



EMPLOYMENT TRIBUNALS

Claimant: KATY ANGLISS

Respondent: UNIVERSITY OF WARWICK

RECONSIDERATION JUDGMENT

In accordance with rule 70(2) of The Employment Tribunal Procedure Rules 2024, the Claimant's reconsideration application presented on 4 May 2026 is refused because the Tribunal considers there to be no reasonable prospect of the original decision being varied or revoked.

FULL WRITTEN REASONS

INTRODUCTION

1. In a Judgment handed down on 13 March 2026 followed by Full Written Reasons sent on 20 April 2026, the Tribunal dismissed the Claimant's claims for unfair dismissal, sex and age discrimination.
2. The Claimant initially indicated by email dated 30 April 2026 that she was not applying for reconsideration in these terms:

"Dear Tribunal and Judge Algazy,

Thank you for the written reasons. I note the deadline for submitting my response on costs.

I would be grateful if the Tribunal could clarify two points arising from the written reasons:

Whether the Respondent's omission of key documents, arising from the absence of a legal hold despite their awareness of ongoing proceedings (as previously notified to the tribunal), and the impact this had on my ability to present my case, was considered as a material issue in the judgment.

Regarding the references to documents in the written reasons:

The judgment states that I had received the Respondent's witness statements by 18 December 2025. I wish to clarify that I did not receive paper copies of the witness statements, and paper copies were required by the Respondent in the preliminary hearing outcome.

The judgment also states that I confirmed there were no outstanding document issues at the reconvened hearing. I do not recall confirming this, and I recall raising concerns about the completeness of the bundle at the start of the first part of the hearing, as reflected in my witness statement.

For clarity, I am not seeking reconsideration of the judgment; I am only requesting confirmation on these points to ensure the record is accurate."

3. On 4 May 2026, as is her right, the Claimant applied for reconsideration of the Judgment as set out in the Application for Reconsideration annexed to this Judgment.
4. I determined the reconsideration decision alone in Chambers having had regard to the Senior President's Practice Direction on Panel Composition ("the Practice Direction") and the Presidential Guidance on Panel Composition which both came into effect on 29 October 2024.
5. The Practice Direction provides at §6:

"6. In respect of any other matter an Employment Tribunal is to consist of a judge. This includes consideration of whether a party's application for reconsideration discloses a reasonable prospect of a judgment being varied or revoked."

6. Insofar as is material, the Presidential Guidance provides:

"16. There are two circumstances where post-hearing matters will always be decided by a judge alone:

16.1 In respect of applications for reconsideration, when deciding under rule 72(1) if such an application discloses a reasonable prospect of a judgment being varied or revoked and when deciding under rule 72(2) if a hearing in respect of that application is in the interests of justice;"

THE LAW

7. Rule 68 of The Employment Tribunal Procedure Rules 2024 provides:

“(1) The Tribunal may, either on its own initiative (which may reflect a request from the Employment Appeal Tribunal) 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.”

8. Rule 70 sets out the process to be followed when reconsidering judgments as follows:

“(1) The Tribunal must consider any application made under rule 69(application for reconsideration).

(2) 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.

(3) If the application has not been refused under paragraph (2), the Tribunal must send a notice to the parties specifying the period by which any written representations in respect of the application must be received by the Tribunal, and seeking the views of the parties on whether the application can be determined without a hearing. The notice may also set out the Tribunal's provisional views on the application.

(4) If the application has not been refused under paragraph (2), the judgment must be reconsidered at a hearing unless the Tribunal considers, having regard to any written representations provided under paragraph (3), that a hearing is not necessary in the interests of justice.

(5) If the Tribunal determines the application without a hearing the parties must be given a reasonable opportunity to make further written representations in respect of the application.”

