



EMPLOYMENT TRIBUNALS

Claimant: Mrs Claire Spinks

Respondent: Priory Central Services Ltd

RECONSIDERATION JUDGMENT

1. The Claimant's application dated 20 May 2026 for reconsideration of the judgment sent on 18 May 2026 is refused.

REASONS

2. I have undertaken preliminary consideration of the Claimant's application for reconsideration. The Claimant's application is based on the Claimant arguing that the findings of fact are contrary and unsupported by the contemporaneous documentary evidence and witness evidence before the tribunal such that reconsideration is necessary in the interest of justice.
3. The Claimant argues that the Employment Tribunal should reconsider its decision in respect of allegations 4.1.1 & 4.1.6 in that there was no evidence supporting the finding that there was no evidence that Mr Quick did not know about the Claimant's disability and that the legally privileged note did raise the Claimant's disability.

The Law

4. An application for reconsideration is an exception to the general principle that (subject to appeal on a point of law) a decision of an Employment Tribunal is final. The test is whether it is necessary in the interests of justice to reconsider the judgment (rule 68 of The Employment Tribunal Procedure Rules 2024 ('ETPR')).
5. Rule 69 ETPR states, "*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.”

6. Rule 70(2) ETPR empowers me to refuse the application based on preliminary consideration if there is no reasonable prospect of the original decision being varied or revoked.
7. The importance of finality was expressed succinctly by Mrs Justice Simler sitting as President in the EAT decision of **Liddington v 2Gether NHS Foundation Trust EAT/0002/16**. Simler said in paragraph 34 that:

“a request for reconsideration is not an opportunity for a party to seek to re-litigate matters that have already been litigated, or to reargue matters in a different way or by adopting points previously omitted. There is an underlying public policy principle in all judicial proceedings that there should be finality in litigation, and reconsideration applications are a limited exception to that rule. They are not a means by which to have a second bite at the cherry, nor are they intended to provide parties with the opportunity of a rehearing at which the same evidence and the same arguments can be rehearsed but with different emphasis or additional evidence that was previously available being tendered.”

8. In common with all powers under the ETPR, preliminary consideration under rule 70(2) must be conducted in accordance with the overriding objective as set out in rule 3, namely, to deal with cases fairly and justly. This includes dealing with cases in ways which are proportionate to the complexity and importance of the issues and avoiding delay. Achieving finality in litigation is part of a fair and just adjudication.
9. Dealing first with the Claimant's assertion regarding the Employment Tribunal's finding that there was no evidence to suggest that Mr Quick had knowledge of the Claimant's disability. Notwithstanding, the finding was about the Claimant's specific disability, but more importantly, the Claimant has missed out the other finding of the Employment Tribunal, that Mr Quick knew of the Claimant's mental health issues. The Claimant relied upon her disability of cyclothymia, not a disability of mental health issues, which the Claimant accepted were as a result of the stress she was under at work, not her Cyclothymia. The Employment Tribunal made a finding that they accepted that Ms Mason did not discuss the Claimant's cyclothymia with Mr Quick; that was the basis of the Employment Tribunal's findings. The Claimant is also not correct in saying that no questions around the Claimant's cyclothymia were asked of Mr Quick. The Employment Tribunal has a note that Employment Judge Young asked Mr Quick if the Claimant's disability was known to him, to which he answered no.
10. Secondly, as regards the legal advice sought from Ms Williams from Heather Howie in HR reflected in the note on 3 November 2023, the Claimant is inviting the Employment Tribunal to change their finding and infer from one sentence that the Claimant's disability was discussed. This is the Claimant asking for a second bite of the cherry. The Claimant did not argue that the reference to “When they on-boarded she said that she has stress and depression and takes medication” was a reference to her disability. The Employment Tribunal considered all the evidence before it

and made its findings; those findings were based on the evidence before it not least because there was no mention of the Claimant's named disability in the note. A reference to the stress and depression is not the same as the Claimant's cyclothymia, again a matter that the Claimant emphasised throughout the hearing.

11. Addressing one of the Claimant's observations, there was no finding by the Employment Tribunal that there was no genuine redundancy situation. The Employment Tribunal findings were about the reason for the Claimant's dismissal, not whether there was a genuine redundancy situation. It was not necessary to make this finding as the Employment Tribunal was only required to determine the reason for the Claimant's dismissal. The Employment Tribunal's finding was that it was not redundancy but something else; that is not the same as saying there was no genuine redundancy situation.
12. Reconsideration is not the opportunity to argue matters not put before the Employment Tribunal, and an opportunity for another bite of the cherry. The Claimant is attempting to relitigate matters that have already been properly determined before the Employment Tribunal, and having regard to the overriding objective, there must be finality. For these reasons, the Claimant's application is refused.

Approved by:

Employment Judge Young

Date 10 June 2026

JUDGMENT SENT TO THE PARTIES ON

10 June 2026

FOR THE TRIBUNAL OFFICE