



EMPLOYMENT TRIBUNALS

Claimant: Mr T Fields

Respondent: The Sheffield College

Heard at: Leeds (on paper) **On:** 28 February 2022

Before: Employment Judge Knowles

JUDGMENT UPON RECONSIDERATION

1. The Claimant's application dated 28 January 2022 for reconsideration of the order sent to the parties on 21 January 2022 is refused.

REASONS

1. The Claimant has made an in-time application for reconsideration of the decision that I reached which was sent to the parties on 21 January 2022. He has termed this as an appeal but I have treated it as an application for reconsideration.

2. In that decision, I declined the Claimant's application to amend his complaint to add a complaint of discrimination.

3. At that time, the Claimant had never specified any protected characteristic.

4. His application for reconsideration is essentially that having taken further advice and having seen his GP he would like to bring a complaint based upon the protected characteristic of disability.

5. There must be finality in proceedings and the reconsideration process should not generally be used to gain a "second bite at the cherry" (*Todd t/a Hygia Professional Training v Cutter UKEAT/0063/07*).

6. Taking into account the grounds of the application for reconsideration and considering them in the round with the comments above, my conclusion is that the Claimant has had a fair opportunity to address the tribunal on any points of substance but failed to do so at the last hearing. It appears to be that the Claimant never previously claimed that the reason for his alleged discrimination was any medical condition which may amount to a disability. His application to amend is still absent any reference to a link

Case No: 1804434/2021

between the treatment he complains about and any protected characteristic. Whilst the Claimant may wish to bring a complaint of disability discrimination, he has not yet set any such claim out because his application to amend never suggested that the alleged treatment was related in any way to what he now claims to be a protected characteristic.

7. There is no reasonable prospect of the original decision being varied or revoked for those reasons.

Employment Judge Knowles

28 February 2022