



EMPLOYMENT TRIBUNALS

Claimant: Abdool C Jugut

Respondent: Isaac Creative Hair Limited

RECONSIDERATION JUDGMENT

The respondent's application dated 29 August 2026 for reconsideration of the liability judgment dated 17 August 2026 and sent to parties on 24 August 2026 is refused.

REASONS

Introduction

1. Rules 68, 69, and 70 of the Employment Tribunals Procedure Rules 2024 ("the Rules"), copied below for reference, apply to any reconsideration decision which is not made on the tribunal's own initiative.

Principles

68.—(1) *The Tribunal may, either on its own initiative (which may reflect a request from the Employment Appeal Tribunal) or on the application of a party, reconsider any judgment where it is necessary in the interests of justice to do so.*

(2) *A judgment under reconsideration may be confirmed, varied or revoked.*

(3) *If the judgment under reconsideration is revoked the Tribunal may take the decision again. In doing so, the Tribunal is not required to come to the same conclusion.*

Application for reconsideration

69. *Except where it is made in the course of a hearing, an application for reconsideration must be made in writing setting out why reconsideration is necessary and must be sent to the Tribunal no later than 14 days of the later of—*

(a) *the date on which the written... judgment sought to be reconsidered was sent to the parties,...*

(b) the date that any written summary reasons were sent, if these were sent separately from the judgment, or
(c) the date that any written full reasons were sent, if these were sent separately from the judgment.

Process for reconsideration

70.—(1) *The Tribunal must consider any application made under rule 69 (application for reconsideration).*

(2) If the Tribunal considers that there is no reasonable prospect of the judgment being varied or revoked (including, unless there are special reasons, where substantially the same application has already been made and refused), the application must be refused and the Tribunal must inform the parties of the refusal.

(3) If the application has not been refused under paragraph (2), the Tribunal must send a notice to the parties specifying the period by which any written representations in respect of the application must be received by the Tribunal, and seeking the views of the parties on whether the application can be determined without a hearing. The notice may also set out the Tribunal's provisional views on the application.

(4) If the application has not been refused under paragraph (2), the judgment must be reconsidered at a hearing unless the Tribunal considers, having regard to any written representations provided under paragraph (3), that a hearing is not necessary in the interests of justice.

(5) If the Tribunal determines the application without a hearing the parties must be given a reasonable opportunity to make further written representations in respect of the application.

2. Rule 68 empowers a tribunal, either on its own initiative or on the application of a party, to reconsider any judgment where it is necessary in the interests of justice to do so.
3. Rule 69 sets the time limits for making an application. The application is in time. It was sent to the tribunal on 29 August 2026, within 14 days of the date full written reasons were sent to parties (24 August 2026).
4. In Outasight VB Limited v Brown UKEAT/0253/14, the Employment Appeal Tribunal considered the Tribunal's equivalent powers under Rule 70 of the Employment Tribunal Rules of Procedure 2013 and observed:

“The interests of justice have thus long allowed for a broad discretion, albeit one that must be exercised judicially, which means having regard not only to the interests of the party seeking the review or reconsideration, but also to the interests of the other party to the litigation and to the public interest requirement that there should, insofar as possible, be finality of litigation.”

5. Any suggestion that a Tribunal has made an error of law or that its findings were perverse is generally a matter for appeal – Ebury Partners UK Limited v Acton Davis [2023] EAT 40. The reconsideration application must be sent to the tribunal no later than 14 days after full reasons are sent to the parties.

Documents

6. At the time of the reconsideration Employment Judge (“EJ”) Hutchings was in receipt of:
 - 6.1 The respondent's application for reconsideration dated 29 August 2026; and
 - 6.2 The claimant's response dated 7 September 2026 to the respondent's application and two documents sent separately.
7. The documents were referred by tribunal administration to EJ Hutchings on 8 September 2026. Due to annual leave and a multi day case in September 2026 the first opportunity EJ Hutchings had to consider the application was 1 October 2026.
8. The claimant says the documents “are evidence for reconsideration application”. It is not apparent from the cover email whether those emails were before the tribunal at the liability hearing. In any event, for the reasons stated below I have not considered these documents as part of the reconsideration process.

