



EMPLOYMENT TRIBUNALS

Claimant: S Gibb

Respondent: New Leaf ASP Limited

JUDGMENT

I refuse the respondent's applications for reconsideration of the remedy judgment.

REASONS

1. The Respondent applies for reconsideration of the remedy element of the judgment. Summary reasons for the judgment were given at the hearing on 26 March 2026. The respondent requested written summary reasons that same day, after the end of the hearing. Those reasons were approved by me in May 2026 but it seems were not sent to the parties until 6 July 2026. On 20 July 2026 the respondent made an application for reconsideration of the remedy judgment.
2. The respondent challenges:
 - 2.1. the inclusion of £1,446.00 for car maintenance costs in the compensatory award, where the underlying invoice pre-dates the dismissal; and
 - 2.2. the 15% uplift of £319.71 applied under section 207A of the Trade Union and Labour Relations (Consolidation) Act 1992.
3. The respondent submits that the inclusion of these amounts 'results in the Claimant recovering sums to which, on the Tribunal's own findings, he is not entitled in law.'
4. A tribunal has power to reconsider any judgment where it is necessary in the interests of justice to do so: Rule 68.
5. The respondent's application for a reconsideration must first be considered under rule 70(2). If I consider there is no reasonable prospect of the original decision being varied or revoked, I must refuse the application.
6. In deciding whether it is necessary to reconsider a judgment in the interests of

justice, the tribunal must seek to give effect to the overriding objective to deal with cases fairly and justly. That includes taking into account established principles. Those established principles mean the tribunal must have regard not just to the interests of the party seeking the review, but also to the facts that a successful party should in general be entitled to regard a tribunal's decision as final and that it is very much in the interests of the general public that proceedings of this kind should be as final as possible.

7. As Simler P said in *Liddington v 2Gether NHS Foundation Trust* UKEAT/0002/16/DA:

"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."

8. Furthermore, the reconsideration procedure is not to be used to seek a review simply on the grounds that a tribunal has made an error of law. If the parties have had an opportunity to properly argue the point then any error of law falls to be corrected by the EAT: *Trimble v Supertravel Ltd* [1982] IRLR 451.
9. I consider there is no reasonable prospect of the original decision being varied or revoked. I say that for the reasons that follow.
10. With regard to the car maintenance costs, the respondent was represented at the hearing by Ms Majithia, a barrister. The argument the respondent now seeks to make was not one advanced by Ms Majithia at the hearing. Had the respondent wished to argue the case in this way, the time to do so was at the hearing.
11. In any event, it seems to me that the argument is misconceived. There has been no submission made on behalf of the respondent to the effect that the car maintenance costs would not have been paid or reimbursed even if the claimant had remained an employee and I have made no finding to that effect. On the contrary, I accepted the claimant's case that, had he not been dismissed, the respondent would have paid or reimbursed the car maintenance charges.
12. As for the ACAS uplift point, Ms Majithia made a submission that there should be no uplift, or only a small uplift, because the reason for dismissal was 'some other substantial reason'. In making that submission Ms Majithia did not argue that, as a matter of law, no uplift could be made in this case. She did not refer to *Phoenix House Ltd v Stockman* [2016] IRLR 848 and nor did she refer to any

other authorities to the contrary such as *Lund v St Edmund's School, Canterbury* UKEAT/0514/12, *Hussain v Jurys Inn Group* UKEAT/0283/15 (3 February 2016, unreported), *Holmes v QINETIQ Ltd* [2016] IRLR 664, EAT and *Rentplus UK Ltd v Coulson* [2022] EAT 81, 2022 IRLR 664. Nevertheless, I considered the authorities and concluded that the weight of authority is against *Phoenix*. The respondent had the opportunity to argue the contrary position at the hearing. The purpose of the reconsideration process is not to give parties a second bite at the cherry. If the respondent believes my conclusion on the applicability of the ACAS Code is wrong in law their remedy lies in an appeal to the EAT.

13. As I consider there is no reasonable prospect of the original decision being varied or revoked I must refuse the application for reconsideration.

Employment Judge Aspden

Date: 20 August 2026