



EMPLOYMENT TRIBUNALS

Claimant: Mr S Chalmers

Respondent: Chief Constable of Cleveland Police

JUDGMENT

The claimant's application dated **1 December 2025** for reconsideration of the judgment sent to the parties on 10 February 2025 is refused.

REASONS

Background

1. The claimant was a former police officer, although latterly and before his dismissal he was employed as a civilian force contact officer.
2. On 4 October 2024, the claimant presented a claim form to the Tribunal. He ticked boxes in the claim form indicating that he sought to make complaints of unfair dismissal, age discrimination, disability discrimination and whistleblowing detriment.
3. At box 8.2 he entered a narrative about his complaints. Insofar as any of that narrative might relate to a complaint of disability discrimination, he stated he had taken mild anti-depressants, which he said did not impact his performance, and he had mild autism which complemented his role. He said his condition 'would invariably be used against me whenever there was [a] conflict of opinion'. He added he was later removed from the '999 centre' and later criticised and asked if he was taking tablets.
4. On 31 December 2024, I conducted the first case management hearing of the claimant's claims. At that hearing the claimant's indicated complaints were discussed. The claimant accepts that he withdrew his complaints of whistleblowing detriment and age discrimination at that hearing.

5. What happened at that hearing in relation to the claimant's complaint of disability discrimination is the subject matter of the claimant's application for reconsideration.
6. On 10 February 2025, the orders and case summary of that hearing were sent to the parties. The orders and case summary were accompanied by a judgment dismissing on withdrawal the claimant's complaints of age discrimination, disability discrimination and whistleblowing detriment.
7. At paragraph 3 of the case summary, I recorded that have spent time discussing the complaint of disability discrimination, the claimant ultimately confirmed that he did not seek to advance that complaint as 'standalone' complaint, rather he 'may seek to rely on the respondent's alleged behaviour, said to be influenced by its knowledge of the claimant's depression as a background fact upon which he would seek to rely, to support his complaint of unfair dismissal'.
8. At paragraph 5 of the case summary, I recorded that the claimant confirmed he understood the consequences of withdrawal and dismissal of his complaints.
9. On 20 January 2025, the respondent confirmed that it took no issue about the claimant's employment status.
10. On 14 February 2025, the claimant sent 3 emails to the respondent containing further information about his complaint of unfair dismissal. In the email timed at 01:01, the claimant sought to complain of a failure to make reasonable adjustments. The next day, on 15 February 2025, the claimant forwarded his union's grounds of appeal against dismissal. Ground 4 alleged that the respondent had failed to take into account his 'medical issues' which were identified as ASD and diabetes, and their impact on his behaviour.
11. On 23 February 2025, the claimant sent further information to the respondent and the Tribunal.
12. On 14 April 2025 at 04:34, the claimant sent further information to the respondent and the Tribunal. It was headed 'report contesting unfair dismissal'. In the text beneath, there was a reference to 'Equality Act 2010 (disability discrimination)' and 'Equality Act 2010 – Disability discrimination, public sector equality duty-unfair use of capability processes, victimisation, failure of reasonable mental health adjustments'.
13. The second case management preliminary hearing took place on 14 April 2025. It was conducted by EJ Arullendran. In a case summary of that hearing, EJ Arullendran stated that she sought to identify the issues arising in the claim of unfair dismissal with qualified success. At paragraph 63, she stated that the claimant said he had severe depression and that his mental health was part of the background to his dismissal. She confirmed that the complaint of disability discrimination had been dismissed on withdrawal. The claimant was unable to explain in what way his mental health was a factor in the respondent's decision to dismiss him.

