



EMPLOYMENT TRIBUNALS

Claimant **AMS**
Respondent **SCOT GROUP LIMITED**

Heard at: **Exeter** **On: 2nd – 6th March 2026**

Before: **Employment Judge David Hughes**
 Mrs V Blake
 Ms R Clarke

JUDGMENT ON APPLICATION FOR RECONSIDERATION

The judgment of the tribunal is that the Claimant's application for reconsideration dated is refused because there is no reasonable prospect of the decision being varied or revoked.

REASONS

History

1. The Claimant brought a claim against the Respondent.
2. In a case management hearing held before Employment Judge Volkmer on 10.07.2025, the claims were identified as being for:
 - (a) unfair dismissal;
 - (b) discrimination on the grounds of disability;
 - (c) detriment on the grounds of public interest disclosure;
 - (d) breach of contract (relating to notice);
 - (e) unlawful deductions from wages;
 - (f) accrued but unpaid holiday pay;
 - (g) Failure to provide an itemised pay slip.

3. The Tribunal heard evidence on 2nd to 4th March 2026. After deliberating on 5th March, the Tribunal gave its decision on 6th March. The Tribunal initially allowed the Claimant's claim in respect of holiday pay, but dismissed the remainder of her claims (save for one in respect of which it awarded no compensation).
4. Immediately after the decision was made, counsel for the Respondent asked the Tribunal to reconsider the decision on the holiday pay claim. Having been persuaded both that it was procedurally possible to reconsider that part of the decision that day, and that the application was well-founded, we did reconsider that decision and dismissed the claim in respect of holiday pay.

Claimant's application to reconsider

5. Following the hearing, the Claimant sent a number of communications to the Tribunal. These include:
 - (a) An email to the Tribunal on 10th March, raising an issue about the Respondent's skeleton argument for the hearing;
 - (b) 2 applications were made on 11th March;
 - (c) More than 40 separate documents – at least some of which appear to be duplications – dated 13th March;
 - (d) A request for written reasons dated 6th March 2026, dated 14th March 2026¹;
 - (e) A request for reconsideration dated 15th March 2026;
 - (f) 11 documents dated 16th March 2026;
6. On 20th March 2026, the Tribunal wrote to the Claimant, on my direction, in the following terms:

...

The Claimant has sent in an application that the Tribunal's judgment be reconsidered, and a very large number of documents that appear to be in support of that application.

Employment Judge Hughes directs that the Claimant must prepare any application for reconsideration in a single document, in which she must clearly state why she says the Tribunal's decision should be varied or revoked.

Any documents in support should be prepared in a single bundle, of no more than 20 pages, in pdf or word format, searchable to the extent possible.

At present, it is not clear why the Claimant says the Tribunal's judgment should be varied or revoked, nor what assistance it is said can be gained from the multiple documents sent in.

¹ This was not brought to the attention of the Employment Judge. There has therefore been a delay in preparing the written reasons. The Employment Judge apologises for this to the parties.

...

7. On 7th April 2026, the Claimant sent in a request for reconsideration. This request was not brought to my attention until 23rd April 2026. Again, I apologise for the delay in considering this request.

The substance of the Claimant's request

8. The document consists of 26 pages. However, that includes documents that the Claimant has annexed to her application, which are:
 - (a) The order of Employment Judge Volkmer of 10th July 2025, and;
 - (b) The Respondent's acceptance of disability.
9. The substance of the Claimant's application is as follows:

I respectfully request that the Tribunal consider if the finalised issues had been addressed in their entirety at the Final Hearing 2 to 6 March 2026 and if the finalised Ordered List of Issues had been identified at the beginning of the Final Hearing on the 2nd of March 26 Exeter before Employment Judge Hughes and panel following the prereading allocation time of 3 hours as set out at para. 7 page 2 of the CMO Order of EJ Volkmer of The Order as attached (Annex 1) which was in the Final Hearing Bundle at pages 65 to 72 of the PDF hard copy Bundle used by the Tribunal 2 to 6th March 2026 I believe this would have furthered the overriding objective of the Tribunal and enabled and would have been in the interests of justice especially as I am a LIP representing ,yself at all times and noted on record and also stated on my ET1 that I may require assistance due to Anxiety and ADHD.

I now am aware the Respondent Scot Group Ltd and/or their Representative Michael Thomson of Foot Anstey LLP had a duty of care to ensure the Finalised List of Issues was clearly identifiable at the beginning of the Final Hearing Bundle and not 'lost; in the index and not clearly recognisable to the Tribunal at the Final Hearing.

...

