Case Number: 2601089/2024

EMPLOYMENT TRIBUNALS

Claimant: **Christine Menezes**

Respondent: **Boston Commercial Cleaners Limited**

JUDGMENT

The claimant's application dated 22 September 2026 for reconsideration of the judgment sent to the parties on 10 September 2026 is refused.

REASONS

1. The Tribunal finds that there is no reasonable prospect of the original decision being varied or revoked for the following reasons:

2. The Claimant applies for reconsideration, which she claims is necessary in the interests of justice, on the basis of crucial new witness and photographic evidence, specifically:

   (a) A witness statement from her mother (Linda Langdale)
   (b) A witness statement from her daughter (Rebecca Lovell)
   (c) Photographic evidence

3. In outasight VB Limited v Mr Brown the EAT UKEAT/0253/14/LA at [49] the Tribunal held that in respect of an application to adduce fresh evidence after the determination of the case *"the approach laid down in Ladd v Marshall will, in most cases, encapsulate that which is meant by the "interests of justice".*

4. The Ladd v Marshall test is essentially that, to justify the reception of fresh evidence or a new trial, three conditions must be fulfilled:
   (a) it must be shown that the evidence could not with reasonable diligence have been obtained for use at the trial;
   (b) the evidence must be such that, if given, it would probably have an important influence on the result of the case, though it need not be decisive;
   (c) the evidence must be such as presumably to be believed, or, in other words, it must be apparently credible, though it need not be incontrovertible.

5. Applying the Ladd v Marshall test to the new evidence I firstly consider the

proposed statements from Linda Langdale and Rebecca Lovell. This is relied on for two matters:

a. Disproving the Respondent's claim that she had not met her mother
b. Confirming their presence at conversations with the Respondent about the Claimant's disability, payment of wages and an agreement about course fees.

6. The Claimant has not established that a statement from her mother or daughter could not have been provided with reasonable diligence at the Tribunal hearing. The Claimant was clearly aware that the question of her disability discrimination was disputed, as was the issue of payment of wages and the claimed agreement about course fees. The Claimant, although a litigant in person, was also aware of the possibility of relying on witness evidence as she not only gave witness evidence herself but also relied on evidence from her partner.

7. The reasons given by the claimant for not providing this evidence sooner, is that she could not have anticipated that the Respondent, by which I understand she means Debra Wilkinson (owner and Managing Director of the Respondent) and her witness, Laura Wilkinson, would give false evidence that that they had never met her mother and had only met her daughter once, and so could not have anticipated the need to call her mother and daughter as rebuttal witnesses. This explanation does not explain why the Claimant's mother and daughter could not have been called if they had directly witnessed evidence relevant to the disability discrimination claim, the payment of wages and an agreement as to course fees, all of which were relevant issues for the Tribunal to determine.

8. In respect of relying on the new evidence to prove that the Respondent and her daughter had met her mother and that this was evidence of lying. The Tribunal does not accept that this meets the Ladd v Marshall test. Firstly, if this fabricated evidence was given at the hearing the Claimant could have sought an adjournment to adduce fresh evidence at that stage or prior to the reserved decision being sent; this was not done. Secondly, the Tribunal does not accept that a finding on whether the Respondent or her witness had met her mum or had met her more then once was an important influence on the result of the case. Thirdly, it has not been established that the new evidence is apparently credible. The Claimant's mother and daughter were not employees of the Respondent and the Claimant has not in her statement, prepared for the hearing, indicated that they were witness to any important conversations, save possibly in respect of wages, although that claim failed on timeliness grounds unconnected to the Respondent's evidence. The Tribunal takes into account that these new witnesses would now be asked to provide their recollections of events that happened a number of years ago. It is further observed that whilst the Claimant has accused Debra Wilkinson of giving false evidence under oath, of claiming never to have met the Claimant's mother- the Tribunal has considered its written note of the evidence and observes that, whilst Laura Wilkinson denied meeting the Claimant's mother, in its record of the evidence given by Debra Wilkinson, she gives evidence that she has met the Claimant's mother:
"Met mum and daughter, they had been to lunch, popped in, sat on sofa, half an hour, early days. Nice to meet them.. then met daughter when she came to meal"
The claimant later asked:
"Roughly when was this?"
And the Respondent Debra Wilkinson answered:
" When car broken, so around first month or so, before you bought burgundy suv"

9. The Tribunal is not suggesting that the Claimant has deliberately falsely accused Mrs Debra Wilkinson of lying and denying having met her mother. However, it exposes the difficulty of witness evidence and the fallibility of memory, and that just because someone believes they have a certain recollection of matters, which turns out to be false, does not mean that they have deliberately given false

evidence or that this necessarily means they are not a credible witness on other matters. This is why when making its findings the Tribunal took into account all relevant evidence including contemporaneous documentary evidence.

10. Turning finally to the evidence of a photograph placing the Respondent and her daughter in the company of the Claimant's family. This does not meet the Ladd v Marshall test. There is no good reason why that evidence could not, with reasonable diligence, have been provided at the hearing. Secondly, as noted above whether the Respondent or her daughter met the Claimant's mother would not have had an important result, especially as Debra Wilkinson gave evidence confirming she had met the claimant's mother and daughter. Thirdly, whilst there is no apparent reason why a photograph would not be credible, for the reasons given above, that reason alone would not be sufficient to meet the Ladd v Marshall test.

11. For the above reasons it is not accepted that the Ladd v Marshall test is met in this case. The Tribunal has gone on to consider if there is any other reason why it would be necessary in the interests of justice to reconsider its judgment and finds that there is not.

12. As there is no reasonable prospect of the judgment being varied or revoked the application is refused.

Date: 05 October 2026

Approved by

Employment Judge M Siddique

JUDGMENT SENT TO THE PARTIES ON

20/10/2026

J. Woolley
FOR THE TRIBUNAL OFFICE