



EMPLOYMENT TRIBUNALS

Claimant: Mr Shane Farrell

Respondent: Gate Gourmet

UPON APPLICATION made by email dated **30 March 2026** to reconsider the Remedy Judgment dated **16 January 2026 (sent to the parties on 17th March 2026)** under rule 69 of the Employment Tribunal Procedure Rules 2024, and without a hearing,

JUDGMENT

1. The respondent's application dated 30 March 2026 for reconsideration of the judgment sent to the parties on 17 March 2026 is refused.
2. I consider the application in accordance with Rule 70 of the Employment Tribunals Rules of Procedure and adopt the structured approach described by the Employment Appeal Tribunal in **Tesco Stores Ltd v Element and others [2026] EAT 33**.
3. The application was made in time. The question is therefore whether there is a reasonable prospect of the judgment being varied or revoked, and thus whether reconsideration is necessary in the interests of justice. For the reasons that follow, I am satisfied that there is no reasonable prospect of the original decision being varied or revoked.
4. The Respondent contends that it was deprived of the opportunity to participate in the proceedings because it did not receive correspondence from the Tribunal sent by email after 31 December 2024. For the purposes of this application, I am prepared to accept that correspondence sent by email after that date did not come to the attention of those responsible for dealing with this litigation. However, even accepting that assertion at its highest, I do not consider that it materially assists the Respondent's position.
5. The Respondent's failure to participate in these proceedings arose well before 31 December 2024 and stemmed from its continuing failure to present a response. The claim was re-served on the Respondent at the address it had identified for service. By letter dated 11 June 2024, the Tribunal enclosed the ET1 and ET3 and informed the Respondent that any response must be submitted by 9 July 2024, failing which judgment might be entered against it.
6. No ET3 was submitted. Instead, on 9 July 2024 the Respondent sought an extension of time. That application was refused on 16 July 2024 because it failed to comply with procedural requirements for such an application, including the absence of a draft response. The Respondent was informed that the claim would

proceed undefended and that its participation would be limited to the extent permitted by a judge.

7. Despite that refusal, the Respondent still took no step to regularise its position. A Notice of Preliminary Hearing was subsequently issued on 2 August 2024. No response was filed.
8. On 9 January 2025, Employment Judge Holmes directed that any further application by the Respondent would require a draft ET3 and described this as its "*last chance*" to do so, with a warning that judgment might otherwise be entered against it. No ET3 was submitted. I am prepared to accept for the purposes of this application that this correspondence did not reach the Respondent, owing to the fact that it was sent to an email inbox which was no longer being monitored.
9. On 6 March 2025 the Tribunal wrote to the Respondent by post. In that letter, Employment Judge Slater again noted that no ET3 had been filed and warned in clear terms that judgment could be entered because no response had been presented. Whether or not the Respondent received this correspondence, it simply provided a further reminder of what the Respondent had already been told on 16 July 2024, namely, the consequences of failing to provide a compliant ET3.
10. In those circumstances, I find that it is not properly arguable that the Respondent's failure to participate can be attributed to any lack of notice after 31 December 2024. The Respondent was repeatedly informed of the need to file an ET3, was given multiple opportunities to do so, and was expressly warned of the consequences of continued non-compliance.
11. I turn now to consider whether there is a reasonable prospect that the Remedy Judgment would be varied or revoked were reconsideration to be granted.
12. The Respondent's application is directed overwhelmingly to issues of liability, including whether any protected disclosure was made and whether there was any causal connection with the termination of the Claimant's engagement. Those issues were determined by the Tribunal's Judgment dated 22 October 2025 and are not the subject of the present application.
13. The relevant question is therefore whether there is any realistic prospect that the Tribunal's assessment of remedy would be materially altered.
14. The Respondent has not identified any specific error in the Tribunal's assessment of remedy. It has not challenged any element of the calculation, advanced any alternative assessment, or produced any evidence relevant to loss or mitigation.
15. The absence of any draft ET3 is, in this context, particularly significant. The Respondent has not articulated, in the form required by the Procedure Rules, the case it would seek to advance if reconsideration were permitted.
16. The application therefore amounts, in substance, to an attempt to revisit liability findings while advancing no basis upon which the Remedy Judgment could realistically be varied.
17. Standing back and considering the matter in the round, I am satisfied that the Respondent has failed to demonstrate any reasonable prospect that the Remedy Judgment would be varied or revoked. It follows that reconsideration is not necessary in the interests of justice.
18. Accordingly, pursuant to Rule 70(2), the application for reconsideration is refused.

Date: 15 June 2026

Approved by

Employment Judge Greer

JUDGMENT SENT TO THE PARTIES ON

31 July 2026

FOR THE TRIBUNAL OFFICE