Case No: 3311765/2024

EMPLOYMENT TRIBUNALS

Claimant: **Mrs J Davies**

Respondent: **Oxford Health NHS Foundation Trust**

JUDGMENT ON APPLICATION FOR RECONSIDERATION

1. The Claimant's application of 21 April 2026 for reconsideration of the judgment sent to the parties on 2 April 2026 is refused.

REASONS

2. There is no reasonable prospect of the original decision being varied or revoked, because:

   2.1. the Claimant's representative has not identified any arguments or evidence which she did not have a full and proper opportunity to place before the Tribunal at the Final Hearing on 9–13 March 2026; and

   2.2. the Claimant's claims for damages for personal injury and aggravated damages did not arise for determination.

Interpreter

3. As stated at paragraph 5 of the Reasons, the Claimant had requested an interpreter in the Tagalog language her Case Management Agenda for the Preliminary Hearing held on 29 October 2025. No mention was made of this fact in the Case Management Summary, and no interpreter was booked for the Final Hearing.

4. At the Final Hearing, the issue of an interpreter was first brought to the Tribunal's attention by the Claimant's representative just before 4pm on the first day. The Claimant had been under cross-examination for approximately one hour and 20 minutes. The Employment Judge informed the Claimant's representative that an interpreter could be sought, but that the case would probably have to be postponed in order to find one. This was because the language required—Tagalog—was one which few interpreters would be likely to offer. The Claimant's representative said that the Claimant wanted to continue with her evidence. Nonetheless, the Tribunal decided of its own motion to finish the day early and to see if an interpreter could be located overnight. The Tribunal staff made efforts to find an interpreter, but unfortunately none could be found. The following morning, the Claimant elected to continue with the hearing.

5. The points now raised by the Claimant's representative at paragraph 2.4 of the application for reconsideration were not raised by her at the time. The points raised at paragraphs 2.5 to 4 of the application are addressed in paragraphs 13 and 14 of the Reasons. The Tribunal agreed to consider medical evidence which was produced late, to which the Respondent did not object. That evidence did not assist the Claimant's representative's argument as to the effect of the Claimant's condition on her cognitive abilities. It was open to the Claimant's representative to seek to adduce further medical evidence, but she did not do so. The documents now produced consist of an AI generated summary relating to brain metastases and an electronically signed witness statement in the Claimant's name. No medical evidence has been produced relating specifically to the Claimant's health at the relevant time. Furthermore no reason has been offered as to why relevant evidence was not produced before or during the Final Hearing.

Damages

6. As to why the Tribunal did not determine the Claimant's claims for damages for personal injury and aggravated damages; these are matters which would only arise for determination if the Claimant had succeeded in her discrimination complaint. Since she did not do so, the Tribunal did not address them.

Approved by

Employment Judge Reindorf KC

Date: 5 October 2026

Sent to the parties on:

10 October 2026

For the Tribunal Office

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