



EMPLOYMENT TRIBUNALS

Claimant

Mr H Addy

v

Respondent

West Suffolk Council

Before: Employment Judge Laidler

JUDGMENT ON RECONSIDERATION

1. The respondent's application for reconsideration of the judgment sent to the parties on the 30 December 2022 is granted and the judgment set aside.
2. All claims are dismissed on withdrawal following a COT3 entered into between the parties on the 9 June 2022.

REASONS

1. As no Response had been received from the respondent the file was referred to the judge to consider a default judgment. There was no information on the file of an ACAS settlement. A judgment on liability was therefore entered and a remedy hearing listed.
2. In the respondent's application for reconsideration of the 12 January 2023 it appears that an ACAS settlement was reached on the 9 June 2022. The judge was not aware of that when entering the default judgment. The reconsideration application states that it is made jointly by the parties.
3. The Rules on reconsideration provide:

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

4. The judgment should never have been entered as the parties had already come to a settlement. The application for reconsideration is granted and the judgment set aside. As the application also states no judgment has ever been received dismissing the claims that is now done.

Employment Judge Laidler

Date: 24 January 2023

Sent to the parties on: 24 January 2023

For the Tribunal Office