Reasons for Application for Reconsideration as below:

1. *The Tribunal at a Final Hearing I believe should especially when dealing with a Claimant LIP with Anxiety and ADHD (both accepted at all times by the Respondent Scot Group Ltd in respect of these claims my claims that were brought on the 27th September 2024) outline the Finalised Legal Questions to be Answered as were set out and Ordered by the EJ Volkmer following the PH(CM) on the 10th of July 2025 in Person at Exeter Employment Tribunal 2pm.*

2. *In the interests of Justice I believe it would be Just and Equitable for the Tribunal to look at the Finalised List of Issues (pages 12 to 19 of the attached Order of EJ Volkmer 10 July 2025 the List of Issues the basis of my Witness Statement and reference by way of evidence in the Final Hearing Bundle prepared by the Representative Mr Michael Thomson of Foot Anstey LLP for the Respondent.*

3. *In good faith I believe and I believe also in accordance with the Tribunals Overriding Objective I addressed the evidence in the bundle in Order to respond to the Legal Questions to be Answered in accordance with CMO of Employment Judge Volkmer.*

4. *On review of the Skeleton Argument of the Respondent Scot Geroup Ltd submitted by email 4th March 2026 and dated 4th March 2026 by Counsel acting for the Respondent. I was at the Tribunal at this time. I can see the Respondent addressed unpleaded claims (Wrongful Dismissal) and did not refer or respond to all the List of Issues. Should I have had the Skeleton Argument of the Respondent document in advance of the Final Hearing I would have raised any discrepancies with the Tribunal in ample time however it was not available to me until after closing submissions on Wednesday 4th March 2026.*

5. *I believe should the Finalised List of Issues as set out after the PH(CM) 10th July 2025 Exeter before EJ Volkmer in Person have be confirmed as correct and used at the roadmap for the Final Hearing the outcome or Judgement may have been different. I responded to and evidenced I believe the finalised List of Issues as Order by EJ Volkmer PH(CM) 10th July 2025 in accordance with the Overriding Objective and in compliance with all the Orders set out by the CMOs following the Hearing (PH(CM) on the 10th July 2024*

6. *In the Interests of Justice and for a Fair Trial to be Possible I ask the Tribunal to consider if the Respondent Scot Group Ltd answered fully the finalised List of Issues set out at the PH(CM) 10th of July 2025 as Ordered by EJ Volkmer, in addition to this EJ Volkmer at the CM(PH) 13th February 2026 in person Exeter Tribunal 10am subsequently referenced the Finalised List of Issues following the PH(CM) 10th July 25 and reiterated that this was the definitive road map that would set out the Timetable of the Final Hearing 2 – 6th March 2026.*

Reconsideration and Strike Out of the Respondent Scot Group Ltd and their Response

Should this Reconsideration Application be accepted I would like to ask if the Tribunal consider the Respondents Response be Struck Out due to the following:

1. *The Respondent Scot Group Ltd filed their ET3 Response on MYHMCTS on the 18th December 2024 under the Claimant Tab. They have failed to rectify this to date. Thus no ET3 was ever correctly submitted despite the Order attached as at para 14. Page 3 granted the Respondent Scot Group Ltd permission to Amend their Response however the Respondent has failed to Resubmit their ET3 correctly in MYHMCTS. It remains under the Claimant Tab,*

2. *The Respondent Scot Group Ltd failed to provide Further and Better Particulars or evidence to defend or answer the finalised List of Issues as Ordered by EJ Volkmer on the 10th July 2025.*

3. *The Respondent failed to comply with the 9.4 of the List of Issues at page 16 of the attached Order of EJ Volkmer following the PH(CM) 10th July 2025 which states PCPs should be included in an amended Grounds of Resistance however this was not complied with.*

4. *Non compliance by the Respondent in regards to paragraphs 47 to 49 of the Order of EJ Volkmer 2025 PH(CM) by non provision of access to the Claimant AMS to the digital bundle, non corresponding pagination of the digital and hard copy bundles, non compliance with the agreed and fundamental documents within the Bundle which I believe may have left the Tribunal unable to fairly decide the case.*

5. *Page 9 of the Order of EJ Volkmer as attached paragraph 53. States 'if anyone is effected by any of these Orders they may apply to have it set aside (due to non compliance)' or request that a party be struck out.*

6. *Failure to disclose, highlight, or include in the bundle for the Final Hearing previously agreed and fundamental documents such as my Further and Better Particulars the Finalised List of Issues, Proof of Disability (submitted 26 Sept 2025 by AMS Claimant in accordance with the CMO attached, Acceptance of Disability at all times by the Respondent in respect of the AMS myself the Claimant (Annexe 2) and the CM(PH) 13th Feb 2026 in person Exeter before EJ Volkmer,*

It is request that if a Reconsideration is accepted that this be dealt with at a Hearing Person and that a Schedule of Loss be permitted as updated (my previous schedule of loss was submitted 1 September as Ordered by the EJ Volkmer and referenced the Remedy as set out in pages 18 to 19 paragraph 14 of the attached Order and Finalised List of Issues) to include Aggravating Factors and Preparation Time Costs Order as noted in my original schedule of loss 1 September 2025.

7. *Page 2 of the CMO at paragraph 7 (Annex 1) (Timetabling) Remedy is listed below day 5 as this was to be listed at a further hearing subject to the findings of the Tribunal.*

Law

10. Rule 68 of the Employment Tribunal Procedure Rules 2024 ("The Rules"), provides as follows.

68.— Principles

(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.

