



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr C Bryan

v

College of North West London

Heard at: Watford

On: 21 & 28 September 2017 (Panel consideration)
3 – 6 October 2017

Before: Employment Judge Henry

Members: Mrs M Castro and Mr C Underwood MBE

Appearances

For the Claimant: Mr I Sen, Workplace Representative.

For the Respondent: Mr G Anderson, Counsel.

RECONSIDERATION JUDGMENT

1. Upon application made by letter dated 19 December 2016, to reconsider the judgment dated 5 December 2016, under rule 71 of the Employment Tribunal Rules of Procedure 2013, and without a hearing; the parties having submitted written submissions.
2. The judgment is confirmed.

RECONSIDERATION REASONS

1. The claimant's grounds for reconsideration are premised on fourteen grounds. The tribunal has been extensively aided in addressing the grounds for reconsideration by written submissions in response from the respondent. The respondent's submissions which are succinct, set out the tribunal's reasoning on the judgment, which the tribunal here adopts as if more particularly here set out.
2. In addition to the submissions in response by the respondent, the tribunal further finds that, of ground 1 of the claimant's grounds for reconsideration, the claimant's evidence being at paragraphs 16 to 18 of his witness statement to the tribunal, and the relevant documentary evidence being at page 721 to 724 and 728 to 730 in support, the relevant issues, were addressed at paragraphs 39 to 46 of the Judgement, as to concerns raised with Miss Taylor. As regards the concerns for victimisation, beyond harassment addressed at paragraph 203 of the Judgment, paragraph 205 addresses the point as to victimisation, which is determinative of the issue.
3. For completeness however, the tribunal would further add that of the evidence presented to the tribunal, as to staff appraisal and demeaning tasks, at pages 724 to 731 of the trial bundle, the evidence does not support the claimant's contention, it is clearly there accounted for that, the issue of which the claimant now complains of, were matters of general management applied to all staff to meet the exigencies of the service, the

claimant being treated no differently to other staff so as to bring into consideration issues as to race.

4. With regard to the claimant's claim in respect of his appraisal, the evidence before the tribunal identifies that on an appraisal having been arranged for 10 February 2015, it was at the claimant's request, on the ground that he required more time to prepare for the appraisal, that the appraisal did not then take place, and indeed, Mr Barker, as is evidenced by the documentary evidence before the tribunal, an individual pressing for the appraisal to be done, advising the claimant on 10 February 2015, in respect thereof that, appraisal notice having been given in January 2015, with a completion date of the end of January 2015, it was then overdue. There is no evidence before the tribunal thereafter, accounting for the appraisal not then taking place. From these facts, there is no evidence from which this tribunal could conclude that the appraisal not being had, was for considerations of race. The tribunal finds no merits in the claimant's contention in this regard.

5. For completeness, the tribunal briefly deals with paragraph 42 of the grounds for reconsideration and should comment that, the Judgment was the product of the panel deliberating on the evidence it heard without any consideration to the communications between the parties, or the parties and the tribunal following the end of the Hearing. The Judgment was dictated on the 11 October and returned, having been typed, on 1 November, which draft was not then able to be faired until 25 November

and approved by the panel members on 2 December; the judgment promulgated on 5 December.

6. The tribunal for the reasons more particularly set out by the respondent's response to the application for consideration, and for the further reasons set out above, the tribunal confirms its Judgment as sent to the parties on 5 December 2016.

Employment Judge Henry

Date: 4 December 2017.....

Sent to the parties on:

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For the Tribunal Office