



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr. N. Westlake  
**Respondent:** University of Bath

## JUDGMENT

The claimant's application dated 14<sup>th</sup> May 2018 for reconsideration of the judgment sent to the parties on 3<sup>rd</sup> May 2018 is refused.

## REASONS

1. There is no reasonable prospect of the original decision being varied or revoked.
2. In these proceedings the claimant claimed, inter alia, disability related harassment contrary to s.26 Equality Act 2010. The basis of the claim was set out in paragraph 25 of the schedule of complaints.
3. At the preliminary hearing on the 23<sup>rd</sup> March 2018 the claimant provided written submissions (as referred to in the written reasons) and, in making oral submissions he simply confirmed that what he had advanced in his written submissions contained his case.
4. Counsel for the respondent had supplied a skeleton argument which he confirmed contained his submissions.
5. Objection had been taken by the claimant to the tribunal allowing counsel for the respondent to rely on his skeleton argument because, the claimant alleged, it infringed rule 42 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 in that it had not been received at least seven days before the hearing. The claimant was given sufficient time to read the skeleton argument and the tribunal ruled that the skeleton argument should be considered because it was helpful to the tribunal and the claimant

to have the respondent's submissions set out in writing and, if the skeleton argument was not considered, counsel could simply read what was in it as his oral submission to which no objection could be taken. That would have been a complete waste of tribunal time.

- 6. The submissions now made in writing by the claimant are far more extensive than he made previously and he seeks to widen the scope of the claim he advanced in paragraph 25 of the schedule of complaints in a way which he did not advance at the preliminary hearing and he also he seeks to rehearse matters already considered at the hearing itself.
  
- 7. It is not in the interests of justice that he be allowed to reopen his case and to make further previously unmade arguments after having been given a full opportunity to make his case at the preliminary hearing.
  
- 8. It would neither fair or just to allow the claimant a 'second bite at the cherry'. The overriding objective requires that parties place before the tribunal the whole of the arguments which they seek to advance when the tribunal is seized with determining the case before it. It offends the principles of justice that a party who has been unsuccessful should be allowed to re-open his or her case simply because they disagree with the judgment of the tribunal.
  
- 9. The original judgment was correct, it would not be in the interest of justice to allow the application for a reconsideration and the application is dismissed.

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Employment Judge

Date \_\_\_\_\_

JUDGMENT SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE