



EMPLOYMENT TRIBUNALS

BETWEEN

Mr A Iqbal

Claimant

AND

King's College Hospital NHS Foundation Trust

Respondent

JUDGMENT

The claimant's application dated 1 October 2025 for a reconsideration of the Judgment and Written Reasons sent to the parties on 1 July 2025 and 18 September 2025 respectively is refused.

REASONS

1. The power to reconsider is contained in rule 68 of the Employment Tribunal Rules 2024:

'(1) 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.

(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.'

and rule 70(2) states:

'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.'

2. The power is not open-ended. Its purpose is to allow the Tribunal to correct an incorrect decision without the need for the parties to go to an appeal. It is limited not least by the need for finality in litigation. It is not intended to be used as a way of arguing the same points again, or of raising new points or further evidence. If fresh evidence has come to light, that will only usually warrant a

reconsideration if the evidence could not have been obtained with reasonable diligence for use at the original hearing, it is relevant, apparently credible and would probably have had an important influence on the hearing.

3. In Liddington v 2Gether NHS Foundation Trust EAT/0002/16 Mrs Justice Simler P, as she then was, summarised the position as follows:

‘... 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.’
4. Further, unless it is quickly apparent that the Tribunal has made an error of law, any alleged error of law should be dealt with by way of appeal to the Employment Appeal Tribunal.
5. The Application
6. The claimant's application, apparently written by the same Counsel who represented him at the final Hearing, refers to 10 grounds supported by three appendices.
7. The first ground, in summary, is that he says it is not apparent from the Tribunal's reasons why he lost the claims of harassment and victimisation.
8. Those claims were identified in the list of issues as follows:
 - 8.1 the alleged unwanted conduct forming the basis of the harassment claim at paragraphs 15(a)-(d); and
 - 8.2 for the victimisation claim, the protected acts at paragraphs 19 (a) & (b) and the alleged detriments at paragraph 21(a)-(d) with (c)&(d) cross referring to paragraphs 8(n)(i)-(vi).
9. In the Findings of Fact section of the Tribunal's reasons, we included cross references in the subheadings to the relevant paragraphs of the list of issues (including all of those referring to the alleged unwanted conduct and detriment) and also explained (at paragraph 70) that, in order to avoid repetition in the conclusions section, we made findings as to whether any specific adverse treatment of the claimant was related to (harassment) the claimant's protected characteristics or because he did a protected act (victimisation). In the Conclusions section of the reasons we set out our finding overall that either the relevant alleged treatment did not happen or that it did, but it was not because of or related to the claimant's protected characteristics nor because of any protected act. It is apparent therefore that findings of fact and conclusions were set out in respect of all the component parts of the harassment and victimisation claims with reasons why.
10. In relation to the second, third, fifth, ninth and tenth grounds of the application

the matters raised by the claimant were all considered by the Tribunal on the basis of the evidence before us, both oral and written, when coming to our conclusions. This is reflected in the reasons. The claimant is seeking simply to reargue what was already argued and decided.

11. The fourth ground of the application (and appendix A) relates to the Tribunal's statement that the respondent 'has an extremely diverse workforce'. This statement was made on the basis of what the Tribunal could see for ourselves from the evidence before us. The subsequent production of equality monitoring data by the claimant and his complaint that the respondent could have produced the same for the Hearing, is irrelevant. Even if such data had been available to the Tribunal it would have made no difference to our decision.
12. In relation to the sixth and seventh grounds of the application (and appendices B & C) the claimant is again seeking to reargue matters already considered and decided by the Tribunal on the basis of the evidence, both oral and written, before us. He is also seeking to rely on new evidence. Any relevant evidence should have been submitted at or before the Hearing. He has given no explanation as to why this new evidence was not available to him then but is now. As to his complaints regarding the respondent's approach to disclosure of documents, see below.
13. The eighth ground of the application relates to what the claimant believes is a misstatement by the Tribunal relating to his career aspirations. Even if he is right that the Tribunal misunderstood this part of his case and his career aspirations dated back to 2012, this would have no material bearing on the Tribunal's decision.
14. Finally, as a general point, the claimant has asked the Tribunal to take into account alleged breaches by the respondent in relation to disclosure of documents and preparation of the trial bundle prior to the Hearing. The claimant had the benefit of representation by Counsel at the Hearing and issues relating to documents, such as there were, were addressed at the time. Any Tribunal can only make its decision on the basis of the evidence – both oral and written – before it. Any historic issues relating to documents are no longer relevant.
15. Decision
16. For the reasons set out above in respect of each of the claimant's grounds of application, there is no reasonable prospect of the original decision being varied or revoked and the application for a reconsideration is refused.

APPROVED BY JUDGE ANDREWS

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Employment Judge Andrews
Date 17 October 2025