14. On 17 April 2025, the claimant wrote to seek clarification and a request to reinstate the disability discrimination complaint. He said it had come to his attention that the complaint of disability discrimination had been treated as withdrawn, but that was not his intention. He said he believed 'there has been a misunderstanding – either on my own part or by the tribunal'. He said he intended to retain two core complaints, being unfair dismissal and disability discrimination based on mental health. He cited case law in support.
15. Judge Arullendran's orders were sent to the parties on 16 May 2025.
16. On 17 May 2025 the claimant wrote to the Tribunal, seeking a reconsideration of the judgment dismissing the complaint of disability discrimination. He said that he believed he was continuing with 'two stand alone claims; unfair dismissal and mental health discrimination', that he was unaware of the procedural significance of being notified of the judgment. He said he believed the confusion arose because 'the tribunal judge suggested that this element could/would be taken into consideration as causal but not as a stand alone complaint'. He sought to amend his claim form to reintroduce a complaint of disability discrimination.
17. On the same day, he sought an extension for submission of his schedule of loss because he wanted to incorporate a claim for injury to feelings, aggravated damages and / or personal injury.
18. Again, on the same day, the claimant wrote seeking 'latitude' for his lack of representation and his 'mental health hardship'.
19. On 2 June 2025, the respondent objected to the claimant's application. In response, the claimant wrote to the Tribunal seeking a transcript of the hearing because, he stated, that was never his intention to withdraw the complaint of disability discrimination and that it would make no sense to agree to that.
20. On 27 June 2025, I refused to reconsider the judgment dismissing the complaint of disability discrimination, primarily because it was made significantly out of time. At the time of writing, I had failed to appreciate that the claimant intended to seek a transcript of the hearing.
21. On 4 July 2025, the claimant sought a reconsideration of that decision, on the basis that it was made without regard to 'critical material facts and without the opportunity to be fairly heard'; he had sought and paid for a transcript on 1 July 2025 and was awaiting a transcript of hearing that was 89 minutes in length. He said that there was a genuine possibility of confusion that his complaint of disability discrimination had been withdrawn.
22. On 7 August 2025, the claimant renewed his application, with the support of the transcript he had now obtained. He said he believed his complaint of mental health disability discrimination 'was unintentionally withdrawn due to confusion during the second preliminary hearing'. He said his intentions were consistently clear and he extracted parts of the exchange at the hearing. Additionally, he stated that his reference to 'unfair dismissal as a standalone complaint' was misinterpreted as meaning he was content to

- 'drop all other claims'. Finally, the claimant stated that his mental health condition substantially impaired his ability to follow legal conversation during the hearing.
23. On 29 August 2025, the respondent responded to the claimant's renewed application. It stated that the transcript did not support the application.
 24. On 30 August 2025, the claimant responded. He maintained that the respondent had selectively interpreted the transcript, and that it supported a clear and unambiguous intention to maintain a complaint of disability discrimination. He stated that he had misunderstood the phrase 'standalone complaint'. He contended that the Tribunal had a duty to ensure that the claimant understood what was being withdrawn, to consider reasonable adjustments such as checking comprehension or adjourning and invited me to have regard to the need to accommodate comprehension barriers, including that the Equal Treatment Bench Book highlights the risk of misunderstanding by neurodivergent or mentally unwell patients.
 25. On 11 September 2025, the claimant submitted a witness statement. In it, he took a number of points. Amongst other things, he complained that the respondent failed to review his suspension, which lasted 2 years and which damaged his mental health. He said that failure to review amounted to a breach of the respondent's duty to make reasonable adjustments.
 26. On 12 September 2025, the claimant made an application to adjourn the final hearing of his case, to allow a number of things to happen, including the determination of his application for reconsideration.
 27. On 12 September 2025, I wrote to the claimant to ask him if he consented to me reading the transcript before deciding whether to reconsider the judgment and if so, to provide a copy.
 28. On 18 September 2025, EJ Aspden granted the claimant's application to adjourn the final hearing. She stated that the parties should not expect to hear from the Tribunal until end of October 2025.
 29. On 1 December 2025, the claimant made a further application for reconsideration which, he said, was to replace, in its entirety, his previous application dated 7 August 2025.
 30. In that application, the claimant said that there was a misunderstanding at the hearing on 31 December 2024. He said he had attended the hearing unrepresented and suffering from chronic mental health problems, sleep deprivation, severe anxiety and with undiagnosed autistic traits. He said his verbal responses were affected by cognitive overload, difficulty processing legal terminology, high stress and impaired ability to follow procedural nuance. He said the transcript was clear; he intended to pursue a complaint of mental health discrimination. He said the transcript amounted to new evidence which changes the picture. He identified his mental health discrimination complaint as being 'central' to the suspension, the lack of support, his employer's reasoning, his dismissal, it concerned harassment, a failure to adjust and 'unfair dismissal with discriminatory elements'.
 31. On 23 February 2026, the claimant sought an update on his application.

