EMPLOYMENT TRIBUNAL

Claimant: **Gray Lappin**

Respondent: **Royal Academy of Dance**

JUDGMENT ON APPLICATION FOR RECONSIDERATION

The judgment of the Tribunal is that the Claimant's application dated 9 March 2026 for reconsideration of the Judgment with Written Reasons dated 14 February but sent to the parties on 25 February 2026 is refused because there is no reasonable prospect of the decision being varied or revoked.

REASONS

1. Judgment dismissing each of the claimant's claims was reserved and sent to the parties on 25 February 2026.

2. The claimant wrote to the Tribunal on 9 March 2026 acknowledging receipt of the judgment on that day and setting out reasons for his 'appeal and reconsideration'. I am concerned only with the reconsideration request. Matters pertaining to any appeal are

dealt with by the Employment Appeal Tribunal. He wrote again on 13 March 2026 supplementing the reasons for reconsideration he had previously set out. He wrote further letters on 1 April 2026 and again on 14 April 2026. On 19 and 26 March 2026 the tribunal had received two unsolicited character references in support of the claimant. These last are not relevant to the reconsideration and have not been taken into account.

The Law

3. The Employment Tribunals (Procedure Rules) (Consequential Amendments) Regulations 2024 (SI 2024/1156) introduced the Employment Tribunal Procedure Rules 2024 ("the Rules") with effect from 6 January 2025.

4. Under Rule 68 the Tribunal may, either on its own initiative or on the application of a party, reconsider any judgment where it is necessary in the interests of justice to do so. A judgment under reconsideration may be confirmed, varied or revoked.

5. Rule 69 provides that (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 within 14 days of the later of: (a)the date on which the written record of the judgment sought to be reconsidered was sent to the parties, or (b)the date that the written reasons were sent, if these were sent separately.

6. The process by which the Tribunal considers an application for reconsideration is set out in Rule 70. Rule 70(1) provides that the Tribunal must consider any application made under rule 69 (application for reconsideration) and (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.

7. HHJ Taylor in Tesco Stores Ltd v Element and others [2026] EAT 33 identified the following structured approach to the mandatory stages of determining a reconsideration application:-

   1. Has an application for reconsideration been made (r.69)?

   2. If so, the application for reconsideration has to be considered by the employment judge (r.70(1) and the Practice Direction on panel composition in the Employment

Tribunals and Employment Appeal Tribunal issued by the Senior President of Tribunals on 29 October 2024 (PDPC).

3. Has the application for reconsideration been submitted in time (r.69);

4. If not, should time be extended?

5. If the application has not been submitted in time and time was not extended, it should be refused as out of time.

6. If the application has been submitted in time or time had been extended, is there no reasonable prospect of the judgment being varied or revoked?

7. If there is no reasonable prospect of the judgment being varied or revoked, the application should be dismissed and the parties informed of the refusal (a prospects dismissal) (r.70(2)).

8. If there is a reasonable prospect of the judgment being varied or revoked, it should be permitted to proceed (a permission to proceed decision).

9. If a permission to proceed decision is taken, a notice has to be sent to the parties specifying the period by which any written representations in respect of the application has to be received by the employment tribunal, and seeking the views of the parties on whether the application could be determined without a hearing (a permission to proceed notice). The permission to proceed notice might also set out the judge's provisional views on the application, but such views were not binding (r.70(3)).

10. On receipt of responses, or expiry of time for responses, to the permission to proceed notice, the judge has to decide whether the reconsideration should be determined on the basis of written representations or at a hearing. The judgment has to be reconsidered at a hearing unless the judge considers, having regard to any written representations, that a hearing is not necessary in the interests of justice (a method of determination decision) (r.70(4)).

11. If the judgment which was the subject of the reconsideration application was made by a panel, the judge has to decide whether the reconsideration should be determined by a judge or panel (a panel composition decision). In a case in which the

reconsideration application challenges substantive findings of fact made by a panel and a permission to proceed decision was taken, it would often be appropriate for the reconsideration application to be determined by a full panel (PDPC and Presidential Guidance on Panel composition, 29 October 2024).

12. If the reconsideration application is to be determined on the basis of written representations, the parties have to be given a reasonable opportunity to make further written representations (r.70(5)).

