



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms M Sindze  
**Respondent:** Corps Security (UK) Ltd  
**Heard at:** No Hearing **On:** 11 March 2020  
**Before:** Employment Judge Quill (sitting alone)

## JUDGMENT ON COSTS

The Respondent's application for costs is refused.

## REASONS

1. By way of email dated 3 March 2020, attaching letter dated 2 March 2020, the Respondent makes an application for costs under Rule 76. By way of email dated 8 March 2020, the Claimant objects.
2. Relevant documents include the summary and orders produced by EJ J Burns dated 26 June 2019, my record of hearing dated 9 September 2019, and my case management summary and orders dated 24 February 2020, which followed the preliminary hearing on 14 February 2020. I have taken the contents into account even where not expressly referred to below.
3. The Respondent alleges that the Claimant acted unreasonably in her application to amend her claim, and alleges that the application was unjustifiably delayed and that she failed to adequately plead her case, and that "as a consequence of the above" a hearing had to be convened requiring counsel's attendance.
4. Rule 76(1) states in part:
  - (1) A Tribunal may make a costs order or a preparation time order, and shall consider whether to do so, where it considers that—
    - (a) a party (or that party's representative) has acted vexatiously, abusively, disruptively or otherwise unreasonably in either the bringing of the proceedings (or part) or the way that the proceedings (or part) have been conducted.
5. The Claimant is unrepresented. In paragraph 2.2 of my orders dated 24 February 2020, I commented on some of the Claimant's circumstances.
6. The hearing which was due to start on 5 September did not start for the

reasons which are mentioned in my summary dated 9 September 2019. The reasons were not the fault of the Claimant and the Claimant did not act unreasonably in connection with that postponement. Had the hearing gone ahead, then the Claimant could either have made her application to amend during that hearing or decided not to do so.

7. The Claimant mentioned twice to a tribunal (to Judge Burns in June 2019, and to me and members in September 2019) that she would like permission to amend. There was a delay in her formally submitting that application to the tribunal, but it was common ground before me on 14 February 2020 that the Claimant did have a written document in June 2019 which she proposed to discuss. (I acknowledge that the document did not necessarily contain the same proposed amendments as were received in November 2019).
8. The Claimant has not acted vexatiously or abusively.
9. The delay alone (until November 2019) does not lead me to conclude that she has acted disruptively or unreasonably. Her application was submitted 6 months before the revised hearing dates.
10. The application to amend lacked sufficient precision and clarity in terms of dates of events and the specific breaches of the Equality Act being alleged. However, it was not incoherent and did contain a narrative which was easy to follow. As the Claimant points out in her objection, any argument by the Respondent that the document was unreasonable in itself has to be judged against the background that the Claimant alleges that she has disabilities including dyslexia. In relation to the contents of the application, the Claimant did not act unreasonably, but rather presented a document which she believed was appropriate and sufficient in order to meet the requirements which Judge Burns and I had each, on separate occasions, mentioned to her.
11. A hearing to consider the application was ordered by the tribunal. The Respondent did not suggest that a decision be made on paper (and, in fact, made no specific written comments on the application). The Claimant did not specifically request a hearing to consider her application. She supplied supporting evidence which she said demonstrated her difficulties with written documents.
12. The application failed, but it does not follow automatically from that that the application was unreasonable or disruptive. My decision is that it was not.

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Employment Judge QUILL

Date 11 March 2020

JUDGMENT SENT TO THE PARTIES ON

12/03/2020

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FOR THE TRIBUNAL OFFICE