9. I also had regard to the Tribunal's overriding objective in Rule 3 of the ET Rules 2024. The Tribunal's "overriding objective" under Rule 3 is to deal with the case fairly and justly which includes dealing with cases in ways which are proportionate to the complexity and importance of the issues,

10. From consideration of the relevant authorities, the following principles and guidance emerge:

10.1 In **Tesco Stores v Element [2026] EAT 33, 2026 WL 00544183**, HHJ Tayler in the EAT considered the previous guidance in **TW White and Sons Ltd v White [2021] 3 WLUK 50** and set out a structured mandatory 13 step approach for dealing with reconsideration

applications under rules 68 to 71 of the 2024 ET Rules which I followed, insofar as applicable to the instant case.

10.2 Case law on the 2004 ET Rules, prior to the change in wording in the 2013 ET Rules introducing a single ground for reconsideration, was still relevant to cases being decided under the 2013 Rules This remains unchanged in the 2024 ET Rules - **Outasight VB Ltd v Brown [2015] ICR D11 EAT**.

10.3 In **Newcastle City Council v Marsden [2010] ICR 743** the EAT (per Underhill P, as he then was) observed that having regard to the overriding objective did not mean disregarding all the principles that had been laid down in earlier cases;

*“... it is important not to throw the baby out with the bath-water. As Rimer LJ observed in **Jurkowska v Hlmad Ltd [2008] ICR 841**, at para 19 ...*

“that dealing with cases justly requires that they be dealt with in accordance with recognised principles. ...”.

See §17 @ P.753

10.4 The interests of justice allowed for a broad discretion, albeit one that had to be exercised judicially, which meant having regard not only to the interests of the party seeking reconsideration but also to the interests of the other party to the litigation and to the public interest requirement that there should be a finality to litigation - **Outasight VB Ltd v Brown [2015] ICR D11 EAT**.

10.5 The central issue of the interests of justice in finality in litigation was reaffirmed in **Ebury Partners Ltd v Acton Davis [2023] EAT 40, [2023] I.R.L.R. 486**.

10.6 “In the interests of justice” means the interests of justice to all parties - See **Redding v EMI Leisure Limited EAT262/81** cited in **Outasight (op cit)**.

10.7 Reconsideration is not a method by which a disappointed party to proceedings can get a second bite of the cherry - **Stevenson v Golden Wonder Ltd 1977 IRLR 474**.

DISCUSSION AND DECISION

11. I have considered the Claimant's written application and relevant correspondence. I have reminded myself of the Claimant's written closing submissions and referred back to the Tribunal's full written reasons as well as my notes of the Final Hearing and the relevant evidence.

12. it is not in the interests of justice to allow the Claimant's application in respect of any of the grounds set out within the Claimant's application to proceed further, nor would it be in accordance with the Tribunal's overriding objective to deal with the case fairly and justly.

13. I am equally satisfied that the Tribunal did not fail to take into account any relevant considerations that were advanced by the Claimant.

14. With reference to the specific grounds/matters relied on by the Claimant:

"Failure to preserve and disclose documents due to absence of a "legal hold"'"

14.1 This did not form part of the Tribunal's consideration as it was not raised as a specific discrete issue by the Claimant directly or indirectly other than as set out below.

14.2 The issue of a failure to preserve and disclose documents and/or the implications this had for the evidence before the Tribunal was simply not advanced by the Claimant in her closing written submissions.

There was this just this reference to documentation as follows:

" 8. Bundle Irregularities Undermined Fairness

The preparation and handling of the bundle raised serious concerns. Key documents were omitted or added retrospectively, and materials I requested, including grievance correspondence and procedural records, were excluded despite their relevance. The Respondent asserted that the bundle was agreed, despite my explicit objections. These irregularities contributed to a broader procedural imbalance and hindered my ability to prepare and present my case."

14.3 The issue now raised was not addressed in the evidence, was not the subject of any cross-examination of the Respondent's witnesses and there was no application to recall any of the Respondent's witnesses insofar as that may have been necessary to deal with the issue.

