



EMPLOYMENT TRIBUNALS

Claimant: Mrs TI Edafienene

Respondent: Linc-Cymru Housing Association Limited (1)
Codi Homes and Communities Limited (2)

JUDGMENT

The Claimant's application dated 3 June 2026 for reconsideration of the judgment dated 20 April 2026 and sent to the parties on 13 May 2026 under rule 69 of the Employment Tribunal Procedure Rules 2024 is refused.

REASONS

The Law

1. An application for reconsideration is an exception to the general principle that (subject to an appeal on a point of law) a decision of the Employment Tribunal is final.
 2. Rule 68 Employment Tribunal Procedure Rules 2024 sets out the test on reconsideration which is whether it is necessary in the interests of justice to reconsider the judgment. Pursuant to Rule 70(2), if the Tribunal considers that there is no reasonable prospect of the judgment being varied or revoked, the application must be refused and the Tribunal must inform the parties of the refusal.
 3. The importance of finality was confirmed by the Court of Appeal in **Ministry of Justice v Burton and anor** [2016] EWCA Civ 714 and in **Liddington v 2Gether NHS Foundation Trust** EAT/0002/16.
- Decision**

Decision

4. There are no reasonable prospect of the original decision being varied or revoked for the reasons set out below.
5. The Claimant emailed the Tribunal on 24 May 2026 with her application for reconsideration of the judgment. The application was exceptionally detailed and some 28 pages long. It had not been uploaded into MyHMCTS but had been emailed to the Tribunal. It had not been copied to the Respondent and was rejected and was resubmitted by the Claimant on 3 June 2026 when copied to the Respondent.
6. Whilst I took the view that there was an element of duplication in the application, I determined that the most efficient way of dealing with the application was to follow the numbering utilized by the Claimant. Whilst the application is extensive and forensic, much of it amounts to a re-argument of the case on the merits, which is not a proper basis for reconsideration.
7. In dealing with the application, I remind the Claimant of the comments of Simler P in **Liddington** that a reconsideration application '*is not an opportunity for a party to seek to re-litigate matters that have already been litigated, or 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 of litigation, and reconsideration applications are a limited exception to that rule. They are not a means by which to have a second bite of 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.*'

Ground 1 - Failure to consider evidence: No warning of dismissal

8. It had been part of the Claimant's live evidence that she had not received a copy of the invite letter to the disciplinary hearing at which she was dismissed [199], only the covering email of 23 June 2025, the original of which was disclosed during the hearing and added to the Bundle [343]. This had not been part of her pleaded claim and she had not addressed this issue in her written statement evidence.
9. I had found that the Claimant had been sent an email inviting her to a disciplinary hearing to be held on 26 June 2025 (§59 of the judgment [199][343]). What is not reflected in the judgment, is why I had reached that finding, which was that I had accepted the evidence of Gary Hortop, set out in his supplemental witness statement, that the email that had been sent to the Claimant on 23 June 2025 had embedded the disciplinary invite to the meeting which had expressly referred to the possibility of an outcome being

dismissal. The Claimant on receipt of that email of 24 June 2025 had confirmed that she would be attending the disciplinary hearing on 26 June 2025.

10. Having found that the Claimant had been sent the invite letter, I had found that the Claimant had been informed that dismissal was a possible outcome. I am therefore satisfied that there is no prospect of the judgment being varied or revoked.

Ground 2 – Error of Fact and Failure to consider material evidence (Medication Policy)

11. The Claimant asserts that the findings at §28 and §29 are materially flawed and inconsistent with the evidence before the Tribunal.
12. She asserts that the Deputy Manager and Registered Manager expressly accepted the existence of two policies, referencing in her reconsideration application an ‘older policy [274]’ and a ‘newer’ policy that referenced completion of EMARS [275], both procedures referred to by the Claimant as being contained within the Medication Policy [267].
13. Whilst the Medication Policy did contain two sections relating to administration of controlled drugs: one entitled ‘Procedure for Controlled Drugs’ and which did not refer to EMARS [274], and one which referred to ‘Administration of Controlled Drugs’ but which did refer to a registered nurse who administered the controlled drug having to sign the EMARS to confirm administration [277], both had provided that two registered nurses had to be involved in checking and administration.
14. In live evidence,
- a. the Deputy Manager, Evidence Chapwanya was not specifically questioned on the two sections of the Medication Policy and, in turn, was not questioned on which section her investigation relied on;
 - b. the Registered Manager, Jade Frias, did not accept that the policy changed with the additional reference to EMARS and it was her live evidence that it remained the same save that the EMARS process was added and that staff still had to use the Controlled Drug book to evidence administration of the medication. She did not accept that the Respondent had failed to apply policy consistently.
15. I accept that §23-§29 of the Written Reasons to the Reserved Judgment does not contain specific reference to the section entitled ‘Administration of Controlled Drugs’ [277], save that this does not undermine my conclusion that the inclusion of the additional process, of recording the administration of the medication into EMARS that was reflected in that section, did not vary

