



EMPLOYMENT TRIBUNALS

Claimant: Mr V Sach

Respondent: Sanctuary Maintenance Contractors Limited

JUDGMENT ON APPLICATION FOR RECONSIDERATION

The claimant's application dated 9 March 2026 for reconsideration of the Judgment finding the Claimant had been discriminated against, given orally at the hearing and sent with reasons to the parties on 23 February 2026, is allowed.

It is necessary, in the interests of justice, to reconsider the time limit issues as raised by the respondent in its application for reconsideration.

REASONS

1. By rule 68 of the Employment Tribunal Procedure Rules 2024 ('the Procedure Rules') the Employment Tribunal may reconsider a judgment where it is necessary in the interests of justice to do so. On reconsideration, the judgment may be confirmed, varied or revoked.
2. An application for reconsideration must be presented in writing (and copied to all other parties) within 14 days of the date upon which the written record of the original decision was sent to the parties. In this case the written record was the written reasons dated 4 February 2026 and sent to the parties on 23 February 2026. The respondent submitted an application for reconsideration on 9 March 2026. The application was made in time.
3. Under rule 68 of the Procedure Rules, a judgment will only be reconsidered where it is necessary in the interests of justice to do so. This gives an Employment Tribunal a broad discretion to determine whether reconsideration is appropriate in the circumstances. The discretion must be exercised judicially. This means having regard not only to the interests of the party seeking the reconsideration but also the interests of the other party to the litigation and to the public interest requirement that there should, so far as possible, be finality of litigation.

4. The procedure upon a reconsideration application is for the Employment Judge that heard the case to consider the application and determine if there are reasonable prospects of the judgment being varied or revoked. This is a reviewing function. Reconsideration cannot be ordered simply because the applicant disagrees with the judgment.
5. My role, when considering the application on the papers initially, is therefore to operate as a filter to determine whether there is a reasonable prospect of the judgment being varied or revoked were the matter to be the subject of a reconsideration hearing.
6. Having considered the application, I am satisfied that there is a reasonable prospect of the judgment being revoked or varied on the issues identified below.
7. The respondent has given two grounds for reconsideration for each claim the Tribunal held to be well-founded.
8. Regarding the decision of the Tribunal that the respondent had failed to make reasonable adjustments for disability by not providing an adjusted van with a bulkhead between September 2019 and July 2020, the respondent argues:

Ground 1(a): The Tribunal failed to account for the Respondent's uncontested witness evidence and the package of adjustments made for the Claimant 'in the round'.

Ground 1(b): The Tribunal failed to address properly the time limit issues.
9. Regarding the decision of the Tribunal that the respondent had failed to make reasonable adjustments for disability by taking the claimant off the adjusted rota from August 2021, the respondent argues:

Ground 2(a): The Tribunal failed to account for the Respondent's uncontested witness evidence in relation to the reasonableness of returning the Claimant to the adjusted duties rota.

Ground 2(b): The Tribunal failed to address properly the time limit issues.
10. Ground 1(a) is an argument about the evidence accepted by the Tribunal in relation to its decision that the failure to provide the claimant with an appropriate vehicle was a failure to make a reasonable adjustment.
11. In reaching its decision, the Tribunal took account of all the evidence before it, including documentary evidence and witness evidence. All evidence was taken into account even if not specifically referred to in the judgment and reasons.
12. On this point, the Tribunal preferred the evidence before it for example, that the allocation of an inappropriate vehicle had been in error and that the reasonable adjustment applied to the claimant regarding spraying had been to half-fill the knapsack.
13. This ground appears to be an attempt to re-argue evidence already

ventilated in the hearing, where each party had a fair and proper opportunity to put his or her case and in this situation reconsideration should not be used to correct a supposed error made by the tribunal after the parties have had such an opportunity. Having regard to the public interest requirement that there should be finality of litigation as well as having regard to the interests of both parties, I find that it is not in the interests of justice to reconsider this aspect of the Tribunal's decision as there is no reasonable prospect of the judgment being varied or revoked on this ground.

14. Ground 1(b) relates to a failure of the Tribunal to hear evidence from the claimant concerning whether or not it was just and equitable to extend time for the presentation of the claimant's successful claims and to make relevant findings of fact on the time limit point. On this issue I find that there has been a 'procedural mishap' and as this issue goes to the Tribunal's jurisdiction, it is in the interests of justice to reconsider the Tribunal's decision as there is a reasonable prospect of the judgment being varied or revoked.
15. Ground 2(a) is an argument about the evidence accepted by the Tribunal in relation to its decision that taking the claimant off the adjusted rota from August 2021 was a failure by the respondent to make reasonable adjustments.
16. In reaching its decision, the Tribunal took account of all the evidence before it, including documentary evidence and witness evidence. All evidence was taken into account even if not specifically referred to in the judgment and reasons.
17. This ground appears to be an attempt to re-argue evidence already ventilated in the hearing. For example, although the application states that Mr McCreddie was not challenged on his reliance on medical evidence, the Tribunal's note is that he was challenged as having relied on the wrong medical report and a report that was out of date as it dealt with the claimant's pre-operative condition. Each party had a fair and proper opportunity to put his or her case and in this situation reconsideration should not be used to correct a supposed error made by the tribunal after the parties have had such an opportunity. Having regard to the public interest requirement that there should be finality of litigation as well as having regard to the interests of both parties, I find that it is not in the interests of justice to reconsider this aspect of the Tribunal's decision as there is no reasonable prospect of the judgment being varied or revoked on this ground. I consider that if the respondent believes, as is stated in the application, that the Tribunal has failed to consider all the elements it is required to consider in order to reach a legally correct decision on the reasonableness of a suggested adjustment, then this is a matter for appeal.
18. Ground 2(b) relates to a failure of the Tribunal to hear evidence from the claimant concerning whether or not it was just and equitable to extend time for the presentation of the claimant's successful claims and to make relevant findings of fact on the time limit point. On this issue, as at paragraph 14 above, I find that it is in the interests of justice to reconsider the Tribunal's decision as there is a reasonable prospect of the judgment

being varied or revoked.

Date: 21 June 2026

Approved by

Tribunal Judge Overton sitting as an
Employment Judge