14.4 The Claimant has failed to identify what relevant documents would have been caught by a "legal hold" and how that could have impacted on the Tribunal's assessment of the central issues in the case and/or the fairness of the proceedings.

14.5 Insofar as this issue relates to the question of whether there was any evidence of "pressure" on the Claimant to sign off on the notes of the Investigation Meeting of 28 March 2023 by HR (Becky Golds) and the accuracy of those notes, I note the following:

14.5.1 Whether there was any pressure or not would seem to be irrelevant given that the accuracy of the Investigation Meeting notes was ultimately acknowledged by the Claimant in cross-examination. Moreover, the Claimant did not challenge Professor Elliot (the Investigating Officer) at all on this topic in cross – examination - see §6.11 of the Full Written Reasons.

14.5.2 In the course of her evidence, the Claimant simply indicated that there were emails asking her to return the minutes. When asked by the Tribunal if she had those emails, she said she could find them. The Claimant was given the opportunity to retrieve them but was unable to do so at the time. The matter was left on the basis that she would send them to the Tribunal and the Respondent if found.

14.5.3 There was correspondence between the Claimant and the Respondent on the topic between 20th and 24th February 2026. The Respondent's email of 24th February contained this statement:

" I can confirm that your mailbox was not put on legal hold and cannot be restored now that it has been deleted 1 year post termination in line with our policy.

Certain emails are available as we have been able to obtain those where the other sender/recipient is known eg where they were disclosed by witnesses or others of whom a request was made eg Becky Golds). We can confirm that Response 9 contained all emails between yourself and Becky Golds for the relevant dates where your personal data was involved – we understand there to be no other emails between you/Becky that are relevant to the issues to be determined by the tribunal."

The Respondent's position therefore was that there no other emails from Becky Golds to disclose in any event.

- 14.5.4 The Claimant's email to the Tribunal of 25 February 2026 indicated that she intended to identify documents for inclusion in a supplementary bundle and specifically noted the following:

"I write to provide an update following the part-heard hearing in the week commencing 12 January 2026.

Further to the tribunal's request for the email from Becky Golds dated between 30 March and 5 April 2023, I checked my own documents but was unable to locate the emails. I therefore asked the Respondent to provide them. The Respondent has now confirmed that no legal hold was applied to my mailbox and that it was deleted one year after termination in line with their policy. They state that the mailbox cannot be restored, and as a result the email requested by the tribunal is not available. Below is their confirmation for completeness. If the tribunal considers it appropriate, I would be grateful for any case management directions regarding the Respondent's ongoing disclosure."

As noted, the Respondent's position was not that "*...the email...*" was not available. Rather that there was no such email.

- 14.5.5 At the close of the Claimant's evidence, both parties were asked if there were any applications to introduce any further evidence. Neither side wished to do so. However, the Respondent reminded the Tribunal that it had asked the Claimant for any evidence of pressure to sign the Investigation Meeting Notes. The Claimant made a reference to the Becky Gold emails and was asked by the Tribunal to clarify what issue, if any, she was raising. The Claimant then specifically said she would not make any more submissions at this point.

- 14.6 In consequence of the matters above set out, I reject the Claimant's assertion that:

"...the Respondent's failure to preserve relevant documents amounts to a procedural irregularity, and that this irregularity had a material impact on the fairness of the proceedings and potentially on the outcome."

"ADDITIONAL CONTEXT"

- 14.7 The Claimant's access to her emails was only terminated following her dismissal on 4 June 2024. The Claimant had full access from the initial

commencement of the Disciplinary investigation on 20 February 2023 until then.

14.8 No evidence was adduced by the Claimant to the effect that she was unable to save any documents on any external devices nor were any of the Respondent's witnesses cross - examined on this specific topic. This matter was therefore not explored before the Tribunal.