The application

9. The application is seeking “reconsideration principally of the tribunal's findings at paragraphs 151 – 153 concerning:
 - 9.1 The issue of witnesses; and
 - 9.2 The claimant's purported appeal against the dismissal.”
10. While the respondent's application expresses recognises that “reconsideration is not intended to provide a second opportunity simply to reargue a case”, the substance of the application over 11 pages seeks to do exactly that. This is foreshadowed at the outset of the application which states that “the conclusions reached...do not... sufficiently take into account the documentary evidence contained in the Respondent's bundle, the Claimant's own conduct during the investigation and disciplinary process the express terms of the Respondent's procedures and the Claimant's failure to compete the appeal process which he himself stated he would follow.”
11. Over 4 hearing days the tribunal considered documentation, making it clear we would only take into account in deliberation documents to which it was referred in the hearing. It is not apparent from the application whether at the hearing we were referred to the documents on which the respondent seeks to rely to support the reconsideration application.

12. This application is an attempt at a “second bite of the cherry”. The essence of the application is the respondent seeking to prove its case a second time, because it does not agree with the conclusions reached by the tribunal.
13. Furthermore, it is apparent from the application that there is a fundamental misunderstanding of the law on unfair dismissal. There is no criticism; I am mindful that the respondent is not legally represented. In this regard the application is misconceived and is seeking to address issues that are matters for the remedy, based on the case law which applies to unfair dismissal. For example:
- 13.1 The claimant's own conduct: findings of fact on the claimant's conduct will be made in the context of a reduction to any by reason of the claimant's conduct.
- 13.2 The claimant's approach to the appeal: this is a matter for a Polkey determination as part of the remedy. Had the respondent followed a fair process (in this case seen the appeal email which Mr Isaac accepted he was in receipt of in his email inbox, but had not seen, a finding made by this tribunal), what is the percentage likelihood the claimant would have been dismissed in any event.
14. In this regard the issues the respondent raises with paragraphs 151 – 152 are premature. The findings of fact informing the conclusions made in these paragraphs are not perverse, nor are they alleged to be so in the application. The claimant did send an appeal noting an intention to appeal. Mr Isaac admitted he received the email into his inbox, did not see it at the time and first became aware of it during the hearing. The claimant did not follow up on the email with a full appeal. The combination of the two things resulted in an appeal not taking place. It is a matter for the remedy hearing whether, had Mr Isaac seen the email at the time, the claimant would have been dismissed in any event. As stated in the liability judgment, in assessing all the circumstances, including the size and administrative resources of the respondent, the tribunal will consider (at the remedy hearing) what a reasonable employer would have done had it seen the email. These are assessments for the tribunal when considering to what extent did the claimant contribute to his own dismissal and the percentage likelihood he would have been dismissed in any event in order to determine any reduction in award as a result of the claimant's behaviour. We have made findings about the claimant's behaviour (finding he did not submit a substantive appeal document). Asking us to take account of that behaviour is premature; it is not a matter for liability but for remedy. It is also counter to fair process as the claimant must have a right of reply. The appropriate forum is the remedy hearing, not an exchange of written correspondence between parties pursuant to a reconsideration process.
15. Indeed, it is noted that in the application the claimant does not take issue with the findings of fact made. To the extent that the respondent considers the conclusions draw from those findings (our conclusion that the process was unfair) when applying the legal test for fair process in dismissal is an error of

law, that is a matter for appeal. Paragraph 153 is not a conclusion. It expresses states that these matters will be considered at the remedy hearing, for which an explanation has been given above.

16. Furthermore, I have considered the panel's notes of the hearing. Some of the points in the reconsideration application are submissions on evidence where the point was not put to the claimant at the hearing. The respondent has had its opportunity to do so and it is not just or fair to allow it a second opportunity after judgment has been issued.
17. Similarly the claimant's response documents seeks to reargue his case in response to the points made by the respondent.
18. For these reasons, there is no reasonable prospect of the liability judgment being varied or revoked. The application for reconsideration is refused.
19. The respondent's dates to avoid for the remedy hearing are noted. The claimant has not complied with the tribunal's order to provide dates to avoid; therefore it is assumed that the claimant has open availability in the next 6 months. Tribunal administration will now identify a date accommodating the tribunal panel and the respondent's dates to avoid.
20. Parties will receive a notice of hearing for the remedy hearing along with a list of issues for unfair dismissal remedy and directions for evidence once this date has been identified.

APPROVED BY:
Employment Judge Hutchings

1 October 2026

Sent to the parties on: 2 October 2026

For the Tribunal Office