



EMPLOYMENT TRIBUNALS

Claimant: Ms R Hussain

Respondent: The Brain Charity

JUDGMENT

The claimant's application dated 5 June 2026 for reconsideration of the judgment and reasons sent to the parties on 26 May 2026 is refused.

As per Rule 70(2) of the Employment Tribunal Rules of Procedure 2024, the application is refused because there is no reasonable prospect of the original decision being varied or revoked.

REASONS

1. The claimant applied in an email dated 5 June 2026 for reconsideration of the reserved judgment and reasons which were sent to the parties on 26 May 2026. The judgment was sent to the parties following the conclusion of the hearing, which took place over 8 days in November 2025 and January 2026. The Tribunal deliberated for 4 days in chambers in February and March 2026. The final reserved judgment and reasons was 49 pages long and ran to 244 paragraphs.
2. The claimant's claims were mostly unsuccessful, save for an allegation that the respondent failed to make reasonable adjustments in relation to disciplinary meetings. The other complaints of failures to make reasonable adjustments, discrimination due to something arising in consequence of disability (s15), harassment on the grounds of disability, race and sex, direct race discrimination and victimisation, failed and were dismissed.
3. At the final hearing, both parties were represented by counsel with experience in employment law and employment litigation. The Tribunal was greatly assisted by them both.
4. As set out in Rule 70(1) of the Employment Tribunal Rules of Procedure 2024 ("the ET Rules"), the Tribunal must consider any application made for reconsideration. As set out in 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.

5. The claimant's application for reconsideration was made in three stages:
 - a. Under cover of an email dated 5 June 2026, accompanied by a 90-page document containing the claimant's written submissions;
 - b. Under cover of an email dated 9 June 2026, accompanied by an 11 page document entitled "Clarification note with exhibits"
 - c. Under cover of an email dated 22 June 2026 accompanied by a 12 page document entitled "Protective Verification Aid Rule 70 Primary Consideration"
6. The respondent provided a 17-page document in response to the claimant's email and application of 5 June 2026, on 9 June 2026.
7. As noted above, the reconsideration request from the claimant has a total length of 113 pages, plus accompanying emails. The reconsideration request itself is difficult to follow given the length of the documents provided and the complex structure of submissions, cross-referencing and terminology used.
8. The reconsideration request discusses a number of matters in relation to the Tribunal's findings on the evidence before it at the final hearing and the conclusions that were reached on the issues before it. There is no new evidence presented to the Tribunal as part of the reconsideration application. The application asks the Tribunal to reopen and reconsider decisions already made by it on a wide range of issues, such as disclosure of documents, witness credibility and its findings in relation to the complaints of reasonable adjustments in the respondent's processes.
9. To take one issue by way of an example, the reconsideration application refers to the role of Mr Meyer Lopez and seeks to persuade the Tribunal to reconsider any decision it made as to his credibility as a witness when taking into account an SRA review, done seemingly following a complaint by the claimant, into whether there was a conflict of interest in his role as an HR adviser for the respondent and then as their legal representative in this litigation. The Tribunal has already considered the credibility of the parties' witnesses, including that of Mr Meyer Lopez, and including the allegations made about whether there was a conflict of interest.
10. Another example arising out of the reconsideration application is that the claimant seeks to persuade the Tribunal to vary its decision as to the conduct of the Employment Review Meeting in December 2023. No new evidence has been presented to the Tribunal. The Tribunal has made findings on the basis of the evidence and argument before it at the final hearing as to the Employment Review Meeting. The claimant may disagree with those findings and the conclusions drawn, but this is not grounds for a reconsideration.
11. The Tribunal has already spent a very considerable amount of time, not just at the final hearing but in the preliminary stages, considering the claimant's complaints. The time spent dealing with the final hearing amounted to 12 hearing days and additional extensive time was required to produce the final

judgment and reasons. The claimant was represented by skilled counsel at the final hearing, who was able to put across the claimant's arguments and evidence. It is wholly disproportionate in the circumstances for the Tribunal to spend further time responding in detail to a 113-page reconsideration application that presents no new evidence or argument, and nothing that either was not already considered, or could have been considered, at the final hearing.

12. We have already noted in the reserved decision (paragraphs 7-11 and 22) that the claimant, by her own account, has struggled to moderate her involvement in these proceedings, spending what must be described as an excessive amount of time writing and re-writing lengthy documents containing case theories, revised account of evidence and argument. It is not the case that the Tribunal and the respondent must spend a corresponding amount of time replying to these. This is not reasonable, or proportionate, or in the interests of justice. Tribunal time is a public resource that has considerable demands on it and the broader interests of justice and all Tribunal users must be taken into account in accordance with the overriding objective in Rule 3 of the ET Procedure Rules 2024.

13. There is a public policy principle that there should be finality in litigation. Reconsiderations are exceptions to the rule that employment tribunal decisions should not be reopened and relitigated. It is not a way in which a disappointed party can simply have a second attempt at success. In *Stevenson v Golden Wonder Ltd 1977 IRLR 474, EAT*, it was noted that reconsideration is

'not intended to provide parties with the opportunity of a rehearing at which the same evidence can be rehearsed with different emphasis, or further evidence adduced which was available before'.

14. Under rule 68 of the Employment Tribunal Procedure Rules 2024, a judgment will only be reconsidered where it is *'necessary in the interests of justice to do so'*. This does not mean that in every case where a litigant is unsuccessful, they are automatically entitled to a reconsideration. A tribunal must consider the overriding objective to deal with cases *'fairly and justly'* (rule 3) in the interests of both parties.
15. Reconsideration of a judgment may be necessary in the interests of justice if there is new evidence that was not available to the tribunal at the time it made its judgment. In *Outasight VB Ltd v Brown UKEAT/0253/14*, it was said that reconsideration is not available to provide parties with a second opportunity to put arguments or evidence forwards that was, or could have been, presented at the final hearing.
16. No further evidence or argument has been presented as part of the reconsideration application to suggest that it is in the interests of justice to reconsider that conclusion. The claimant instead has produced extensive written submissions that put forward, as noted by the respondent, "alternative interpretations of evidence already considered by the Tribunal". These are not valid grounds for reconsideration under rules 68-71 Employment Tribunal Procedure Rules 2024.

17. There is therefore no reasonable prospect of the dismissal judgment being varied or revoked and the claimant's application for reconsideration is refused.

Approved by Employment Judge Barker
3 July 2026

JUDGMENT SENT TO THE PARTIES ON
20 August 2026

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FOR THE TRIBUNAL OFFICE