



EMPLOYMENT TRIBUNALS

Claimant: Ms R Hussain

Respondent: The Brain Charity

JUDGMENT

The claimant's application dated 20 and 21 August 2026 for reconsideration of the reconsideration judgment sent to the parties on 20 August 2026 is refused.

REASONS

1. The Tribunal wrote to the claimant on 7 September 2026 to refuse her reconsideration application of 20 August 2026, on the understanding that it was a repeat of her reconsideration application in June 2026, the decision on which was sent to the parties on 20 August 2026.
2. The Tribunal notes the claimant's appeal to the Employment Appeal Tribunal dated 7 September 2026. The grounds of appeal clarify the purpose of the documentation received by the Tribunal on 20, 21 August 2026 and subsequently. It appears that the claimant considers the reconsideration decision of 20 August 2026 requires further reconsideration because of the availability of new evidence.
3. It is understood that a party may make more than one application for reconsideration, provided that they are made in time (or with an application for an extension of time if not), however subsequent applications on the same or materially similar grounds when a first application has been refused are only likely to succeed in exceptional circumstances.
4. There were held to be no exceptional circumstances present in the claimant's applications in August 2026 at the time, as they were understood to be out of time and the same or materially similar to those made in June 2026. The claimant submits that they are different.
5. It is still not entirely clear what the basis of the claimant's submissions of 20 August, 21 August and subsequently are or how they are not materially similar, but in the event that the Tribunal has misunderstood that the submissions were repetitive of the reconsideration application already made in June 2026 the Tribunal has considered once more the evidence and submissions provided in August 2026, said not to have been available at the time of the full merits hearing, and whether they would lead the Tribunal to have any concerns about the reliability of any of

the decisions reached by us in the reserved judgment.

6. A broad approach has been taken to consideration of these new pieces of evidence, and it has been considered as to whether they could influence any of our conclusions, not just those that are referred to by the claimant in her emails, and supporting documents.
7. 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. The principles to be applied by the Tribunal (from Ladd v Marshall 1954 3 All ER 745, CA) are that to be able to present fresh evidence, it is necessary to show:
 - that the evidence could not have been obtained with reasonable diligence for use at the original hearing
 - that the evidence is relevant and would probably have had an important influence on the hearing; and
 - that the evidence is apparently credible.
8. The Tribunal can refuse an application for reconsideration on the basis of new evidence unless the new evidence is likely to have an important bearing on the result of the case. (Wileman v Minilec Engineering Ltd 1988 ICR 318, EAT)
9. There is no reasonable prospect of the original decision being varied or revoked, because the new evidence presented by the claimant in her applications has been considered and it is concluded that it will have no bearing on the outcome of the case.
10. The evidence is not sufficiently significant for it to be in the interests of justice to recall the parties or require additional submissions in relation to what amount to minor pieces of evidence, given the overall extent of the evidence before the original Tribunal, the length of the list of issues, the number of complaints raised by the claimant and the length of the reserved judgment.
11. There is nothing provided by the claimant that would have had an important influence on the outcome of the final hearing. There is nothing in the new pieces of evidence to lead the Tribunal to conclude that any of the decisions made following the full merits hearing ought to be reconsidered.
12. The application of 20 and 21 August 2026 is refused.

Date: 24 September 2026

Approved by

Employment Judge Barker

JUDGMENT SENT TO THE PARTIES
ON

25 September 2026

FOR THE TRIBUNAL OFFICE