



EMPLOYMENT TRIBUNALS

Claimant: Miss G Pryke

Respondent: Dentaprice UK plc

Heard at: London East (by CVP)

On: 12 & 13 June 2025

Before: Employment Judge Carpenter

Appearances:

For the claimant: Self-represented

For the respondent: Mr Y Petrov

JUDGMENT ON RECONSIDERATION

The Respondent's application made under Rule 69 of the Employment Tribunal Procedure Rules 2024 for reconsideration of the Judgment is refused. The Tribunal's Judgment is confirmed.

REASONS

Background

1. In a judgment dated 13 June 2025 and sent to the parties on 23 June 2025 ("the Judgment"), the Tribunal upheld the Claimant's complaints of unfair dismissal and unlawful deduction of wages in respect of holiday pay and redundancy pay.
2. On 27 June 2025, the Respondent applied for reconsideration of the Judgment under Rule 69 of the Employment Tribunal Procedure Rules 2024 ("the 2024 Rules").

3. The grounds upon which the Respondent applies for reconsideration are, in summary, the following:
 - a. In respect of the finding of unfair dismissal:
 - i. The Tribunal made findings of fact that no properly directed court or tribunal could reasonably have arrived at based on the evidence presented;
 - ii. The Tribunal misapplied the case law in respect of the adequacy of consultation for a fair redundancy dismissal.
 - b. In respect of the remedy awarded, the Tribunal exceeded its powers by awarding an amount in respect of loss of earnings beyond the amount pleaded by the Claimant.

Process

4. Rule 70 of the 2024 Rules sets out the process for reconsideration:

“(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.”
5. There are a number of established principles in respect of reconsideration:
 - a. The Tribunal must seek to give effect to the overriding objective of dealing with cases fairly and justly, which includes dealing with cases in ways which are proportionate to the complexity and importance of the issues, avoiding delay, so far as compatible with proper consideration of the issues, and saving expense (Rule 3 of the 2024 Rules);
 - b. The interests of justice allow for a broad discretion in respect of whether reconsideration is appropriate, albeit one that must be exercised judicially (**Outasight VB Ltd v Brown [2015] ICR D11 EAT**);
 - c. The interests of both parties should be taken into account when deciding whether it is in the interests of justice to reconsider the judgment **Outasight VB Ltd v Brown [2015] ICR D11 EAT**.
 - d. A central aspect of the interests of justice is that there should be finality in litigation, and the jurisdiction to reconsider should be exercised with caution (**Ebury Partners Ltd v Acton Davis 2023 EAT 40**);

Unfair dismissal

6. The Respondent's assertion that the Tribunal made unreasonable findings of fact and/or misapplied the case law in respect of the adequacy of consultation is misconceived. The Respondent did not present any evidence to the Tribunal that consultation was carried out with Miss Pryke about the transfer of her role to Bulgaria while that proposal was at a formative stage (as per **De Bank Haycocks v ADP RPO UK Ltd 2024 EWCA Civ 1291, CA**).
7. The Tribunal accepted that the Respondent had engaged with Miss Pryke about potential redeployment. However, the Tribunal was entitled to find that this did not satisfy the tests under case law for consultation about potential redundancy to be carried out while proposals are at a formative stage. The Tribunal was entitled to find that in order to carry out a fair process the Respondent should have consulted with the Claimant before the decision was taken to move the HR department overseas.

Judicial error in awarding compensation

8. In calculating the compensatory award for unfair dismissal, the Tribunal exercised its discretion under s123 Employment Rights Act 1996 to award *"such amount as the tribunal considers just and equitable in all the circumstances having regard to the loss sustained by the complainant in consequence of the dismissal in so far as that loss is attributable to action taken by the employer"*.
9. The Tribunal was not constrained either by the Employment Rights Act 1996 or by the 2024 Rules to cap the amounts payable to those set out in the Claimant's schedule of loss.
10. In reaching its decision as to remedy, the Tribunal took account of the ET1, ET3, and the schedule of loss, as well as the submissions made by both parties as to remedies following judgment on liability. The Tribunal took into account that the Claimant was unrepresented and understandably not wholly familiar with the relevant law on compensation for unfair dismissal.
11. I note that the overall compensation awarded was significantly less than that claimed by the Claimant in her schedule of loss and in submissions.

Conclusion

12. There is nothing in the Respondent's application for reconsideration which causes me to consider that it is in the interests of justice to reconsider the Judgment. The reconsideration application is therefore rejected under Rule 70(2) of the 2024 Rules.

Employment Judge Carpenter
19 August 2025

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