13. The reconsideration application has to be determined (see paras 16-23, 26, 31 of judgment).

8. In considering whether to extend time, in the case of a late application for reconsideration the lack of good reason for the delay is a central question but not a gateway: prejudice to the parties needs to be weighed properly in the balance: eg see Dean-Verity (formerly Anjum Tahirkheli) v Khan Solicitors Ltd [2022] EAT 128,

9. The initial decision is made by the judge, generally before the rules provide for the other parties to be given an opportunity to make written representations. When making the initial decision, the judge has a binary determination to make: a prospects dismissal or a permission to proceed decision (a "sift or a permission stage"): Shaw v Intellectual Property Office [2021] 7 WLUK 139 (paras 24-25). The first stage exists so that if an application for reconsideration is obviously hopeless the other parties are not put to the trouble and cost of responding. If reconsideration applications were no more than an attempt to reargue a claim that had already been determined properly, it was likely that there was no reasonable prospect of the judgment being varied or revoked (paras 27-29). In the case of Liddington v 2Gether NHS Foundation Trust UKEAT/0002/16/DA Simler P said :

“34. […] a request for reconsideration is not an opportunity for a party to seek to relitigate matters that have already been litigated, or to re-argue 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.

Where [...] a matter has been fully ventilated and properly argued, and in the absence of any identifiable administrative error or event occurring after the hearing that requires a reconsideration in the interests of justice, any asserted error of law is to be corrected on appeal and not through the back door by way of a reconsideration application."

10. A judgment will only be reconsidered where it is 'necessary in the interests of justice to do so'. A tribunal dealing with the question of reconsideration should have regard to the interests of the party seeking the reconsideration, the interests of the other party, and the public interest requirement that there should, where possible, be finality of litigation: Ebury Partners UK Ltd v Acton Davis [2023] EAT 40 where the EAT also explained that Rule 71 (now Rule 69) of the ET Rules requires a party seeking reconsideration to indicate why they do so and that an application should necessarily also include an indication of which decisions within a judgment a party is inviting the tribunal to reconsider. The tribunal must also seek to give effect to the overriding objective to deal with cases 'fairly and justly' (Rule 3). This includes: ensuring that the parties are on an equal footing; dealing with cases in ways which are proportionate to the complexity and importance of the issues; avoiding unnecessary formality and seeking flexibility in the proceedings; avoiding delay, so far as compatible with proper consideration of the issues; and saving expense. The tribunal should also be guided by the common law principles of natural justice and fairness.

Analysis

11. This is the mandatory 'sift stage' of the reconsideration process.

Complaints

12. The claimant brought complaints of :
    12.1. direct sex and sexual orientation discrimination;
    12.2. harassment on the grounds of sex and sexual orientation.

13. Both complaints were dismissed. Our judgment and reasons were reserved.

Time

14. The starting point is that according to the case file the Judgment and Reserved Reasons were sent on 25 February 2026 and the claimant made his application for reconsideration by letter dated 9 March 2026.

15. In his 9 March 2026 letter the claimant stated that he had only received the tribunal's letter enclosing the judgment and reasons that day. At the end of his letter (p12 of 18)

he said that he had received the judgment 3 days previously. However, on either basis the claimant's initial application for reconsideration was therefore within the 14-day time limit imposed by Rule 69.

16. The 9 March 2026 letter indicated that the claimant disagreed with the judgment and therefore I proceed on the basis that the claimant challenges the whole of the judgment.

17. The 9 March letter runs to 18 pages and sets out a line-by-line challenge to multiple aspects of the Reserved Reasons.

18. The claimant wrote again on 13 March 2026. It was sent the day after the Reserved Judgment and Reasons were published, as they are required to be. The last day for requesting reconsideration and giving reasons was 12 March 2026. The 13 March letter is dated more than 14 days after the date the reserved judgment was sent. It is therefore out of time.

19. However, in my judgment this is a case in which it is appropriate to my exercise discretion to extend time for the provision of additional grounds to request a reconsideration:-

    19.1. The further letter was sent very shortly after the expiry date;
    19.2. The claimant had already applied for a reconsideration and given detailed reasons;
    19.3. The claimant acted and continues to act in person. In his 9 March 2026 letter he explained that he was writing in a panic and experiencing external pressures. It is therefore explicable that additional reasons might have occurred to him later;
    19.4. The respondent is not required to respond at this stage and so there is minimal prejudice to the claimant, who would have an opportunity later to address all of the points of a decision to progress is made;
    19.5. The claimant clearly feels a marked sense of grievance and disappointment in the original decision. He has attempted to provide detailed reasons and would be prejudiced if his later points (so far as they are properly matters for reconsideration) were not considered.