the policy or process for management of Controlled Drugs or obviate the need to complete the Controlled Drugs register.

16. That does not however undermine the conclusion that the Respondent acted reasonably and/or that the dismissal fell within the range of reasonable responses. It is not in the interests of justice to reconsider the judgment and I am satisfied that there is no prospect of the judgment being varied or revoked.

Ground 3 – Error of Fact and Fact (Failure to Properly Assess Protected Disclosure)

17. The Claimant has asserted that the findings at §34 -§37 are materially flawed and has argued that there has been a failure to consider material cross-examination evidence, a material error of fact and inadequate reasons.
18. It is not correct for the Claimant to state that the Respondent's witness made admissions as indicated. The Claimant had initially failed to question Evidence Chapwanya on the actual disclosure relied only doing so after prompting. On cross-examination, Evidence Chapwanya denied that the Claimant:
- c. had told her that *'this is not right*;
 - d. had informed her of the complications of overdose of Edoxoban;
 - e. had asked her if Jade Frias was aware of the medication error; and
 - f. had denied that she had told the Claimant that Jade Frias had *'safeguarded herself*'.
19. Save that it had been an undisputed fact that there had been a medication error and that the Claimant and Evidence Chapwanya had discussed that error, there were no admissions by the Respondent's own witnesses regarding the disclosure (§34 Written Reasons). I was satisfied that I had not failed to take into account critical evidence elicited on cross-examination and that my findings, and in turn conclusion on whether the Claimant had made a qualifying disclosure should not be revoked or varied, as
20. Whilst I do not address the public interest element of the disclosure within the Written Reasons, I was not required to do so as I had concluded that the Claimant had failed to establish that she had made any qualifying disclosure. In any event, the Respondent had conceded that *if* I had found that the Claimant had disclosed information, any concerns regarding medication errors were likely to engage the public interest element.
21. I am satisfied that the judgment on the disclosure should not be revoked or varied.

Ground 4 – Error of Fact, Failure to Consider Evidence and Procedural Unfairness

22. The Claimant has asserted that the findings at §40-§44 are materially flawed and inconsistent with the Respondent's own cross-examination asserting that the investigating officer, Evidence Chapwanya,
- a. expressly admitted that the investigation policy was not conducted in accordance with the Respondent's own policy;
 - b. that there had been failures in the investigation process; and
 - c. the attribution of responsibility to the Claimant was not properly grounded in the policy framework.
23. This is an incorrect interpretation of the live evidence from Evidence Chapwanya, who was not questioned by the Claimant on her investigation, and in turn, had not admitted that the investigation had not been in accordance with policy and/or that there had been failures in the investigation process.
24. It was not in dispute and the evidence before me on cross-examination of Evidence Chapwanya was that she had accepted that the Claimant had not been the admitting nurse. Her evidence was that that the admitting nurse had also been investigated and disciplined, not accepting that the investigation had only focused on the Claimant. Further, she had not accepted that accountability should rest with the admitting nurse. Her investigation had concluded that whilst the Claimant had *not* been the admitting nurse, she had noted the medication error but had failed to address that error (see §40 Written Reasons) and it was for that reason, the Claimant had been given a Letter of Concern.
25. I am satisfied that the reconsideration application contains not only evidence which I took into account in reaching my decision, but also additional matters which were not put before me at the hearing (either in written statement, in oral evidence or submissions).
26. I therefore do not conclude that there has been a failure to properly analyze the evidence or cause for the disciplinary action. There was no evidence to suggest that the investigation did not follow the Respondent's own procedures and on the evidence before me there are no circumstances that this element of the Reserved Judgment should be reconsidered.

