



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms L Hill

**Respondent:** (1) St Paul's C of E VA Primary and Nursery School & others

## JUDGMENT

The respondent's application dated **22 September 2023** for reconsideration of the judgment sent to the parties on **25 May 2023** is refused.

## REASONS

1. Apologies to all parties for the delay in providing this judgment. There was a delay in the application reaching me and being able to see the application in full.
2. There is no reasonable prospect of the original decision being varied or revoked, because
  - a. The application is out of time.
  - b. The documents do not show that a dispute was indicated between the Claimant and the Respondent.

### 3. Out of Time

The Respondent made this application on 22 September 2023, having had the decision of the Tribunal since it was sent out on 25 May 2023. I note that the Respondent refers to receiving these documents on 4 August 2023 having made an application for specific disclosure on 13 July 2023. Whilst it is acknowledged that the Claimant would have been aware of the documents at the time of the hearing in February 2023 and ought to have disclosed them as relevant to the issue of dispute between the parties, there is no explanation in the Respondent's current application as to when and how they came to be aware of them and what therefore prompted the application for specific disclosure in July 2023. Nor explanation of why this took until July 2023.

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4. I have seen no evidence which shows that the Respondent became aware of the existence of these documents after the hearing date.
5. The Respondent's application to the Tribunal was made over a month after the specific disclosure was received and there is no explanation from the Respondent as to why it took such a long time to make the application which they considered to be urgent.
6. I do not consider that the Respondent has provided sufficient explanation to warrant an extension of time. The Respondent asserts that a reconsideration would save the "time consuming and costly appeals process", but then goes on to say that there is an appeal pending to a full hearing of the EAT. I am not aware of the basis for the appeal, but from the Respondent's application, it would seem that this appeal was issued prior to the new documents coming to light. This undermines their argument in relation to time and costs.
7. I am unable to weigh up any prejudice to the Claimant in allowing this application to extend time, as the Claimant has not responded to correspondence. However, I am mindful of the overriding objective under the Employment Tribunal Rules of Procedure and the fact that there needs to be finality to litigation. The decision not to allow the documents to be admitted does not deprive the Respondent of a defence to the claim, nor does it deprive the Claimant of the ability to make the claim. I therefore do not consider that the extension of time and reconsideration place either party at substantial disadvantage.
8. The application to extend time is therefore denied.

**Reconsideration**

9. If for any reason, I am wrong in the exercise of my discretion on the extension of time, I have considered the application as it stands.
10. The Claimant has not responded to the application at all and therefore no submissions have been received by the Tribunal.
11. The documents which the Respondent has provided in support of this application are emails between the Claimant and those whom advise and support her. The Respondent has indicated that Mr and Mrs Dunn are the Claimant's sister and brother -in law. Mr Ryan is the Claimant's Trade Union representative and Ms McKie the Claimant's solicitor.
12. The emails are therefore 'internal' to the Claimant's supporters. None of the emails are sent to the Respondent or their representatives. The content of the emails voice the views of Mr Dunn in particular, who is not a party to the proceedings at the time.
13. I have also reminded myself of the Claimant's witness evidence which stated that after the IHCH meeting the Claimant chose not to appeal the decision (which had been not to issue a written warning or dismissal) as "the panel have evidently taken on board many of the points that I made during the meeting and decided against taking any action". Nothing in the Claimant's witness statement refers to Mr Dunn acting on her behalf, or that she nominated him to correspond with the Respondent on her behalf.
14. The evidence which the Respondent relies upon for this reconsideration application shows that within the Claimant's advisors and confidantes there was discussion about further issues. This does not amount to evidence of an ongoing dispute between the parties.

15. If therefore time had been extended to allow the application, it would in any event be dismissed for these reasons.

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Employment Judge Cowen

Date: 19 April 2024

JUDGMENT SENT TO THE PARTIES ON  
19 April 2024

FOR THE TRIBUNAL OFFICE