



EMPLOYMENT TRIBUNALS

Claimant: Ms C Morel – Zifonte Palladino

Respondent: Next Steps Ltd

JUDGMENT

The claimant's application dated 29 August 2022 for reconsideration of the judgment sent to the parties on 16 August 2022 is refused.

REASONS

1. This matter was before the Employment Tribunal on the 23 June 2022. A reserved judgment and reasons were sent to the parties on the 16 August 2022 by which a number of claims were struck out as having no reasonable prospects of success (or in the alternative deposits ordered).
2. By email of the 29 August 2022 the claimant made application for reconsideration.
3. The stated ground for the application is the 'negligence and bad legal representation by Ms Brine, Consultant Solicitor, McCabe and Co Employment Solicitors'. The claimant then sets out the ways in which she states she was poorly represented.
4. **The relevant provisions of the Employment Tribunal Rules 2013**

RECONSIDERATION OF JUDGMENTS

Principles

70. A Tribunal may, either on its own initiative (which may reflect a request from the Employment Appeal Tribunal) or on the application of a party, reconsider any judgment where it is necessary in the interests of justice to do so. On reconsideration, the decision

(“the original decision”) may be confirmed, varied or revoked. If it is revoked it may be taken again.

Application

71. Except where it is made in the course of a hearing, an application for reconsideration shall be presented in writing (and copied to all the other parties) within 14 days of the date on which the written record, or other written communication, of the original decision was sent to the parties or within 14 days of the date that the written reasons were sent (if later) and shall set out why reconsideration of the original decision is necessary.

Process

72.—(1) An Employment Judge shall consider any application made under rule 71. If the Judge considers that there is no reasonable prospect of the original decision being varied or revoked (including, unless there are special reasons, where substantially the same application has already been made and refused), the application shall be refused and the Tribunal shall inform the parties of the refusal. Otherwise the Tribunal shall send a notice to the parties setting a time limit for any response to the application by the other parties and seeking the views of the parties on whether the application can be determined without a hearing. The notice may set out the Judge's provisional views on the application.

(2) If the application has not been refused under paragraph (1), the original decision shall be reconsidered at a hearing unless the Employment Judge considers, having regard to any response to the notice provided under paragraph (1), that a hearing is not necessary in the interests of justice. If the reconsideration proceeds without a hearing the parties shall be given a reasonable opportunity to make further written representations.

(3) Where practicable, the consideration under paragraph (1) shall be by the Employment Judge who made the original decision or, as the case may be, chaired the full tribunal which made it; and any reconsideration under paragraph (2) shall be made by the Judge or, as the case may be, the full tribunal which made the original decision. Where that is not practicable, the President, Vice President or a Regional Employment Judge shall appoint another Employment Judge to deal with the application or, in the case of a decision of a full tribunal, shall either direct that the reconsideration be by such members of the original Tribunal as remain available or reconstitute the Tribunal in whole or in part.

Conclusions

5. Rule 70 requires the tribunal to determine whether a reconsideration would be in ‘the interests of justice’. The fact that the claimant considers that her representative did not present her case appropriately to the tribunal does not mean it is in the interests of justice to grant the application. The tribunal must consider both parties. The respondent has already gone through a day long hearing and would incur further time and expense if the judgment was set aside and the issues giving rise to the judgment had to be heard again. The claimant however has a remedy against her representative if she considers that the way in which she was represented fell below the standard she was entitled to expect.

6. The application for a reconsideration is therefore refused as there are no reasonable prospects of the original decision being varied or revoked.

Employment Judge Laidler

Date 10 October 2022

JUDGMENT SENT TO THE PARTIES ON

14 October 2022

FOR THE TRIBUNAL OFFICE