



EMPLOYMENT TRIBUNALS

BETWEEN

Ms S Ali

Claimant

and

Lifeways Community Care Ltd

Respondent

JUDGMENT

The claimant's application dated 10 June 2026 for a reconsideration of the Judgment sent to the parties on 9 February 2023 is refused.

REASONS

1. The power to reconsider is contained in rule 68 of the Employment Tribunal Rules 2024:

'(1) A Tribunal may, either on its own initiative ... or on the application of a party, reconsider any judgment where it is necessary in the interests of justice to do so.

(2) A judgment under reconsideration may be confirmed, varied or revoked.

(3) If the judgment under reconsideration is revoked the Tribunal may take the decision again. In doing so, the Tribunal is not required to come to the same conclusion.'

And rule 69 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.'

And rule 70(2) states:

- 'If the Tribunal considers that there is no reasonable prospect of the judgment being varied or revoked (including, unless there are special reasons, where substantially the same application has already been made and refused), the application must be refused and the Tribunal must inform the parties of the refusal.'
2. The power is not open-ended. Its purpose is to allow the Tribunal to correct an incorrect decision without the need for the parties to go to an appeal. It is limited not least by the need for finality in litigation. It is not intended to be used as a way of arguing the same points again, or of raising new points or further evidence. If fresh evidence has come to light, that will only usually warrant a reconsideration if the evidence could not have been obtained with reasonable diligence for use at the original hearing, it is relevant, apparently credible and would probably have had an important influence on the hearing.
 3. In Liddington v 2Gether NHS Foundation Trust EAT/0002/16 Mrs Justice Simler P, as she then was, summarised the position as follows:

'... 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.'
 4. Further, unless it is quickly apparent that the Tribunal has made an error of law, any alleged error of law should be dealt with by way of appeal to the Employment Appeal Tribunal.
 5. The Application
 6. Following a hearing conducted from 30 January to 3 February 2023, judgment in this matter was sent to the parties on 9 February 2023 and written reasons for that judgment sent on 12 April 2023.
 7. On 2 March 2026 the claimant emailed the Tribunal, with a copy to the respondent, with the subject heading:

'URGENT: Rule 31 Disclosure & Rule 37 Strike-Out Application...FRESH EVIDENCE DISCOVERED 25/02/26'

The accompanying email repeated the nature of the application as being for specific disclosure and a strike out of the response based on fresh evidence discovered on 25 February 2026 regarding the ERP Cold Harbour System and the suppression of a material witness, Mr G Matthews. Screenshots were embedded within the email
 8. On the instruction of Judge Heath the Tribunal wrote to the parties on 24 March 2026 stating that the proceedings in the Employment Tribunal had been disposed of and were at an end subject to any order of the Employment Appeal Tribunal in the future (an appeal by the claimant being ongoing) and that it was not appropriate for the Tribunal to make any order for specific disclosure.

9. On 20 and 21 May 2026 the claimant emailed the Tribunal, again with a copy to the respondent, asking for her application (the nature of which was not completely clear) to be addressed directly to the Regional Employment Judge. On the Regional Employment Judge's instruction, the Tribunal wrote to the claimant on 10 June 2026 confirming that the case had been closed and there were no live proceedings against which an application for disclosure could be considered.
10. On 10 June 2026 the claimant replied clarifying that the nature of her application was in fact for reconsideration of the 2023 judgment on the grounds of 'Fraud on the Court and intentional concealment of material evidence by the Respondent'. In particular she asserted that the respondent had deliberately suppressed month-end collection figures and had falsely asserted both during disclosure process and at the February 2023 hearing that this data was retrievable. On that basis the application was referred to me.
11. Decision
12. Even if the claimant's position is accepted that she only discovered the new evidence that she says is relevant on 25 February 2026, her application for reconsideration of the judgment was not clearly made until almost 4 months later. She is outside of the time limits required for reconsideration application.
13. Even if I exercise my discretion to vary that requirement, there is no reasonable prospect of the original decision being varied or revoked. Even if the month-end collection figures had been disclosed to the tribunal, this would not have varied the decision made. As was explained to the claimant at the hearing and also appears in the written reasons for the judgment, whether or not the complaints against the claimant were justified was not the relevant issue. Rather, it was whether the respondent's reason(s) for acting the way they did towards the claimant was lawfully discriminatory. We concluded that it was not. That conclusion would not have been impacted by the additional information that the claimant says she has now discovered.
14. The application for a reconsideration is therefore refused.

APPROVED BY JUDGE ANDREWS

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Employment Judge Andrews
Date 23 June 2026