duties were "removed" from the Claimant, or any finding connecting the fairness of the Claimant's dismissal to a previous proposal to create a BG8 role.

89) Whilst the Claimant disagrees with the findings of the Tribunal, and the findings that she thinks the Tribunal has made, that is not a basis for reconsideration.

90) There is no reasonable prospect of the Judgment being varied or revoked on the basis of this ground.

Ground 24 – "Racist Comments and Cultural Bias Ignored by Tribunal"

91) The Tribunal took into account the allegation that Ms Hanley referred to clients as "lazy" and rejected the Claimant's account based on the contemporaneous evidence (paragraph 50 of the Judgment). In her application for reconsideration, the Claimant refers to page 446 of the Bundle, which is notes of a grievance meeting in February 2023, some 5 months after the alleged comments were made. The Tribunal was aware of this document and it was referred to during the hearing. It did not change our finding.

92) The Tribunal was also aware of team discussions about racism (and responding to clients' experiences of previous racism), including the email referred to at page 322. We made our findings of fact based on all the evidence.

93) There is no reasonable prospect of the Judgment being varied or revoked on the basis of this ground.

Ground 25 – "Failure to Disclose or Provide Recruitment Policy Documents"

94) As referred to in this Judgment on Reconsideration, neither the Claimant nor her counsel made an application for specific disclosure of the documents that she now says should have been considered. The Claimant does not indicate what policies should have been available, other than in relation to pay progression.

95) In relation to SCP (pay) progression, as set out in relation to Ground 13 above, it was open to the Claimant at the final hearing to make submissions on the correct spinal column point. That said, the relevant claim was not what point the Claimant should have been placed on, but whether there was discrimination or an unlawful deduction from wages.

96) There is no reasonable prospect of the Judgment being varied or revoked on the basis of this ground.

Concluding remarks

97) Throughout the Claimant's application she refers to case law, but not always accurately representing the ratio of the case. I do not consider it necessary to address each case in this Judgment, but the Claimant's application has been carefully considered. Insofar as there is alleged to be an error of law in reliance on any of those cases, that is a matter for the Employment Appeal Tribunal.

98) Whilst the Tribunal understands that the Claimant does not agree with the Tribunal's findings, that is not a proper basis for reconsideration of the Judgment. There must be finality in litigation, and reconsideration is not a right or opportunity for another attempt to litigate the same points, based on the same evidence or evidence that could have been presented before the Tribunal at the original hearing.

99) There is no reasonable prospect of the Judgment being varied or revoked.

100) The Claimant's application for reconsideration of the Judgment is therefore refused.

Employment Judge Youngs
1 October 2025

JUDGMENT SENT TO THE PARTIES ON
1st October
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Simon Fraser
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FOR THE TRIBUNAL OFFICE