20. The claimant wrote to me directly in my capacity as the judge on 1 April 2026 enclosing his 9 March 2026 letter. That letter was sent out of time, but merely encloses the 9

March 2026 letter and states “My major aim now is to have the mistakes corrected. I have found the rulings unjust, unfair and untrue”.

21. His letter on 14 April 2026 concerned the content of a Daily Mail article which he objected to and which he said had been written using the published Reasons as a source. This is not a relevant matter for this reconsideration.

Grounds for Reconsideration

The 9 March 2026 letter

22. The grounds for the claimant’s application for reconsideration have to be discerned from the detailed line by line challenge to the reserved reasons. The claimant describes them as ‘mistakes’, but I have proceeded on the basis that they are also relied upon as grounds for reconsideration. Although I have read and taken into account each of the points set out in the letter (and the letter of 13 March 2026 below) in the interests of brevity and proportionality I have not set them all out in detail.

23. Para 41: *The wording of the judgment makes it sound like the claimant was causing children to cry:* The wording is sufficiently clear.

24. Para 42: Claimant asks why details of his reasons for resignation were not explored. This is a belated challenge to conclusions on the facts the reasons for which are set out in the judgment.

25. Para 49.3: *The claimant asks why he was never asked to confirm the specifics of the parents’ allegations against him.* This paragraph records what the parents’ allegations were, it is not a finding as to whether or not they were true. It is for the claimant to conduct his own case, and reconsideration is not to be used or the purpose of ‘a second bite of the cherry’.

26. Para 50.3: 50.4: 50.5; 50.6. This paragraph concerns matters alleged by the parents. There is no finding as to their truth. The claimant here is belatedly adding further commentary.

27. Para 52: *Bottles were not being washed, but arranged in colour order*. The claimant in his oral evidence stated that the bottles were being arranged in colour order in a public space. The judgment is principally here concerned with the fact of the parents'

allegation and the fact that the claimant's case that activity took place in a public space. The precise nature of the activity is legally irrelevant.

28. Para 62: This paragraph concerns matters reported to the employer by an assistant. There is no finding as to their truth. The claimant here is belatedly adding further commentary.

29. Pages 17-18: *The judgment incorrectly refers to his reporting feeling like he was accused of paedophilia*. The judgment accurately records the content of an email by Ms Gray [bundle p 135] in which she reports to Ms Hikmet what the claimant had said to her. It also recalls his concern that he was being perceived as 'predatory' at paragraph 178.

30. Para 85.2.1. *Ms Hikmet's notes of a meeting are not correct in one respect*. The judgment correctly records what Ms Hikmet recorded in her meeting notes. The tribunal is not making a finding factual finding here that the record itself is comprehensive or complete.

31. Para 92: *The claimant seeks to add additional detail about DBS practices*. The additional detail is not relevant to the tribunal's decision.

32. Paras 98/105/106/112 : This is a statement of the applicable law. The claimant's letter does not appear to challenge the law as stated but makes comment and submissions about why the judgment of the tribunal was wrong in his opinion. ie: allegations by others were made up; he asserts and is further investigating whether the allegations were linked ; the tribunal did not acknowledge that there was similar behaviour by straight female co-workers or different treatment of them. The latter point was considered by the tribunal at paragraph 118 and we were not satisfied that the claimant had established this point on the evidence. It was for the claimant to conduct his case. The claimant here is simply belatedly adding further submissions/commentary.

33. Para 118/119/121/123/125/128 to 134: These paragraphs are not tribunal findings but simply record the respondent's submissions. The claimant here is again adding further submissions/commentary after the hearing . Even as a litigant in person it was for the claimant to conduct his case.

34. Para 137: *The claimant objects to the terminology of "conduct of a similar nature to his own 'giving sweets/gifts etc'* . This paragraph records that the tribunal was taking into

account the claimant's case that other staff carried out activities for which he was investigated and sanctioned. The terminology is neither unclear, prejudicial nor legally significant.

35. Paras 138/139/141/142/143/146: The claimant here is adding further submissions or commentary after the hearing.

36. Para 148: "*The claimant believes this to be a technicality which is not understood by him due to lack of legal knowledge:* The paragraph summarises the tribunals conclusions on the two-stage test. The language is clear. The tribunal cannot give legal advice to a party.