32. On 16 March 2026 I directed the administration staff to inform the claimant that his application had been drawn to my attention that day, I apologised for the delay in responding and undertook that the application would be determined within 7 days.
33. I turn to the claimant's application for reconsideration of the judgment dated 19 January 2025, and sent to the parties on 10 February 2025 in which the claimant's complaint of disability discrimination along with his complaints of age discrimination and whistleblowing detriment were dismissed upon withdrawal by the claimant.

Legal Principles

34. The Tribunal may reconsider a judgment where it is considered necessary in the interests of justice to do so: rule 68 of the Tribunal Rules of Procedure 2024
35. An application for reconsideration must be made within 14 days of the date on which the written record of judgment sought to be considered was sent to the parties: rule 69.
36. The Tribunal may extend a time limit specified in the rules: Rule 5(7)
37. When interpreting or executing its power of reconsideration, the Tribunal will be bound to seek to give effect to the overriding objective which includes the need to deal with cases fairly and justly: rule 3
38. Where 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: rule 70(2)
39. Although the discretion to reconsider a judgment is a broad one, it must be exercised judicially: Liddington v 2Gether NHS Foundation Trust UKEAT/0002/16/DA
40. The relevant legal principles were recently revisited by HHJ Shanks in Ebury Partners UK Ltd v Davies [2023] EAT 40 at para 24:

"The employment tribunal can therefore only reconsider a decision if it is necessary to do so 'in the interests of justice.' A central aspect of the interests of justice is that there should be finality in litigation. It is therefore unusual for a litigant to be allowed a 'second bite of the cherry' and the jurisdiction to reconsider should be exercised with caution. In general, while it may be appropriate to reconsider a decision where there has been some procedural mishap such that a party had been denied a fair and proper opportunity to present his case, the jurisdiction should not be invoked to correct a supposed error made by the ET after the parties have had a fair opportunity to present their cases on the relevant issue. This is particularly the case where the error alleged is one of law which is more appropriately corrected by the EAT".

Discussion and Conclusions

41. I have had regard to the following matters in particular.

- a. On an objective reading of the claim form, the claimant's factual complaint of disability discrimination was unclear.
- b. The claimant was unrepresented at the hearing on 31 December 2024;
- c. The time estimate for the hearing was 90 minutes and lasted 89 minutes;
- d. The hearing was conducted using plain, non-technical language;
- e. At page 5 of the transcript of the hearing, the claimant confirmed that he did seek to advance a complaint of disability discrimination based on mental impairment
- f. At page 7 the claimant was informed that the consequences of withdrawing his complaints of age discrimination and whistleblowing detriment was that he could not subsequently revive them and, when asked, he said he understood that;
- g. At page 9, I informed the claimant that a disability could be a mental or physical impairment; the claimant confirmed that he had a mental impairment of undiagnosed autism but stated that it did not impact on his quality of life;
- h. At page 10 I said we would try a different approach and asked the claimant to describe 'in a nutshell' the act of discrimination he complained of: he replied 'it was the unfair dismissal'
- i. At page 10 I asked the claimant if he was contending that the dismissal was 'at least one of the complaints of disability discrimination' that he sought to complain about: his response was ambiguous; he replied 'the main reason for the dismissal was . . . the causational effect of the whistleblowing'
- j. Also at page 10 I sought to explore the complaint of disability discrimination in a different way, that I said might assist him: his response was that 'when put on the spot it is difficult to determine the exact date and time and specific person. I say it was a toxic environment'
- k. At page 11 the claimant said he had 'never had serious mental health problems. I never have' but stated that the length of the suspension caused his mental health to deteriorate;
- l. At page 15 I informed the claimant that I intended to give him time to provide further information about his complaint of disability discrimination and what exactly he alleged that the respondent had done that amounts to disability discrimination. I asked him directly whether he sought to rely on depression and autism as impairments; he replied 'I am only saying that my mental impairment was a contributing factor to my unfair dismissal'
- m. On four occasions at page 15 the claimant responded by repeating that his mental health was 'just a contributing factor to [his] unfair dismissal'
- n. At page 16, I repeated that I would give the claimant time to respond by setting out the nature of the mental impairments he sought to rely upon and to identify the acts of disability discrimination including harassment related to disability, or alternatively to revert to the Tribunal to state that he was not seeking to advance a complaint of disability discrimination but simply saying it was part of the background context in which he was unfairly dismissed; at page 17 he replied 'like I say, it is the latter that applies' he added 'my mental health was a contribution; it is not a standalone complaint. I am not saying they got rid of me because I have got . . . mental health problems; that influenced the treatment that I had prior to being dismissed and suspended'. I asked him to confirm whether he was saying that his mental health was part of the background facts against which he ended up being dismissed, which I said, he appeared to be saying was a complaint of unfair dismissal; he replied yes. I asked him 'is that right?' he replied 'yes'

