



# EMPLOYMENT TRIBUNALS

**Claimant:** Kalpna Shah

**Respondent:** Patient Billing Limited

## JUDGMENT

The claimant's applications dated 16 February 2026 and 19 February 2026 for reconsideration of the judgment sent to the parties on 2 February 2026 are refused.

## REASONS

There is no reasonable prospect of the original decision being varied or revoked, because:

1. The judgment of the Tribunal was that the claimant's claim had no reasonable prospect of success. Unless and until the judgment is reconsidered or overturned on appeal, that judgment stands.
2. Pursuant to Rule 74 Employment Tribunal Rules of Procedure 2024, the Tribunal must consider making a costs order and has a discretion as to whether or not to make one.
3. Pursuant to Rule 74 the Tribunal must also consider making a costs order where it considers that a party has acted unreasonably in either the bringing of the proceedings or the way the proceedings have been conducted and has a discretion as to whether or not to make one.
4. The claimant has referenced "Post COT3 matters falling outside the temporal scope of the settlement" (see paragraph 58 of application 1). However, it is clear beyond doubt that the post COT 3 matters were all concerning the COT3 clause 12 agreement for the respondent to secure a direction letter and pay employer contributions to the NHS Pension Scheme.
5. That is clearly understood by the claimant.

(i) See paragraph 34 of application 1:

"The claimant's subsequent conduct arose from genuine attempts... to obtain

clarification and resolve an unresolved pension position....

And

“...pursuing clarification through the Tribunal proceedings.”

(ii) See paragraphs 10 and 11 of application 2:

“10.5 The claimant’s position throughout the Preliminary Hearing was that her live concerns related to matters arising after the COT3. The claimant was not seeking to reopen claims settled by the COT3, but **was addressing issues relating to its implementation and compliance** [my emphasis].

11. This was expressly clarified by the claimant during the hearing.”

6. Whilst the pension position remained unresolved at the time of the presentation of the claim (3 October 2024), the direction letter was received shortly thereafter (16 September 2024) and the agreed amount paid (4 November 2024). This is clearly set out in the respondent’s ET3 response form.
7. In actual fact the claimant was seeking to reopen claims settled by the COT3 in her amendment applications as set out in the judgment.
8. It is noted that in paragraph 59 of application 1 the claimant asserts:

“The issue before the Tribunal was **not** the validity of the COT3...”

When the ET1 claim form was first presented it was rejected on the basis that, in seeking to enforce a COT3 agreement, the tribunal had no jurisdiction to hear the claim. However, the claimant sought reconsideration in the basis that the COT3 was void due to misrepresentation and/or estoppel and the claim was accepted.

9. It is noted that the claimant sought advice from ACAS on the enforcement of the COT3 agreement (paragraph 65 of application 1) and “explored whether the matter could be addressed through the County Court” (paragraph 68 of application 1).
10. That reinforces my conclusion that the claimant objectively could reasonably have been expected to know she had no reasonable prospect of success.

Further, it reinforces my conclusion that the claimant acted unreasonably in the bringing and conduct of these proceedings.

11. The live claim was not misidentified. The reference to discrimination, victimisation, harassment, and bullying was to the two earlier claims compromised in the COT3. As complaint was made about uniform for women and not men, so sex was taken to be the protected characteristic. In addition, complaint was made about TUPE related issues.
12. The claim form in this claim was accompanied by a five page (double sided) document, not a one page document.

13. I reject any suggestion of procedural unfairness at the hearing. It is noted that the claimant has provided no further evidence of her means in the reconsideration application.

**Date: 28 April 2026**

**Approved by**

**Employment Judge Alliott**

JUDGMENT SENT TO THE PARTIES ON

28 April 2026

FOR THE TRIBUNAL OFFICE