



EMPLOYMENT TRIBUNALS

Claimant: Mr James Lascelles

Respondent: King Edward VI Education Trust

JUDGMENT

The claimant's application dated 14 June 2026 for reconsideration of the judgment sent to the parties on 31 May 2026 is refused.

REASONS

1. This is the preliminary consideration of the claimant's application for reconsideration of the judgment sent to the parties on 31 May 2026. That judgment dismissed the claimant's claim of unfair dismissal and wrongful dismissal.
2. The claimant's application was made by means of a 12-page application attached to an email dated 24 June 2026 timed at 22.24. The claimant also sent further emails to the Tribunal that day, with attachments, timed at 23.08 and 23.18.
3. Such an application falls to be considered under Rules 68 to 70. Rule 69 provides that an application for reconsideration must be made within 14 days of the date on which the written record (or, if later, the written reasons) were sent to the parties. Here, the claimant's application was received within the relevant time limit.
4. By rule 68, the Tribunal may reconsider any judgment where it is necessary in the interests of justice to do so and, if it decides to do so, may vary, revoke or confirm the original decision. There is single threshold for making an application. That is that reconsideration is necessary in the interests of justice. There must therefore be something about the nature of how the decision was reached, either substantively or procedurally, from which the interests of justice would be offended if the original decision was allowed to stand.
5. By rule 70 I am to give an initial consideration to the prospects of the application

determining whether it is necessary to seek the views of the respondent and whether the matter can be dealt with on paper or at a further hearing before the same tribunal. Where the application can be said to carry no reasonable prospects of being varied or revoked, the rules dictate that I shall refuse the application without being required to consider the matter further.

6. Rule 70 gives the Tribunal a broad discretion to determine whether reconsideration of a decision is appropriate. Guidance for Tribunals on how to approach applications for reconsideration was given by Simler P in the case of **Liddington v 2Gether NHS Foundation Trust UKEAT/0002/16/DA**. Paragraphs 34 and 35 provide as follows:

“34. [...] 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 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. Tribunals have a wide discretion whether or not to order reconsideration.

35. Where [...] a matter has been fully ventilated and properly argued, and in the absence of any identifiable administrative error or event occurring after the hearing that requires a reconsideration in the interests of justice, any asserted error of law is to be corrected on appeal and not through the back door by way of a reconsideration application.”

7. The claimant's application runs to twelve pages. He takes issue with a number of points including the legal advice he received from his representative. That however is a matter for him to take up with his representative. The claimant also takes issue that the Tribunal failed to “*hear evidence from David Subden about the harm test, the risk of harm and failed to hear evidence about his authority to provide Employment Law Advice under the Legal Services Act 2007.*” The claimant was legally represented throughout the process and Mr Subden was his witness. It was a matter for Mr Subden which matters he chose to give evidence on.
8. I am satisfied that I applied the law correctly in this case. I identified the relevant permitted reason for the claimant's dismissal. It is worth repeating that it is not for the Employment Tribunal to go behind the decision taken by the employer. I was also satisfied that the procedure carried out by the respondent was one that was reasonable and within the range of reasonable responses open to a reasonable employer.
9. The claimant has in my judgment failed to identify any procedural mishap affecting the fairness of the proceedings. He has also failed to identify any error of law on my part (in the sense that I applied the relevant law incorrectly or made findings of fact that were not open to me on the basis of the evidence that was presented).

10. The claimant is a disappointed litigant and is seeking to have a further attempt to re-argue his position having had a full opportunity at the previous hearing. It is not the purpose of reconsideration to allow a party to the opportunity to rehearse the arguments that have already been made and explored. It is a fundamental requirement of litigation there is certainty and finality.
11. If there was an error of law, this is a matter for appeal and not reconsideration. The claimant has not argued or identified an error of law.
12. In the circumstances the application for reconsideration is rejected on the basis there is no reasonable prospect of the judgment being varied or revoked. Accordingly, the application for reconsideration is therefore refused.

Date: 3 July 2026
Approved by
Employment Judge McTigue

JUDGMENT SENT TO THE PARTIES ON
28 July 2026

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Hrishiraj Pramanik

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FOR THE TRIBUNAL OFFICE