



EMPLOYMENT TRIBUNALS

Claimant: Miss E Wilson

Respondent: Viaduct Care CIC

JUDGMENT

The claimant's application dated 29 March 2026 for reconsideration of the judgment sent to the parties on 18 March 2026 is refused.

REASONS

1. I have undertaken preliminary consideration of the claimant's application for reconsideration of the judgment dismissing her claims. I am deciding this alone, rather than with the non-legal members, in accordance with paragraph 16.1 of the Presidential Guidance on Panel Composition issued with effect from 29 October 2024.

2. That application is contained in a 7 page document attached to an email dated 29 March 2026¹. References in square brackets (e.g. [9]) are references to paragraph numbers from the written reasons promulgated with the judgment. References to rule numbers are to the Employment Tribunal Procedure Rules 2024.

The Law

3. 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).

4. Rule 70(2) empowers the Tribunal to refuse the application based on preliminary consideration if there is no reasonable prospect of the original decision being varied or revoked. In common with all powers under the Rules, preliminary consideration under rule 70(2) must be conducted in accordance with

¹ The email asked the Tribunal to disregard an earlier application for reconsideration submitted immediately after the hearing, so before the claimant had received the written reasons for the judgment, and I have done so.

the overriding objective which appears in rule 3, namely to deal with cases fairly and justly.

5. The importance of finality was confirmed by the Court of Appeal in **Ministry of Justice v Burton and anor [2016] EWCA Civ 714**.

6. In **Liddington v 2Gether NHS Foundation Trust EAT/0002/16** the EAT chaired by Simler P 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.”

7. It follows that achieving finality in litigation is part of a fair and just adjudication. Where a party has raised arguments, or had a reasonable opportunity to raise them, it will not generally be in the interests of justice to grant them a second opportunity to raise them after the case has been heard.

The Application

8. The application says that it is in the interests of justice to revoke the judgment for two reasons.

Disability

9. The first is that the claimant now knows that she has been diagnosed with a neurodiverse condition, Attention Deficit Hyperactive Disorder (“ADHD”). She says that sensitivity to noise is a known symptom of ADHD and that this affected the way she was treated at work. She wishes to reopen the case to pursue a complaint of a breach of the duty to make reasonable adjustments for that disability. She suggests that this would simply be relabelling of existing facts. In support of her application she attaches confirmation that she was diagnosed with ADHD on 14 March 2026, that she has significant symptoms of sensitivity to noise and that adjustments to the working environment are commonly done as a reasonable adjustment for employees with ADHD.

10. It would not be in the interests of justice to reopen the case on this wholly new basis as to do so would go against the principle of finality. The claim was presented in March 2024 and concerns events between May and December 2023. In order to pursue a complaint of this kind the claimant would have to establish that she was a disabled person by reason of ADHD in 2023, and that the respondent knew or ought reasonably to have known of that. Even if the allegations which have already been heard and determined are relabelled as breaches of the disability provisions of the Equality Act, the issues of disability and knowledge are a new area of factual enquiry which would have to be undertaken about three years after the events in question. The reasons why it would not be fair to the respondent to allow the case to be reopened on this basis

are those which are set out at [9]. It would not have been fair to have allowed the claimant to amend the claim to that effect on the first day of the final hearing, and it would not be fair to allow her to do so after the case has concluded.

More Evidence

11. The second reason for reopening the case is said to be evidence of a post about other faiths made by Dr Mehta around the time that the claimant's probationary period was extended. His post was reposted by the respondent itself. The claimant said in her application that she was aware of this evidence before the final hearing but was "too afraid" because of the extreme violence that many Christians experience at the hands of those who practise the Islamic faith. Her application goes on to make some additional points about her own "Evil Spirits" post mentioned at [110].

12. This matter was considered in detail by the Tribunal during the final hearing and in our decision. The claimant had the opportunity to introduce this written material and to make the points which she now seeks to make. It would be contrary to the principle of finality in litigation to allow her a "second bite at the cherry", and it is not in the interests of justice for this point to be reopened.

Conclusion

13. For those reasons I have concluded that there is no reasonable prospect of the Tribunal revoking or varying its judgment in the light of the application for reconsideration and it is therefore rejected

Approved by

Regional Employment Judge Franey

12 May 2026

JUDGMENT AND REASONS SENT TO THE PARTIES ON

16 June 2026

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FOR THE TRIBUNAL OFFICE