EMPLOYMENT TRIBUNALS

Claimant: **Mr K Edwards**

Respondent: **Stark Building Materials UK Ltd t/a Jewsons**

JUDGMENT

The claimant's application dated 2 December 2025 for reconsideration of the judgment sent to the parties on 27 November 2025 is refused.

REASONS

1. There is no reasonable prospect of the original decision that the Claimant was not disabled at the relevant time being varied or revoked. The Judgment of 14 November 2025 is confirmed.

The application

2. The Claimant applied for reconsideration of my Judgment of 14 November 2025 at a remote hearing that he was not disabled at the relevant time due to a mental impairment. The Judgment was promulgated on 27 November 2025. The Judgment meant that the claim of harassment relating to the Claimant's disability was struck out on the basis that it had no reasonable prospect of success. At the same hearing, orders were also made to prepare the parties for a public preliminary hearing about the prospects of success for the victimisation claim.

3. The Claimant sought reconsideration on 2 December 2025 . He wrote again on 19 December 2025. The Claimant wrote further on 31 December 2025, requiring that I did not decide the reconsideration application. As the reconsideration can only be by the Judge who made the decision, this is not

possible. No Employment Judge can overrule another; that is the function of the Employment Appeal Tribunal and the senior courts.

4. I considered it more efficient to allow the Respondent to comment first before deciding whether the application had any reasonable prospect of success. The Respondent sent in its submissions on 12 January 2026. The Claimant made further submissions on 14 January 2026.

5. No party sought a hearing of the reconsideration application.

The Rules of Procedure

6. The relevant rules of the Employment Tribunal Rules of Procedure 2024 state:

***"68.**—(1) The Tribunal may, either on its own initiative (which may reflect a request from the Employment Appeal Tribunal) or on the application of a party, reconsider any judgment where it is necessary in the interests of justice to do so.*
(2) A judgment under reconsideration may be confirmed, varied or revoked.
(3) If the judgment under reconsideration is revoked the Tribunal may take the decision again. In doing so, the Tribunal is not required to come to the same conclusion.

***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.

***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."

The grounds raised by the Claimant and the Tribunal's response

7. The points raised by the Claimant in his various submissions are listed below, together with any relevant said by the Respondent in its submissions. I have then made any observation I consider appropriate.

8. The Claimant complains that he did not have the final hearing bundle for the preliminary hearing. He complains that the Judge dismissed his concerns about this.

    8.1 The Respondent says that this is not accurate. It focused on the Claimant saying "final hearing bundle", and pointed out that the Claimant did not have that; it said he had the preliminary hearing bundle. The Respondent highlighted that the November hearing was a relisted hearing, following an earlier attempt in April 2025 before Employment Judge Moore to determine disability. At that hearing, the Claimant said he was not well enough, so the hearing was postponed, but it was the same bundle in electronic form. The Respondent noted that the Claimant made no effort to obtain a hard copy bundle and confirmed on 3 July 2025 that he had the bundle (and reconfirmed on 13 November 2025). It said that the Claimant had been focussing on the final hearing bundle prematurely.

    8.2 The Judge does not accept that the Claimant did have not the information he needed for the preliminary hearing. The Judge noted that the Claimant was not using a bundle seen in his possession, and there was a discussion about using the correct bundle. There was an adjournment to enable him to access it and rearrange his room in order to give evidence appropriately. The Claimant also accepts that he had and used the electronic bundle. At no point did the Claimant complain that he could not see the relevant page, and he was taken to pages in his cross-examination, and referred to documents himself from it. The Judge also directed as a courtesy to an unrepresented litigant in person that the Respondent provided its authorities to the Claimant as soon as possible, rather than waited until the submission stage. This occurred. Any complaints about the final hearing bundle are not relevant. This ground has no reasonable prospect of success.

9. The Claimant complains that on the day before the hearing he received two emails from the Tribunal. This is correct.

9.1 The first email noted that the Tribunal had not been provided with a hearing bundle but it had an index for one. It expressly said that the Judge had not seen the orders in the case, and therefore the following directions might change. The Judge pointed out the need for numbering in statements to match the hearing bundle (to ensure all were looking at the right page) and that the Claimant was reminded of the issue to be determined and the standard orders of the Tribunal were reiterated. The email repeated that if different orders had been made, then they should be in the bundle so the Judge would be aware.

9.2 Less than two hours later, the Tribunal sent a second email to the parties. The Judge confirmed the purpose of the hearing the next day and noted that the Claimant had permission to call other witnesses and they should therefore attend. The Tribunal raised concerns about the documents provided and said at the start of the preliminary hearing, the Judge would check what evidence about the Claimant's disability had been provided, what was provided as an impact statement, and if any evidence had been omitted. This is what happened at the hearing as confirmed by the Respondent's submissions. The Tribunal is satisfied that the parties and the Tribunal, including the Claimant, had all the evidence they wished to rely upon at the hearing. There was nothing unfair about the Tribunal telling the parties in advance what was expected and what was required, or that the Judge would check at the start of the hearing. This ground has no reasonable prospect of success.

10. The Claimant complains that he was provided with a list of issues for the final hearing during the hearing. He did not complain at the time and it is not unfair to provide a list of issues to a party to guide him through the process. This ground has no reasonable prospect of success.

