



EMPLOYMENT TRIBUNALS

Claimant

Mr M. Razzaq

v

Respondent

Home Office

Before: Employment Judge M. Hunt

JUDGMENT ON RECONSIDERATION

1. The application for reconsideration of the judgment dated 19 January 2026 is allowed and the judgment is revoked.

REASONS

3. At a hearing on 19 January 2026, I struck out various elements of the claim to have suffered discrimination and harassment contrary to the Equality Act 2010.
4. The Claimant has sought reconsideration of this decision in accordance with Part 12 of the Employment Tribunal Procedure Rules 2024 (the "Rules"). The guiding principle for me to consider is whether it is necessary in the interests of justice to reconsider the judgment. Finality of judicial decisions is an important component of the interests of justice.
5. In accordance with Rule 70, I wrote to the parties on 2 March 2026 to indicate I was minded to revoke the judgment and explained why. I invited the parties to make any representations they might have within 14 days (i.e. by 16 March 2026). Both parties have contacted the Tribunal, although the only real representations were provided by the Respondent on 17 March 2026 (I had indicated the Claimant was not required to say anything further). The Respondent has indicated it does not desire a hearing and is content for me to determine the application "on the papers". As I have provided my preliminary views taking account of the Claimant's position and the

Respondent has provided its representations, which are perfectly clear, a hearing is unnecessary.

6. I considered the Respondent's submissions but nevertheless confirmed my preliminary view and revoked the judgment. This is because it is at least arguable that the events the Claimant was complaining about could be considered part of two continuous acts of discrimination (one concerning Matthew Willcock, the other taking place on the day of the "mediation" referred to on 28 December 2023) extending to the refusal to consider the Claimant's grievance about those matters. My task was only to determine whether it was arguable that the complaints had been brought in time. It is arguable but I make no further conclusions. Whether or not the Tribunal does have jurisdiction to determine those complaints will be decided at the final hearing.
7. I am mindful of the background to the claim (and others with which it has been consolidated) and the number of preliminary hearings that have taken place. I am also mindful of the good progress that was made at the last preliminary hearing, such that orders have been made to bring the claims to a final hearing. I appreciate that revoking my judgment will potentially impact on those orders, notably by requiring an updated list of issues to be prepared/agreed. Timelines may also need to be adjusted. However, those matters can be addressed efficiently and with little real difficulty. They should not influence my decision on a matter of substance, such as the ability for the Claimant to pursue complaints of race discrimination that are relatively straightforward. He says that he suffered discrimination on a number of defined occasions, which have already been clarified by EJ Graham (at paragraphs 30 and 31 of his case management orders dated 14 February 2025).
8. My focus must be on the interests of justice. I believe it is necessary in the interests of justice to overturn a decision that, on reflection, was wrong, especially as it is in the nature of a decision preventing the Claimant's complaints from being aired any further. The particular complaints in issue are not matters of peripheral importance to a wider claim that will continue, they lie at the heart of the second claim.
9. A significant matter raised by the Respondent is that a party should not have an opportunity to "re-litigate" a matter. It placed significant reliance on the Claimant having had full opportunity to make submissions. In general terms, I agree. However, I note that the grievance in question that was of central importance to my decision was not provided until the hearing itself was underway. Of most relevance, the principle I applied in making my decision was clear and transparent: no Tribunal would find it just and equitable to permit complaints to be brought significantly outside the period of 3 months indicated in the Equality Act 2010, in circumstances when they had never

clearly been raised before. The Claimant had raised precisely the matters he complains about before this Tribunal in an internal grievance, which the Respondent did not permit to proceed. The Claimant submits (and always has) that that refusal was an extension of the alleged discrimination that led to the grievance. By striking out the complaints, it is very clear that I did not properly apply the principle that I said I would. It does not mean the complaints will necessarily be considered “in time”, but I was wrong to find that there was no prospect of a Tribunal concluding that they are. I do not consider this to be “re-litigating” the matter, in the sense that I am not demurring from the principle on which I made my decision. The Claimant has simply pointed out my error in not applying that principle to the facts.

10. I ought to add that I have accepted that in relation to the first claim, the Claimant’s application (now applications) did amount to “re-litigating” the matter, and I have refused those applications summarily. I did not require submissions from the Respondent about that, but do not criticise it for providing them.
11. As the complaints under case number 3305922/2024 have been re-instated, the agreed draft list of issues should be updated accordingly, as foreseen by EJ O’Rourke. I will provide appropriate case management orders separately.

Approved by
Employment Judge M. Hunt

Date: 11 May 2026

Sent to the parties on: 12 May 2026

For the Tribunal Office