



EMPLOYMENT TRIBUNALS

Claimant: Mr P Sullivan
-and-
Respondent: RTC Education Limited

JUDGMENT

The Claimant's application dated 2 January 2026 for a reconsideration of the Judgment dated 16 December 2025 (and sent to the parties on 19 December 2025), is refused under Rule 70 of the Employment Tribunals Rules of Procedure 2024. There are no reasonable prospects of the Judgment being varied or revoked.

REASONS

1. By email sent on 2 January 2025 the Claimant asked for a reconsideration of the Tribunal Judgment dismissing his claims of direct discrimination and victimisation.
2. Under Rule 68 of the Employment Tribunal Rules of Procedure 2024 a Tribunal "may... reconsider any judgment where it is necessary in the interests of justice to do so". Upon reconsideration the Judgment may be confirmed, varied or revoked.
3. Rule 70 provides that the Tribunal must consider a (timeous) application to reconsider, and if the Tribunal considers there is no reasonable prospect of the decision being varied or revoked, the application shall be refused. Otherwise it is to be decided, with or without a hearing, by the Tribunal that heard it.
4. A Judgment will only be reconsidered where it is necessary in the interests of justice to do so. This does not mean that in any case where a litigant is not successful he is entitled to a reconsideration. The Tribunal must seek to give effect to the overriding objective to deal with cases "fairly and justly". Case law establishes that, while the interests of justice test allows for a broad discretion, it must be exercised judicially, which means having regard not only to the interests of the party seeking the reconsideration, but also to 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.

5. Under the 2004 rules prescribed grounds for a reconsideration were set out, plus a generic “interests of justice” provision, which was to be construed as being of the same type as the other grounds. These were that a party did not receive notice of the hearing, or the decision was made in the absence of a party, or that new evidence had become available since the hearing provided that its existence could not have been reasonably known of or foreseen at the time. Those grounds remain highly relevant to the issue of when it is in the interests of justice to reconsider a Judgment. A reconsideration application is not a means by which a disappointed litigant can reopen issues that were already before the Tribunal in order to have another bite at the cherry.
6. The Claimant says that it is necessary to reconsider the Judgment in the interests of justice because at paragraph 43 a finding of fact was made for which there was no evidence. It was the Claimant’s case that (while he was away in Northern Ireland because of problems with his London accommodation) Mr Donnarumma asked the Claimant when he was coming back to the United Kingdom - and that his question amounted to direct discrimination and victimisation. He suggests that because Mr Donnarumma did not give evidence in the case the Tribunal was unable to make a finding that his question did not amount to direct discrimination or victimisation.
7. As to victimisation that question was said to have been asked before the pleaded protected act – so the Claimant had put the cart before the horse, As to direct discrimination the issue for the Tribunal was whether that query was demeaning and amounted to less favourable treatment of the Claimant because of his perceived political beliefs or because of his nationality. The finding was that it did not. In the absence of Mr Donnarumma the Tribunal was entitled to have regard to the context in which the question was asked and it did so,
8. The application discloses no proper grounds for a reconsideration and is refused.

Employment Judge F Spencer
5 January 2026

JUDGMENT SENT TO THE PARTIES ON
14 January 2026

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FOR THE TRIBUNAL OFFICE