



EMPLOYMENT TRIBUNALS

Claimant: Miss A Khan

Respondent: The Bronze Spoon Ltd

Heard at: Reading in public

On: 9, 10, 11 February 2026 and 12 March 2026

Before: Employment Judge C McCooey
Tribunal Member C Whitehouse
Tribunal Member C Baggs

Appearances

For the claimant: In person

For the respondent: Mr Lanre Fakunle, Solicitor, Peninsula

JUDGMENT

The claimant's application dated 13 April 2026 for reconsideration of the judgment sent to the parties the same day is refused.

REASONS

1. This reconsideration application was made by email on 13 April 2026 by the claimant. The referral was sent to the Panel on 5 May 2026. No response has been received from the respondent.
2. There is no reasonable prospect of the original decision being varied or revoked for the following reasons:
3. Under Rule 68 of the Employment Tribunal Rules of Procedure 2024, a Judgment may be reconsidered if it is "necessary in the interests of justice to do so".
4. In making that decision, the Tribunal must give effect to the overriding objective to deal with cases "fairly and justly" (Rule 3). This allows a broad discretion to determine what "the interests of justice means" in any particular case, and in relation to both parties, not just the applicant. Finality of proceedings is an important consideration alongside the applicant's reasons for reconsideration.

5. The claimant's application raises concerns primarily regarding the Tribunal's approach to the evidence and findings regarding the selling of alcohol and a concern of procedural fairness regarding the late disclosure of work rotas during the final hearing.
6. The key concerns are as follows:

i. Rota evidence and procedural fairness

7. As captured in our Case Management Order dated 11 February 2026, the claimant in writing and at the outset of Day 1, made an application for an adjournment or in the alternative, strike out of the respondent's response, because they had provided an incomplete set of work rotas. These rotas were said by the respondent to record the shifts of the claimant and her colleagues during the relevant period.
8. The claimant confirmed she had at an earlier stage seen the omitted parts of the rota. The respondent had then chosen not to include the full set, leaving out data connected to a disputed date.
9. We criticised the respondent for this but we were clear that this omission did not warrant adjournment of the full merits hearing nor did it unduly prejudice the claimant; the claimant could challenge the respondent's reasons for the disclosure issues and their motive for omitting the dates they had, as well as challenge the authenticity of the rotas themselves, if she chose, through cross-examination of Mrs Dias. The claimant did so.
10. The rotas was one part of the overall evidence and the claimant had not shown what she needed further time for, or what specific 'investigations' she would carry out, beyond an opportunity to look through her phone records. She had already had the opportunity to do that, and to provide her own evidence in her possession as she thought best. It was therefore not proportionate or in accordance with the overriding objective to adjourn the trial.
11. During the course of oral evidence, Mrs Dias was able to locate the missing parts of the rota and we admitted that evidence, the claimant making no objection; it was information she had wanted and requested previously. She also did not seek further time beyond that which was given for her to consider the rota records that were missing. We considered she had sufficient time and her proficient cross-examination about the matter reflected that in our view.
12. The claimant asserts that we simplistically found she accepted the full rota as accurate. She notes: The claimant "did not accept its reliability without further investigation" and notes "the Tribunal has materially misunderstood and/or mischaracterised key aspects of my evidence".
13. This is not the case. We deliberately chose the word "seeming accurate" as we acknowledge the claimant had not carried out the further 'investigations' she mentioned on Day 1. We were not clear exactly what those were to be. She could not point to anything overtly dubious or inaccurate or 'off' about the full record to suggest they were manufactured or erroneous, as she now appears to say. She accepted in oral evidence that, on their face, they seemed accurate.
14. We accepted Mrs Dias' evidence that the rotas were as presented and not 'doctored',

as we were entitled to.

15. Therefore, we do not consider it was procedurally unfair or prejudicial to have i) admitted the complete version of the rota late; the claimant had requested this information herself prior to the hearing; and ii) place weight on the full rota and reach the findings we did. Her assertion that the rotas may have been altered or not as they seem, is effectively speculation, in the absence of any supporting evidence or argument.

ii. Alcohol service – requirement vs choice

16. The second key point for reconsideration is as follows: *“The Tribunal accepted that I did serve alcohol and that the respondent was aware of this. However, it concluded that I “chose” to do so and was not required. ...My case was that, in practice, I was placed in a position where I had to serve alcohol during shifts, and that this was not a genuine or voluntary choice, particularly in the context of the working environment and expectations... The Tribunal appears to have focused on the absence of an explicit instruction, rather than considering whether, in reality, I had a meaningful choice.:*
17. The Tribunal carefully considered the point the claimant raises and we deal with this in our findings of fact and discussion at paragraphs 43-45; 94-97, 100, 103 118,119 and 123 of our Written Reasons. We do not accept or find that the claimant was “required” to sell alcohol by Mrs Dias, using the ordinary meaning of that word.
18. She was not expressly instructed to sell it and we did not accept that, following her interview, the claimant voiced a concern about selling alcohol to Mrs Dias. This is supported by both of the claimant’s witnesses, who said they were not aware of the claimant speaking directly with Mrs Dias about any concerns she had regarding the selling of alcohol. This contrasts with the claimant’s willingness to confront Mrs Dias in other areas she had a problem with, such as telling Ms Dias her weekly hours/shifts were lower than those she had been promised.
19. This element of the application appears to disagree with our factual findings but that is not a proper basis for reconsideration.

3. Impact on findings

20. There is a third heading, the content of which is: *“These issues were central to the Tribunal’s findings that no less favourable treatment occurred and that key elements of my case were not established. Where a Tribunal’s findings are based on a misunderstanding of evidence or a failure to properly consider relevant material, reconsideration may be appropriate in the interests of justice.”*
21. No further specifics are given. The Tribunal does not consider it misunderstood or failed to properly consider relevant material.
22. Accordingly, the application is refused and the Judgment under reconsideration is confirmed.

Approved by:

Employment Judge McCooley

19 May 2026

JUDGMENT SENT TO THE PARTIES ON
22 May 2026

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FOR THE TRIBUNAL OFFICE

Notes

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If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings and accompanying Guidance, which can be found here:

www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/