



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr R Walton

United Kingdom Atomic Energy Authority

JUDGMENT ON RECONSIDERATION

Rules 69 - 71 of the Employment Tribunal Rules of Procedure 2024

Upon the claimant's application made by email of 13 January 2026 to reconsider the judgment given orally to the parties on 31 October 2025 and with reasons sent to the parties on 6 January 2026 under Rule 70 Employment Tribunal Rules of Procedure 2024 and without a hearing:-

The application to reconsider is refused as there is no reasonable prospect of the judgment being varied or revoked.

REASONS

Introduction

1. The claimant's claim for a detriment (termination of an assignment) arising from having made protected public interest disclosures brought against the respondent was heard by a full tribunal over 4 days in October 2025. His claim was unsuccessful for the reasons given orally and in the written reasons provided when requested.
2. The claimant has sent several communications since the hearing, all of which have been responded to by the respondent's representatives. In letters attached to emails of 20 November 2025, 27 November 2025 and 11 December 2025 the claimant appeared to be asking for reconsideration and/or that he be allowed to amend his claim (or perhaps bring a new claim alleging a breach of the Agency Worker's regulations).
3. After written reasons were sent to the parties in early January, the claimant made an application for reconsideration by email on 13 January 2026. That application also appeared to include an application that the claimant be allowed to rely on a letter of 9 May 2021 as a further alleged public interest disclosure. This letter was referred to in the hearing but was

not one of the alleged public interest disclosures relied upon by the claimant at the hearing.

4. As stated, the respondent's representatives have replied to all these communications with the last letter I have seen being sent as an attachment to an email of 9 February 2026. In summary, the respondent objects to the claimant's applications (except, of course, where he applied for written reasons). This means that I have looked at eight relatively detailed documents when considering the claimant's applications. However, as the claimant has referred to the written reasons in his clear application for reconsideration of 13 January 2026, I have particularly concentrated on that application, taking into account the respondent's representatives' response of 9 February 2026.
5. In the document accompanying the email of 13 January 2026, the claimant states that reconsideration should take place in the interests of justice. He states that certain material findings of fact only "*crystallised*" in the oral judgment of 31 October 2025 and the reasons provided on 6 January 2026. He refers to paragraph 41 of the judgment which refers to one of the witnesses not wanting him on site because the IP issue was not resolved. The claimant states that he does not ask the tribunal to re-open findings of fact and that he accepts them as far as they relate to the alleged disclosures pleaded in his ET1. What he seeks to argue is that the letter of 9 May 2021 amounted to a public interest disclosure and that only became clear to the claimant after the tribunal had referred to the IP dispute as being, in his words "*the operative reason for dismissal*". In essence, as I understand his application now, he is asking that the tribunal reconsider the judgment to include that letter as being one of the alleged public interest disclosures.
6. In its letter of 9 February 2026, the respondent's representatives say that the claimant's application is not a valid reconsideration application because he is, in effect, trying to amend a claim that has been dismissed. The claimant is asking the tribunal to allow him to amend a dismissed claim to include a new alleged public interest disclosure. In the alternative, the respondent says, even if it is a valid application for reconsideration, it should be refused as the letter of 9 May 2021, if it had been considered by the tribunal, would have been found not to be protected for the same, or similar reasons, to the tribunal's conclusions with respect to those alleged public interest disclosures which were considered at the hearing. They refer to the tribunal's reasons at paragraph 55 with respect to whether the disclosures were made in the public interest. The tribunal found that the claimant did not believe disclosure was in the public interest and, if he did, that belief was not reasonable.

Rules

7. The relevant employment tribunal rules for this application read as follows:

RECONSIDERATION OF JUDGMENTS

Application for reconsideration

69. *Except where it is made in the course of a hearing, an application for reconsideration must be made in writing setting out why reconsideration is necessary and must be sent to the Tribunal within 14 days of the later of—*
(a) the date on which the written record of the judgment sought to be reconsidered was sent to the parties, or
(b) the date that the written reasons were sent, if these were sent separately.

Process for reconsideration

70.—(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.*

8. In essence, my first task is to consider whether the application has been made in time under Rule 69. I accept that the application appears to have been made in time, having been made on 13 January 2026.
9. I should then consider whether there is no reasonable prospect of the judgment being varied or revoked. If I decide that, I must, under Rule 70 (2) refuse the application and inform the parties. If I do not refuse the application, I must consider the matter at a hearing unless that is not necessary in the interests of justice.

Conclusions

10. I consider that there are no reasonable prospects of the judgment being varied or revoked and must refuse it under Rule 70 (2). This was a full hearing over 4 days. The claimant does not take issue with the tribunal's findings about the three alleged public interest disclosures considered at the hearing. As stated, those we found not to have been made in the public interest. We also found that, even if they had been made in the

public interest, they were not a material factor in the decision to terminate his assignment in September 2024.

11. The claimant is now seeking to rely on another alleged disclosure made in 2021 which was not mentioned in his ET1 nor in the list of issues. That letter of 9 May 2021 raises the same concerns about the IP dispute as those alleged disclosures that the tribunal has already considered and determined. What is more, there is no evidence that the witnesses who were involved in the decision to terminate his assignment in September 2024 had any more knowledge about that document than they did about the disclosures the claimant relied upon at the hearing.
12. I agree with the respondent that the application does not appear to be one asking for reconsideration but rather that the tribunal consider a different aspect not pleaded before. It may be an application to amend which cannot be granted once the claim is dismissed. I have decided to go on to consider the application for reconsideration in any event so that the parties are clear about my determination.
13. The first important point is that there should be finality in litigation. The claimant brought claims relying on what he argued were three protected disclosures. These were discussed in a preliminary hearing and incorporated in the list of issues. The tribunal read the documents, heard evidence and determined the issues. It cannot be in the interests of justice to now go back to allow a further alleged disclosure made more than three years before the termination of the claimant's assignment, to be considered. The claimant provides no reason as to why he did not seek to rely on that earlier alleged disclosure as clearly he was fully aware of it.
14. There is no new evidence which has come to light. I can see no prospect of the tribunal coming to a different view of that alleged disclosure being made in the public interest or that there was any chance of it being a material factor in the termination of his assignment.
15. The claimant is, understandably, disappointed in the outcome, but it cannot be in the interests of justice to reconsider that which has been fully considered and determined by a full tribunal over a four-day hearing. There is no reasonable prospect of the judgment being varied or revoked. The application for reconsideration is refused.

Approved by

Employment Judge Manley

Dated 25 February 2026

**Judgment sent to the parties on
4 March 2026**

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For Secretary of the Tribunals