



EMPLOYMENT TRIBUNALS

Claimant: Ms D El Farra
Respondent: Securitas Security Service (UK) Limited

JUDGMENT

The Claimant's application dated 24th July 2021 for reconsideration of the Judgment sent to the parties on 22 July 2021 (and reissued with a certificate of correction on 27th July 2021) is refused under rule 72 of the Employment Tribunals Rules of Procedure 2013. It is not necessary in the interests of justice for this matter to be reconsidered.

REASONS

1. Following the Judgment sent to the parties on 22nd July 2021 the Claimant now applies for a reconsideration. She says it is in the interests of justice that we fully comprehend her claims "and that employers are not permitted to discriminate against their employees". It is clear that she disagrees and is disappointed with the Tribunal's judgment.
2. Under Rule 70 of the Employment Tribunal Rules of Procedure 2013 a Tribunal "may reconsider any judgment where it is necessary in the interest of justice to do so", and upon reconsideration the decision may be confirmed varied or revoked.
3. Rule 72 provides that an Employment Judge should consider the request to reconsider, and if the judge considers there is no reasonable prospect of the decision being varied or revoked, the application shall be refused. Otherwise it is to be decided, with or without a hearing, by the Tribunal that heard it.
4. Under the 2004 rules prescribed grounds were set out, plus a generic "interests of justice" provision. The prescribed grounds were that the decision was made because of an administrative error, a party did not receive notice of the hearing, the decision was made in the absence of a party, or that new evidence had become available since the hearing provided that its existence could not have been reasonably known of or foreseen at the time. As for the interests of justice test, the case law establishes that while this allows for a broad discretion, it must be

exercised judicially, which means having regard not only to the interests of the party seeking the reconsideration, but also to the interests of the other party to the litigation and to the public interest requirement that there should, so far as possible, be finality of litigation.

5. The Employment Appeal Tribunal confirmed in Outasight VB Ltd v Brown UKEAT/0253/14/LA that the 2013 rules did not change the approach to be adopted or broaden the scope of the grounds for reconsideration. A reconsideration is not a means by which a party can reargue the case that was made at the hearing. Something particular is required to establish this ground, beyond the fact that the party is disappointed with the decision.
6. The Claimant refers to a failure to pass any Judgment on victimisation. The issues were clearly set out at the case management hearing and explained and referred to during the hearing and do not include a claim for victimisation. There was no objection to the list of issues and no application to amend the issues to include a claim for victimisation. The heading to her witness statement refers to “direct racial discrimination, racial harassment and discriminatory constructive dismissal” and her closing submissions refer only to sections 13 and 136 of the Equality Act.
7. Beyond that the submissions made by the Claimant are largely an attempt to reargue her case and to repeat or elaborate on submissions that have already been made. She makes submissions on matters that the Tribunal has already considered and decided. She does not present new evidence that was not available at the original hearing. The Tribunal has heard and considered the evidence and submissions of both parties and come to a conclusion. There are no grounds for a reconsideration and no reasonable prospect of the original decision being varied or revoked.

Employment Judge F Spencer
Dated 29th July 2021

JUDGMENT SENT TO THE PARTIES ON

29th July 2021.

FOR THE TRIBUNAL OFFICE