15. For completeness, I address the Claimant's query raised in her email of 30 April 2026 concerning § 3.52 of the Full Written Reasons, namely:

At the conclusion of the hearing on 15 January 2026, the Tribunal specifically asked the Parties if there were any issues that needed to be dealt with regarding documents or anything else before the reconvened hearing. Both parties confirmed that there were not.

16. I have had regard to my notes of the Final Hearing and confirm that on 2 separate occasions, I made the inquiry noted at §3.52 of the Full Written Reasons at the close of the Tribunal Day on 15 January 2026.

17. For all the reasons above set out, I am of the view that there is no reasonable prospect of the original decision being varied or revoked and, in accordance Rule 70 (2) of the 2024 ET rules, the application must be refused.

Employment Judge Jacques Algazy K.C.

Approved on 10 June 2026

ANNEX

Claimant's Reconsideration Request

Case Reference: 6006167/2024

Tribunal: Midlands West Employment Tribunal

Claimant: Mrs K. Angliss

Respondent: University of Warwick

Dear Tribunal and Employment Judge Algazy,

1. Request for Reconsideration of Judgment under Rule 70

Thank you for the written reasons and I fully respect the Tribunal's judgment and findings.

My request for reconsideration relates solely to one procedural matter which I believe had a material impact on the fairness of the proceedings and the evidence available to the Tribunal.

From the written reasons, I am not clear whether the Respondent's failure to preserve and disclose relevant documents, and the implications this had for the evidence before the Tribunal, formed part of the Tribunal's consideration.

2. Ground: Failure to preserve and disclose documents due to absence of a "legal hold"

The Respondent did not take steps to preserve relevant documents despite being aware of ongoing proceedings. This was confirmed by Helen Hughes in correspondence dated 24 February 2026. As a result, a number of relevant documents were not preserved or disclosed. I raised this issue with the Tribunal on 25 February 2026, and a copy of the relevant correspondence is attached.

The absence of these documents meant that evidence which should have been available to the Tribunal was missing. This affected my ability to present my case and the completeness of the evidential picture before the Tribunal.

I respectfully submit that the Respondent's failure to preserve relevant documents amounts to a procedural irregularity, and that this irregularity had a material impact on the fairness of the proceedings and potentially on the outcome.

3. Additional Context

My email and system access was terminated immediately upon dismissal, meaning I no longer had access to documents that would otherwise have been available to me. I therefore relied entirely on the Respondent to preserve and disclose relevant material. The Respondent's failure to do so had a direct and unavoidable impact on the evidence before the Tribunal.

In addition, the Warwick systems in place at the time did not permit documents to be saved to any external storage devices, such as USB memory sticks or external hard drives. It was therefore

not technically possible for me to export or remove documents from the system to retain copies for myself, and I was wholly dependent on the Respondent to retain and disclose them.

4. Applicable Legal Principles

The duty to preserve relevant documents once litigation is anticipated is well established.

In *Keefe v Isle of Man Steam Packet Co Ltd* [2010] EWCA Civ 683, the Court of Appeal emphasised the importance of parties taking proper steps to retain material evidence. The case illustrates that where relevant documents are not preserved, this can affect the fairness of the proceedings.

The principles in *Wisniewski v Central Manchester Health Authority* [1998] PIQR P324 recognise that the absence of relevant documents can have implications for the fairness and completeness of the evidential picture.

The Employment Appeal Tribunal has also recognised that failures in disclosure can amount to a procedural irregularity affecting the fairness of proceedings, as in *Logan v Commissioners of Customs & Excise* [2004] IRLR 63.

5. Request

In this case, the Respondent was aware of ongoing proceedings, but did not take steps to preserve relevant documents, resulting in material evidence not being available to the Tribunal. The absence of these documents meant that evidence which should have been available to the Tribunal was missing, affecting both my ability to present my case and the completeness of the evidential picture before the Tribunal.

For these reasons, I respectfully request that the Tribunal reconsider the judgment. I confirm that this request is made within 14 days of the written reasons being sent to me.

Yours faithfully,

Katy Angliss