11. The Claimant complains about consideration of his evidence.

11.1 The Judge disagrees that the evidence was not properly considered. A detailed oral judgment was provided. Some of the evidence provided by the Claimant was not relevant, and his medical records were considered. It was also explained to him at the start of the hearing that Mr White (who was not in attendance at the time) had not provided any relevant evidence as his evidence focussed on the merits of the claim. The Claimant had been warned the day before that his wife had to attend, and the Tribunal placed the weight on it that it saw fit. The Claimant's mother gave evidence; the Claimant may be unhappy that she was only asked two questions, but her evidence was of limited assistance. The Tribunal placed no weight on an anonymous irrelevant statement – the identity was unknown, the person did not attend, and it did not assist. The Tribunal was entitled to do so, and the Claimant obtaining legal guidance is not relevant. The Respondent submits that the Claimant was told in April 2025 that the other witnesses did not

assist. This has not been challenged by the Claimant. This ground has no reasonable prospect of success.

12. The Claimant states that he was restricted from presenting his case.

    12.1 As was made clear to him in previous hearings and the directions of the Tribunal, the Claimant had to put his evidence in an impact statement. He then was questioned. He made submissions at the end of the hearing, but submissions are not the place for new evidence. The Claimant's complaint appears to be that because he did not put the evidence in the impact statement, it was unfair. That is not correct. It is also a fact that the Claimant never said that he had failed to provide evidence he wished to place before the Tribunal. The Respondent's submission support this version of events.

    12.2 The Claimant complains of having to consider the case of J V DLA Piper UK LLP during a break. Whilst the Tribunal appreciates that unrepresented parties struggle with case law, the Respondent was entitled to rely on it. The Claimant omits from his application the section of the hearing just before a lengthy break (over an hour) where the Judge explained to him this case and the relevant law and gave the Claimant the amount of time he sought to rest and consider the case. The case was also referred to by the Respondent and in the Judgment; the Claimant is incorrect in asserting that it was not mentioned again. It is also noteworthy that the Claimant himself accepts that he had read the case previously. The Claimant did not tell the Judge that he was unwell, and made articulate submissions after a lengthy break. The Judge does not accept that the Claimant was unable to deal with the point or set out his position.

    12.3 This ground has no reasonable prospect of success.

13. The Claimant says that the Judge acted unfairly at the preliminary hearing. He refers to a discussion about staffing at the Tribunal, the discussion why the Judge was concerned about the victimisation claim, and that his hearing was rushed.

    13.1 The discussion about staffing was <u>after</u> the Judgment was given about disability. The Judge was aware that the Claimant had made complaints and criticism about the staff and appeared to have unrealistic expectations as to when his correspondence would be dealt with (including setting deadlines for the tribunal to respond to him). The Judge neutrally explained to him that the system had a substantial backlog (50,000 is likely to be the figure stated), though Wales was less affected. The Respondent's submissions agree with this position. The Judge explained that many of the staff were agency workers; the Judge did not described them as unreliable. The Judge said that it was not known with agency workers how long they would be in place and they could choose not to work the next day for

example, and the staffing situation was fragile. The Claimant was asked to have patience with the staff. The Judge did tell the Claimant to take the case one step at a time. The Claimant's response was positive and thanked the Judge for the explanation; he even said it would have been helpful if someone at the Tribunal had written to him in such terms. Again, the Respondent's account matches the Judge's. The Tribunal cannot see any unfairness to the Claimant in explaining the situation and asking him to have patience after judgment was delivered. It is not grounds to challenge the earlier judgment.

13.2 The Judge explained her concerns about victimisation and listed a hearing to deal with the point. Again, this was after delivery of judgment. The Claimant seems to be complaining that he was not able to ask questions after judgment was delivered. As there was a discussion dealing with case management for nearly an hour after judgment, the Tribunal does not accept this.

13.3 The hearing started at 10.04 am and ended at 3.53pm. It was not rushed; on the contrary, the Claimant was given regular breaks and asked about the length of time in advance, and also was checked upon following his return after every break. There was an hour of deliberations. The Tribunal does not accept this account by the Claimant.

13.4 The Claimant complains about not being given full details of the impact of a deposit order. The Respondent says that it has no record of such a discussion but does not think that if asked, the Judge would have withheld information. The Judge similarly has no note of such a discussion, but it is relevant to bear in mind that a Judge cannot advise.

13.5 The Claimant made no suggestion that he was unfit or unable to take place in the hearing. He did so previously in April 2025 and therefore it is reasonable to presume he knew he could do so. The Claimant in the judgment of the Judge was fully able to take part in the hearing.

13.6 There is nothing in relation to procedural matters raised by the Claimant that has any reasonable prospect of success.

14. The Claimant complains of financial hardship. This is not relevant.

15. The Claimant added on 31 December 2025 that he found the Judge to be forceful and condescending. He gave no details. The Judge is sorry to hear about the Claimant's experience. However, the Judge's position is that the description is not accurate. The Judge gave the Claimant proper explanations of the law, guided him through the hearing, and ensured that he was able to give evidence and put his case. The Claimant asserted on 14 January 2026

that the *Goodwin* questions were not explained to him; the Judge disagrees as does the account given by the Respondent. The Claimant at the start of the hearing had a detailed explanation in plain English of the relevant law, including the Goodwin questions, and was given appropriate reminders. As the Claimant was keener to talk about the merits of the claim, rather than the issue for determination, the Tribunal considers it was fair and appropriate to remind him of the relevant matters.

Conclusion

16. Having considered the submissions from the parties, I have concluded that there is no reasonable prospect of success of the judgment being revoked or varied. The Judgment that the Claimant was not disabled at the relevant time is confirmed.

Approved by Employment Judge C Sharp
Dated: 21 January 2026

JUDGMENT SENT TO THE PARTIES ON

5 February 2026

Miriam Drake
FOR THE SECRETARY OF EMPLOYMENT TRIBUNALS