



EMPLOYMENT TRIBUNALS

Claimant: Mr F Jones

First Respondent: Sparta Security Group Limited (in voluntary liquidation)

Second Respondent: Secretary of State for Business and Trade

JUDGMENT

1. The claimant's application for reconsideration of the judgment dated 30 September 2025 is refused.

REASONS

The claimant's request for reconsideration

1. The claimant has requested reconsideration of the decision given on 30 September 2025 by way of the following emails:
 - a. Email timed at 09:19 on 1 October 2025;
 - b. Email timed at 08:59 on 25 November 2025
2. The claimant's email of 1 October 2025 gives the following reasons for seeking a reconsideration:
 - a. The claimant did not receive details of the hearing on Monday 29 September 2025 until Friday 26 September 2025 so he only had one working day to prepare for the hearing;
 - b. The hearing bundle was not available to the claimant in advance of the hearing as the bundle was at his accountant's office;

- c. The claimant was provided with a copy of the bundle during the hearing (by Tribunal staff) which left the claimant with insufficient time to review the document or to prepare response;
 - d. The claimant did not have adequate preparation time or access to his accountant so he was to able to present accurate information in response to specific and detailed questions at the hearing;
 - e. The respondent struggles to remember events short term in light of suffering from a bleed on the brain;
 - f. The claimant was not permitted to have his wife or accountant to support him to give evidence to answer questions accurately which disadvantaged him;
 - g. The judge's manner was "*unnecessarily condescending and dismissive, particularly given the obvious disadvantage I was under due to lack of notice and lack of access to documentation. She made me feel thick because I wasn't privy to certain questions within the business – that is why I would have had external support*"
3. The email of 25 November 2025 does not provide many new information but confirms that the claimant's email of 1 October 2025 was intended as an application for reconsideration.

The law

- 4. Rule 68 of The Employment Tribunal Procedure Rules 2024 ("the Rules") sets out that the Employment Tribunal may reconsider any judgment where it is necessary in the interests of justice to do so. If a judgment is reconsidered the decision may be confirmed, varied or revoked.
- 5. Rule 69 provides that an application for reconsideration under Rule 68 must be made in writing (and copied to the other parties) within 14 days of the date on which the decision was sent to the parties.
- 6. The process by which the Tribunal considers and application for reconsideration is set out in Rule 70. Rule 70 (2) sets out that where an Employment Judge considers that there is no reasonable prospect of the original decision being varied or revoked the application shall be refused and the Tribunal shall inform the parties of the refusal.
- 7. Guidance as to how to approach applications for reconsideration is set out in the case of Liddington v 2Gether NHS Foundation Trust UKEAT/002/16/DA. Simler P said (at paragraphs 34 and 35:
- 8. "*...a request for reconsideration is not an opportunity for a party to seek to re-litigate matters which have already been litigated or to reargue matters in a*

different way or 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. Tribunals have a wide discretion whether or not to order reconsideration.

9. *Where ... a matter has been fully ventilated and properly argued, and in the absence of any identifiable administrative error or event occurring after the hearing that requires a reconsideration in the interest of justice and asserted error of law is to be corrected on an appeal and not through the back door by way of reconsideration.*

Conclusion and decision

10. The claimant's application was received in time.
11. The claimant's application of 1 October 2025 was not copied to the respondent, although his subsequent email of 25 November 2025 was copied to the respondent. I consider that it is just to waive that requirement in accordance with the general discretion that the Tribunal has under Rule 6. It is just because there will be no prejudice to the respondent if I waive that requirement.
12. I have had regard to the overriding objective to consider the case fairly and justly and I have done so in respect of the claimant's application. There is no reasonable prospect of the original decision being varied or revoked because:
- a. the claimant attended the case management hearing on 26 March 2025 so the claimant knew what the claims and issues were;
 - b. the majority of the documents and evidence available to the Tribunal were accounts and records provided by the claimant;
 - c. the findings and fact and decision were based on the evidence and information that was available at the final hearing;
 - d. all of the evidence and information that was available at the final hearing has been properly considered;
 - e. the claimant was given time to review the documents and bundle over an extended lunch break before he was asked to give evidence;
 - f. the claimant was directed to specific page numbers in the bundle and given time to read and comment on documents and information during the course of his evidence;

- g. the claimant was given ample opportunity to answer questions that were put to him;
 - h. the claimant asked on more than occasion during the hearing if he was allowed to bring other witnesses to give evidence as he said that there were a number of questions that his accountant would know the answers to. I told the claimant that I would not permit anyone who had not prepared a witness statement to give evidence at the hearing. That is in accordance with usual procedure and is part of the principle of open justice;
 - i. the nature of the claimant's claims mean that the Tribunal had to assess the nature of the relationship between the claimant and his company so it was essential to hear evidence from the claimant about his understanding of the relationship;
 - j. the Tribunal had ample evidence and information on which to properly decide the claimant's claim;
 - k. the request for reconsideration does not reveal any new evidence or information that was not available to the Tribunal at the final hearing;
13. His Majesty's Court and Tribunal Service (HMCTS) is responding separately to the claimant about late and misdirected communication.

Approved by:
Employment Judge Heather
12 December 2025

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