- o. At page 18-9 I asked the claimant if he would like to take time to reflect on the matter 'and maybe get some legal advice' or whether he was content say he was not advancing a standalone complaint of disability discrimination; I added that I was 'perfectly happy' to give him time to reflect, to which he replied 'oh no, it was never a standalone complaint of discrimination . . like the ageism, like the whistleblowing . . what we are talking about, it was a contributing factor'
- p. Immediately following that exchange I asked the claimant whether he was 'advancing one single complaint in relation to which . .' to which the claimant interrupted and responded 'with a contributing factor of mental health. It is not a standalone complaint. Withdraw that as a standalone complaint'.
- q. At page 19 I confirmed to the claimant that withdrawing the complaint of disability discrimination meant that he could no longer revive it, to which the claimant agreed; I confirmed that the consequence of so doing was that he was left with only an allegation of unfair dismissal, to which he again agreed;
- r. Later, at page 27, I again confirmed that the claimant was left with one complaint, of unfair dismissal and that I had dismissed on withdrawal all other complaints, to which the claimant stated he was agreed
- s. At page 37-8 the claimant said he was inexperienced and he appreciated my 'candour' and 'instruction' adding 'it is clear'
- t. At pages 15, 18 and 19 the claimant variously contended that the respondent was guilty of malfeasance, libel, slander and that he was considering contact the HMRC and the IOPC
- u. The transcript ends at page 40.

Discussion and Conclusion

42. I am prepared to extend time until 1 December 2025 for the claimant to present his second application for reconsideration since it was no fault of his own that the first application was rejected in June 2025 in circumstances where I failed to appreciate that the claimant intended to obtain a transcript of the hearing on 31 December 2024 and furthermore, because the transcript was not available to me in September 2024 when I was last seized of this matter.
43. As to the claimant's contention that he was unable to follow the discussion, I have had regard to the following matters: plain language was used throughout the hearing; he did not once ask for clarification or indicate he struggled to grasp what was being asked of him and having regard to the different approaches to the complaint of disability discrimination; he was asked to explain his claim using different approaches; I asked him if he required more time to reflect and perhaps take legal advice, but the claimant did not accept. I cannot agree that he was unable to comprehend the discussion. The narrative in the claim form was unclear as to what his complaint of discrimination was, he was unclear in the hearing and he was unclear when he attended the second case management preliminary hearing 4 months later. I take the view that the claimant was unable to identify what he said his employer had done that he contended amounted to disability discrimination.
44. As to his contention that he was confused by my use of the phrase 'standalone', I note that the claimant adopted that terminology without asking for clarification and furthermore, he knew that the effect of

withdrawing a 'standalone' disability discrimination complaint meant that he was left with only a complaint of unfair dismissal; twice he agreed: pages 19 and 27.

45. As to the claimant's contention that the withdrawal was unintentional, alternatively he made it clear and unambiguous that he intended to maintain a complaint of disability discrimination having read the transcript, it is clear to me that he was informed of the consequences of a withdrawal at page 7 and he was reminded of the effect at page 19; he stated he agreed to withdraw.
46. If I were to revoke the judgment, there are consequential problems that arise, such as the claimant's ability to proceed with a claim that he has withdrawn. I referred to this in my decision of 27 June 2025. For the purposes of this application, however, I have set such considerations aside and have determined this application only on the prospects of successfully revoking the judgment itself.
47. Having regard to the transcript overall, I am not satisfied that there was anything such as a procedural mishap that occurred at the hearing that denied the claimant a fair and proper opportunity to explain his case. On that basis, I consider there is no reasonable prospect of the original decision being revoked.
48. Additionally, the claimant's application of 1 December 2025 is substantially the same as his application of 17 May 2025 that was refused on 27 June 2025. Since then, the claimant has obtained a transcript of the hearing, but the contents do not, in my view, assist the claimant's application. In other words, I do not regard the transcript as amounting to a special reason to depart from my previous decision.
49. Having concluded that there is no reasonable prospect of the original decision being varied or revoked, it follows that I must refuse the application.

Date: 23 March 2026

Approved by

Employment Judge Jeram