11. Rule 69 deals with the time period for requesting reconsideration. It provides as follows:

69. Application for reconsideration

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 no later than 14 days of the later of—

(a) the date on which the written judgment sought to be reconsidered was sent to the parties,

(b) the date that any written summary reasons were sent, if these were sent separately from the judgment, or

(c) the date that any written full reasons were sent, if these were sent separately from the judgment.

12. Rule 70 deals with the process for reconsideration, and reads as follows:

70.— Process for reconsideration

(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.

13. The above process is mandatory – see T W White & Sons Ltd -v- White². I must consider whether there is any reasonable prospect of the judgment being varied or revoked, and if there is not, must dismiss the application for reconsideration, before moving on to the steps provided for by Rule 70(3)-(5).

² UKEAT/0022/21/VP

14. In the case of Ministry of Justice v Burton³, Elias LJ in the Court of Appeal stated⁴:

“An employment tribunal has a power to review a decision “where it is necessary in the interests of justice”: see rule 70 of the Employment Tribunals Rules of Procedure 2013. This was one of the grounds on which a review could be permitted in the earlier incarnation of the rules. However, as Underhill J pointed out in Newcastle upon Tyne City Council v Marsden [2010] ICR 743, para 17 the discretion to act in the interests of justice is not open-ended; it should be exercised in a principled way, and the earlier case law cannot be ignored. In particular, the courts have emphasised the importance of finality (Flint v Eastern Electricity Board [1975] ICR 395) which militates against the discretion being exercised too readily; and in Lindsay v Ironsides Ray & Vials [1994] ICR 384 Mummery J held that the failure of a party’s representative to draw attention to a particular argument will not generally justify granting a review. In my judgment, these principles are particularly relevant here”

Consideration

15. The Claimant’s application was made on 7th April 2026. However, that followed a direction from me that the Claimant re-formulate earlier applications she had made. Moreover, for the reasons explained above, although she had requested written reasons, she had not received them. I will therefore consider the substance of the Claimant’s request for reconsideration. If there is any merit in the substance, questions of time would have to be considered at any hearing contemplated by Rule 70(4), should the request reach that stage.

16. The Claimant’s first point – in the paragraphs starting with the words “*I respectfully request that the Tribunal consider if the finalised issues had been addressed in their entirety at the Final Hearing 2 to 6 March 2026 and if the finalised Ordered List of Issues had been identified at the beginning of the Final Hearing on the 2nd of March 26 Exeter before Employment Judge Hughes...*” is not, in itself, easy to understand. Although it is clear that the Claimant has an issue with the list of issues that Employment Judge Volkmer prepared, she has not – at least in this part of her application for reconsideration – identified what the defect was, why it was important, or why it should lead to the Tribunal’s decision being varied or revoked.

17. I turn now to the numbered paragraphs in the application for reconsideration.

18. Regarding paragraphs 1 to 3, the Tribunal had regard both to the fact that the Claimant was a litigant in person, and to the impact of her conditions. This was made clear in the oral decision delivered. It is unfortunate that the request for written reasons was not brought to the attention of the Employment Judge, as it means that the Claimant, through no fault of her own, did not have the Tribunal’s written reasons when she made her application for reconsideration.

³ [2016] ICR 1128

⁴ @para 21

19. Re paragraph 4 of the reconsideration request, the Claimant criticises the skeleton argument prepared on behalf of the Respondent. This was prepared by counsel for the Respondent, and was dated 4th March. The Claimant had this document, and had the chance to comment on it at the hearing.
20. Re paragraph 5 of the reconsideration request, Employment Judge Volkmer noted in her order of 10th July 2025:
- The Employment Judge discussed the issues with the parties and recorded that the matters between the parties which will fall to be determined by the Tribunal are as follows.*
21. I have no reason to doubt that Employment Judge Volkmer conducted the hearing on 10th July 2026 fairly reflected the pleaded issues between the parties.
22. Re paragraph 6 of the reconsideration request, this is a blanket request that the Tribunal reconsider whether the Respondent fully answered the list of issues. What this does not do;
- (a) Identify anything the Claimant says that the Tribunal got wrong in its decision, or;
- (b) Explain why it is that the Claimant says the Tribunal got that thing wrong.
23. In the absence of any specific erroneous conclusion being identified, it is not possible to say that there is a reasonable prospect of the decision being varied or revoked.
24. I turn now to what the Claimant describes as “*Reconsideration and Strike Out of the Respondent Scot Group Ltd and their Response*”.
25. A request to strike out the Respondent’s response, after the Tribunal has reached its decision in the case, is difficult to describe as a request for reconsideration. Again, under this heading, the Claimant has not identified any conclusion that was reached in the Tribunal’s decision that was wrong, or why. It is therefore again impossible to say that there is a reasonable prospect of the decision being varied or revoked.

Employment Judge David Hughes
Date: 27 April 2026

JUDGMENT SENT TO THE PARTIES ON
11 May 2026