37. Paras 151/157/158/160/164: The claimant here is adding further submissions or commentary after the hearing or expressing general dissatisfaction with the conclusions reached by the tribunal. Paragraph 158 is recording in the claimant's favour the tribunal's concerns about unsatisfactory aspects of the investigation.

38. Para 165: *The tribunal placed emphasis on false allegations as being true when EJ Burge had explained that it was irrelevant whether the allegations were true or not;* It is clear from paragraphs 176-179 of the Reserved Reasons that the tribunal did not assume or reach any conclusion about the truth or falsity of the allegations against the claimant.

39. Paras 176-178: The claimant here is adding further submissions or commentary after the hearing. These paragraphs are part of the tribunal's concluding remarks in which we are at pains to emphasise that no inferences should be drawn from the claimant's complaints having been unsuccessful that he was, or that the tribunal considered him to have had any predatory or inappropriate intentions towards Child A.

40. The claimant also criticises the tribunal for failing to mention the impact on him of his suspension, investigation, and dismissal. He also mentions that his mother, who sent a letter to the respondent, lacked mental capacity. As to this:
    40.1. There was no evidence before the tribunal, or in support of the reconsideration, as to his mother's capacity (save that it was in evidence that he had caring responsibilities for her). However, her letter was of peripheral weight in the overall findings.
    40.2. Where legally relevant to the claims, the impact on the claimant was taken into account [eg paras 152; 156; 161; 173, 178].

The 13 March 2026 letter

41. This letter was sent after the publication of the judgment and reserved reasons. Again the letter is lengthy and contains a multiplicity of complaints. The following appear to me to have been the key points which the claimant sought to rely on:

41.1. The claimant refers to the fact that there were historical delays in agreeing or receiving documents. But these relate to events in or before April 2025, which was 10 months before the hearing. There is no basis for concluding that his preparation was unfairly hampered by this.

41.2. He asserts that the judgment does not acknowledge the point at which he fainted during the hearing. The reserved reasons do so expressly at paragraph 13.

41.3. The claimant refers to a number of authorities and propositions of law concerning the terms of employment and the Equality Act 2020 protections in respect of sexual orientation. He concludes by expressing concern that the published judgment will reinforce outdated LGBTQI+ sterotypes and that he may be seen as a nuisance to the courts. He goes on to make further general commentary on the tribunal's findings, further statements and reflections about the events that occurred and expresses that he disagrees with the tribunal's factual conclusions and he makes additional and recast submissions. In this regard, his grounds amount to after the event further commentary and submission. The judgment in its concluding comments makes clear that adverse inferences about the claimant's conduct should not be drawn from our conclusions.

41.4. He asserts that 1) the tribunal failed to identify the comparators or take account of the fact that their identities have not been disclosed and 2) failed to challenge why the co-workers did not report the alleged behaviour when it happened, contrary to the safeguarding policies in place. However, our judgment addresses the question of comparators, and we found that the claimant had failed to adduce sufficient evidence to identify a basis for a conclusion about differential treatment in materially similar circumstances. The content of his 13 March letter does not materially or relevantly advance that position.

41.5. He also complains about the respondent putting in evidence a letter from his mother. This point is considered and dealt with above.

Conclusion

42. The claimant is a disappointed litigant and is making a further attempt to re-argue or recast his case having had a full opportunity at the hearing to do so. It is not the purpose of reconsideration to allow a party to the opportunity to repeat or re-express arguments that have already been made and considered. It is a fundamental requirement of litigation there is certainty and finality.

43. Our detailed factual findings based on the submissions made to us and the evidence which was before us at the hearing and to which were referred are set out in our written reasons.

44. I have taken into account, when considering the Overriding Objective in Rule 3 and the fairness of the hearing, that the claimant was acting in person and on some points appears to have been unsure of the legal position.

45. The claimant does not adduce any new information or matter which he could not have raised at the hearing. Some material is irrelevant to the legal analysis of the issues None of the materials and none of the grounds relied upon would make reconsideration necessary in the interests of justice.

46. The claimant has not argued or identified an error of law. If there was an error of law, this is a matter for appeal and not reconsideration.

47. In the circumstances I consider that there is no reasonable prospect of the judgment being varied or revoked.

48. Accordingly I am required by Rule 70(2) to refuse the application.

Approved by Employment Judge Cox
Dated: 02 July 2026