



EMPLOYMENT TRIBUNALS

Claimant

Miss Emma Ibsen

Respondent

Suffolk County Council

v

JUDGMENT ON RECONSIDERATION APPLICATION

The application is refused.

REASONS

1. On the 20 December 2025 the claimant filed an application for reconsideration of the judgment and reasons dated 4 December 2025 following the Hearing held on the 27 and 28 November 2025. The judge requested written representations from the respondent which have been considered. Both parties agreed that the claimant's application for reconsideration could be dealt with without a hearing

Alleged overturning of E J Hunt's orders

2. The claimant does not state which order of E J Hunt the judge overturned. The only order he made was the listing of the Full Merits Hearing. REJ Foxwell then listed a further case management hearing which took place before this Employment Judge on the 11 July 2025. At that Hearing after further discussion of the issues, it was deemed appropriate to list a Public Preliminary Hearing to determine:
 - 2.1 whether the tribunal had jurisdiction to consider the TUPE claim
 - 2.2 whether it was received out of time
 - 2.3 whether it had any reasonable prospects of success

- 2.4 that the respondent having been ordered to provide further information on the Material Factor Defence that would also be dealt with.
3. The tribunal having given its judgment at the Public Preliminary Hearing on the 27 and 28 November 2025 it was then only appropriate that the Full Merits Hearing be vacated as the claim was not proceeding.

Summary of the claimant's case as recorded at the 11 July 2025 hearing

4. The Summary sent to the parties after that hearing recorded at paragraph 2 the claimant's case as summarised in the Grounds of Resistance. The tribunal expressly noted 'that paragraph was discussed with the claimant's representative who agreed that it was a fair summary of her case'. At no time following that Summary did the claimant state that paragraph was inaccurate until this application in which she states that 'although close to the Claim being made by the Claimant is not accurate'.

Sex Equality clause and objective justification

5. It is correct that the tribunal indicated it did not need to hear from the claimant on this point. As had been made clear at the case management hearing the material factor defence point was to be determined as if it had been found the respondent was in breach of the sex equality clause.

TUPE

6. The claimant then makes extensive points in her application about the application of TUPE. The tribunal has found her to be wrong in the way in which she is interpreting those Regulations. If, as is being submitted, the tribunal has been wrong in law, then the claimant's redress is to appeal. There are no grounds in the application before this tribunal to set aside or vary its judgment.
7. The application to reconsider the judgment is refused.

Approved by:

Employment Judge Laidler

Date: 4 February 2026

Sent to the parties on: 6 February 2026.

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For the Tribunal Office.

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<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>