



EMPLOYMENT TRIBUNALS

Claimant: Mr T El-Tawil

Respondents: AECOM Limited (1)
Heathrow Airport Limited (2)

JUDGMENT ON RECONSIDERATION

The claimant's application for reconsideration of the partial dismissal judgment sent to the parties on 19 September 2025 is refused under rule 70(2) of the Employment Tribunal Procedure Rules 2024.

REASONS

1. At a hearing on 2 September 2025 at which the claimant was represented by counsel, Mr Betchley, the claimant withdrew his complaint of whistleblowing detriment against the second respondent.
2. I said that I would issue a judgment under rule 51, dismissing on withdrawal the complaint of whistleblowing detriment against the second respondent. That dismissal judgment was sent to the parties on 19 September 2025.
3. On 2 October 2025 the claimant applied for reconsideration of the dismissal judgment. He says that his counsel had no instruction or consent from him to withdraw that complaint against the second respondent. He sent further information in support of his application on 6 October 2025.

The rules on reconsideration

4. Rule 68 of the Employment Tribunal Procedure Rules 2024 says:

"(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.”

5. The rule allows reconsideration only where reconsideration is necessary in the interests of justice. This reflects the public interest in the finality of litigation. The reconsideration process is not an opportunity for a party to seek to reopen matters which the tribunal has determined without any basis for doing so. There must be some basis for reconsideration.
6. Rule 69 explains when an application for reconsideration must be made:

“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.”*
7. Rule 70 explains the process to be followed on an application for reconsideration under rule 69. It says:

“(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."

Conclusions on the claimant's application

8. Rule 70(2) requires me to consider whether there is any reasonable prospect of the dismissal judgment being varied or revoked. I must decide whether there is any reasonable prospect of a conclusion that variation or revocation of that judgment is necessary in the interests of justice.
9. I have decided that there is no reasonable prospect of variation or revocation of the dismissal judgment, for the following reasons:
 - 9.1 The claimant was present at (and took an active part in) the hearing when counsel withdrew the complaint of whistleblowing detriment on his behalf. The claimant did not object;
 - 9.2 The claim was presented on 26 October 2023 and there have now been four preliminary hearings in this case. There have been lengthy discussions between the parties and at the preliminary hearings to identify and clarify the issues in the case. A final version of the list of issues was produced at the hearing on 2 September 2025. The parties are now due to be complying with orders made at the hearing on 2 September 2025 to prepare the case for the final hearing in September 2026. It would delay those preparations (and possibly the final hearing) if discussions about the list are reopened. That would give rise to substantial prejudice to the respondent.
 - 9.3 The prejudice to the claimant from not being able to reinstate a complaint of whistleblowing detriment against the second respondent is small, because he is already pursuing a large number of complaints against both respondents (the list of issues is some 13 pages long), the complaints include whistleblowing detriment complaints against the first respondent, and because there is little reasonable prospect of success in respect of any complaint against the second respondent, as I explained in the deposit order sent to the parties on 19 September 2025.
 - 9.4 It would not be in line with the overriding objective and would be disproportionate to reconsider the dismissal judgment to allow the claimant to reinstate his complaint of whistleblowing detriment against the second respondent. It would not be in the interests of justice to do that. There is no reasonable prospect of variation or revocation of the dismissal judgment.

10. The claimant's application for reconsideration is therefore refused under rule 70(2).
11. The first respondent says that the claimant has failed to comply with orders I made in the case management orders sent to the parties on 19 September 2025 by not providing a schedule of loss or all of his documents. The tribunal has written separately to the parties about that. I encourage the claimant to focus on the steps to prepare for the final hearing, rather than taking time revisiting matters which have already been concluded. There is a real risk that the final hearing will not be able to proceed in September 2026 if the case management orders are not properly complied with. A failure by any party to comply with the orders of the tribunal could lead to the claim or the response being struck out, in whole or in part.

**Approved by:
Employment Judge Hawksworth**

Date: 28 November 2025

Judgment and Reasons sent to the parties on

04/12/2025

For the Tribunal office