



EMPLOYMENT TRIBUNALS

Claimant: Mr L Fox

Respondent: Bury Council

JUDGMENT

The application of the claimant, dated 16 June 2026, for reconsideration of the Interim Relief Judgment made on 28 April 2026, approved on 29 April 2026 and sent to the parties on 1 June 2026, is refused.

REASONS

There is no reasonable prospect of the original decisions being varied or revoked, because:

1. The Judgment made on 16 June 2026 was issued after an interim relief hearing. At that hearing I read all of the documents provided by the claimant which he asked me to read. The claimant was able to present his argument that interim relief should be granted at the hearing.
2. As I emphasised in the reasons for the Judgment delivered orally at the hearing and provided in writing, that involved my undertaking the assessment required by section 129 of the Employment Rights Act 1996. I did not hear all of the evidence and determine the case having heard all the evidence. I was required to carry out an expeditious summary assessment as to how the matter appeared on the material available, doing the best that I could with the argument and untested evidence advanced by each party.
3. An application for reconsideration is an exception to the general principle that (subject to appeal on a point of law) a decision of an Employment Tribunal is final. The test is whether it is necessary in the interests of justice to reconsider the Judgment. The Court of Appeal in **Ministry of Justice v Burton** [2016] EWCA Civ 714 has emphasised the importance of finality, which militates against the discretion being exercised too readily. In exercising the discretion, I must have regard not only to the interests of the party seeking the reconsideration, but also to the interests of the other party to the litigation and to the public interest requirement that there should, so far as possible, be finality of litigation.
4. In **Ebury Partners UK v Davis** [2023] IRLR HHJ Shanks said:

“A central aspect of the interests of justice is that there should be finality in litigation. It is therefore unusual for a litigant to be allowed a 'second bite of the cherry' and the jurisdiction to reconsider should be exercised with caution. In general, while it may be appropriate to reconsider a decision where there has been some procedural mishap such that a party had been denied a fair and proper opportunity to present his case, the jurisdiction should not be invoked to correct a supposed error made by the ET after the parties have had a fair opportunity to present their cases on the relevant issue.”

5. There is no reason why an application to reconsider an interim relief Judgment cannot be made, but I would observe that it seems to me that the nature of an interim relief hearing and Judgment is such that a reconsideration application is less likely to be successful in those circumstances than for any other Judgment, because of the summary assessment involved.

6. This application for reconsideration does not rely upon any information about events which have occurred since the hearing or say that evidence/documents have come to the claimant's attention since the hearing. The application appears to be based upon facts and arguments about which the claimant was aware at the time of the hearing.

7. The claimant had a full opportunity to present the arguments which he wished to in support of his application. It appears to me that his current application for reconsideration is a second attempt to pursue those same arguments or to make me understand why it is that he says his claim for automatic unfair dismissal as a result of having made a protected disclosure or disclosures is likely to succeed. There is no prospect of my original decision being varied or revoked on that basis.

8. In his application, the claimant appears to contend that the process which I adopted meant that he was not treated fairly or in accordance with the overriding objective. He appears to believe that I did not take sufficient notice of, or give appropriate weight to, the documents he provided and the arguments which he made based upon those documents. That application does not provide an appropriate basis for me to reconsider my decision. It is a second attempt to argue the claimant's case and/or is something which he is able to raise on appeal. The grounds for reconsideration refer to a document which was in the documents I read and to which I was referred. I have explained in my reasons for refusing to make an interim relief Judgment, the documents which were of particular importance to my decision. As explained, I found that the business case document for redundancy was important. Whether or not the claimant can prove that the restructure resulted in additional cost and did not achieve the savings required or envisaged, may be relevant to the issues to be determined at the final hearing (albeit it may not be), but I did not consider it important to my determination of whether the claimant was likely to succeed in his argument that his dismissal was because he had made a protected disclosure or disclosures.

9. I decided to consider the respondent's skeleton argument at the hearing. I believe that it was right (and in accordance with the overriding objective) to do so. The claimant's objection to me having done so, does not mean that it is in the interests of justice for me to reconsider the decision which I made (after hearing arguments from both parties).

10. I do not find that it is necessary in the interests of justice to reconsider the Interim Relief Judgment, based upon the application made by the claimant. There is no reasonable prospect of the original decision being varied or revoked, based upon the reasons given. The application for reconsideration is refused.

11. I apologise to the parties for the delay in this reconsideration Judgment being made. Whilst the request for reconsideration was made on 16 June, it was only referred to me personally on 21 August. Unfortunately, that has resulted in there being a delay before the decision could be made.

Employment Judge Phil Allen

27 August 2026

JUDGMENT SENT TO THE PARTIES ON

16 September 2026

FOR THE TRIBUNAL OFFICE