Ground 5 – Failure to consider inconsistent treatment, Procedural Unfairness and Flawed reliance on Disciplinary

27. The Claimant asserts that the findings at §45-51 are materially flawed, further asserting that there has been a failure to consider that the November medication error, what she has termed the Omeprazole matter, had been concluded but had been double counted when the decision to dismiss the Claimant was made, rendering the process unfair.
28. At §49 of the Reserved Judgment Written Reasons I had found that the Claimant had on 7 January 2025 received a 6-month warning for this medication error. I had also found (§65) that Jade Frias noted that at the final disciplinary hearing that led to the Claimant's dismissal, that this was the third time that the Claimant had been involved in a medication error and she was not satisfied that the Claimant could change, that the conduct amounted to gross misconduct.
29. I do not consider this to be double-counting rendering the dismissal unfair. There are no circumstances that this element of the Reserved Judgment should be reconsidered.

Point 7 – Error of Fact, Failure to consider evidence, failure to consider cross-examination, procedural unfairness (Controlled Drug Incident and dismissal)

30. The Claimant asserts that the findings at §52-§72 are materially flawed and give rise to a basis for reconsideration.
31. I repeat §11-§16 of these written reasons.
32. There are no circumstances that this element of the Reserved Judgment should be reconsidered:
- a. Within §56(a) of the Reserved Judgment Written Reasons, I found that the bank nurse had admitted to administering the Controlled Drug, not the Claimant
 - b. Within §78, I deal with the report to the NMC; and
 - c. Within §116/117, I deal with the involvement of Ranga and Annette.
33. I am satisfied that the reconsideration application not only contains evidence which I took into account in reaching my decision, but also additional evidence which was not put at the hearing. There are no circumstances that this element of the Reserved Judgment should be reconsidered.

Ground 8 – Error of Law, Failure to consider evidence and inadequate reasoning – Direct Race Discrimination

34. The Claimant asserts that the findings at §72-§76 are materially flawed.
35. I had made clear that on the evidence before me the Claimant had not discharged the initial burden of proving facts from which I could find or infer discrimination. I repeat §74 of the Reserved Judgment Written Reasons.
36. Again, I am satisfied that the application contains evidence which I took into account in reaching my decision, and am satisfied that the Claimant had the opportunity to put such matters at the hearing. There are no circumstances that this element of the Reserved Judgment should be reconsidered.

Ground 9 – Error of Law, Failure to consider appeal defects and breach of ACAS Code

37. I deal with the Claimants appeal at §69-§77 of the Reserved Judgment Written Reasons. Again, I am satisfied that the application contains evidence which I took into account in reaching my decision, and am satisfied that the Claimant had the opportunity to put such matters at the hearing. There are no circumstances that this element of the Reserved Judgment should be reconsidered.
38. Ground 10 – Failure to consider material evidence of performance, credibility and context
39. That the Claimant had been awarded Employee of the Month and had generally and from time to time been commended for her performance, was evidence that was before me during the final hearing as reflected in the page references provided by the Claimant within her reconsideration application and I am satisfied that the Claimant had the opportunity and did address such matters during the hearing.
40. Again, there are no circumstances that would lead me to find that it would be in the interests of justice to vary or revoke the judgment.

Ground 11 and Ground 12

41. These grounds appear to repeat those that are already dealt with in Grounds 1-10 and I do not propose to repeat my conclusions. Any miscellaneous matters, such as bundle defects and redactions were, as the Reserved Judgment Written Reasons records, raised and dealt with during the hearing. There are no compelling or obvious basis for reconsideration.
42. Whilst I understand that the Claimant disappointed in the outcome to her litigation, she is essentially seeking to have a further attempt to re-argue her

case which is not the purpose of reconsideration. Her application does not raise any new information, or which she could not have raised at the hearing, which would make reconsideration necessary in the interests of justice.

43. In the circumstances, the application for reconsideration is rejected on the basis there is no reasonable prospect of the judgment being varied or revoked.

Employment Judge R Brace

Dated: 4 June 2026

JUDGMENT SENT TO THE PARTIES

ON

09 July 2026

Kacey O'Brien
FOR THE SECRETARY OF
EMPLOYMENT TRIBUNALS