EMPLOYMENT TRIBUNALS

Claimant: **Andrew Ward**

Respondents: **(1) Arthur Branwell & Co. Limited**
(2) Nigel Day

Heard at: **East London Hearing Centre (on the papers)**

On: **06 December 2021**

Before: **Employment Judge Housego**
Members: **Mr D Ross**
Ms S Barlow

Representation
Claimant: Documentary application

Respondents: Documentary Response

JUDGMENT

1. **The Respondents are jointly and severally ordered to pay to the Claimant costs assessed at £10,000.**

2. **AP Partnership Ltd is ordered to pay to the Claimant wasted costs of (a further) £18,000.**

REASONS

1. A successful claimant may claim costs. A wasted costs order may be made by a Tribunal against the representative of a party.

The applicable Rules

2. Rule 76 deals with costs orders, Rule 80 deals with wasted costs orders.

3. The two Rules state:

When a costs order or a preparation time order may or shall be made

76. (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; or
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> (b) any claim or response had no reasonable prospect of success.

(2) A Tribunal may also make such an order where a party has been in breach of any order or practice direction or where a hearing has been postponed or adjourned on the application of a party.

(3) Where in proceedings for unfair dismissal a final hearing is postponed or adjourned, the Tribunal shall order the respondent to pay the costs incurred as a result of the postponement or adjournment if—

> (a)the claimant has expressed a wish to be reinstated or re-engaged which has been communicated to the respondent not less than 7 days before the hearing; and
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> (b)the postponement or adjournment of that hearing has been caused by the respondent's failure, without a special reason, to adduce reasonable evidence as to the availability of the job from which the claimant was dismissed or of comparable or suitable employment.

(4) A Tribunal may make a costs order of the kind described in rule 75(1)(b) where a party has paid a Tribunal fee in respect of a claim, employer's contract claim or application and that claim, counterclaim or application is decided in whole, or in part, in favour of that party.

(5) A Tribunal may make a costs order of the kind described in rule 75(1)(c) on the application of a party or the witness in question, or on its own initiative, where a witness has attended or has been ordered to attend to give oral evidence at a hearing.

When a wasted costs order may be made
80. (1) A Tribunal may make a wasted costs order against a representative in favour of any party ("the receiving party") where that party has incurred costs—

> (a) as a result of any improper, unreasonable or negligent act or omission on the part of the representative; or
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> (b) which, in the light of any such act or omission occurring after they were incurred, the Tribunal considers it unreasonable to expect the receiving party to pay.

Costs so incurred are described as "wasted costs".

(2) "Representative" means a party's legal or other representative or any employee of such representative, but it does not include a representative who is not acting in pursuit of profit with regard to the proceedings. A person acting on a contingency or conditional fee arrangement is considered to be acting in pursuit of profit.

(3) A wasted costs order may be made in favour of a party whether or not that party is legally represented and may also be made in favour of a representative's own client. A wasted costs order may not be made against a representative where that representative is representing a party in his or her capacity as an employee of that party.

4. Means may be relevant – Rule 84. The Tribunal may (but is not obliged to) take account of the means of the paying party, or representative.

5. Costs do not follow the event in Employment Tribunals. For a costs order to be made against a party, that party or representative must have behaved unreasonably (as described in Rule 76(1)(a) or Rule 80(1)(a) (or the case put forward by that party must have had no reasonable prospect of

success). The costs application asserts that the Respondents and their representative acted vexatiously, abusively, disruptively or unreasonably in the manner in which they conducted the proceedings, and before.

6. If the Tribunal finds this to be so, the Tribunal must consider whether or not to make a costs order. The Tribunal then has a discretion as to whether to order costs or not. The Tribunal must consider all the circumstances when exercising that discretion.

7. If it decides to order costs it may summarily fix the amount, up to £20,000, or order detailed assessment of costs (Rule 76). There is no power to order detailed assessment in a wasted costs order, as the amount must be specified in the order (Rule 81). There is no cap on a wasted costs order.

8. A costs order against a Respondent and a wasted costs order against a representative can be made in the same case. The only restriction is in Rule 75(3) which says that a costs order and a preparation time order may not both be made in favour of the same party in the same proceedings.

Principles to be applied[1]

9. McPherson v BNP Paribas (London Branch) (1) [2004] EWCA Civ 569 (13 May 2004, paragraphs 39-41:

> 39. Ms Mc Cafferty submitted that her client's liability for the costs was limited, as a matter of the construction of rule 14, by a requirement that the costs in issue were "attributable to" specific instances of unreasonable conduct by him. She argued that the tribunal had misconstrued the rule and wrongly ordered payment of all the costs, irrespective of whether they were "attributable to" the unreasonable conduct in question or not. The costs awarded should be caused by, or at least be proportionate to, the particular conduct which has been identified as unreasonable.
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> 40. In my judgement, rule 14 (1) does not impose any such causal requirement in the exercise of the discretion. The principle of relevance means that the tribunal must have regard to the nature, gravity and effect of the unreasonable conduct as factors relevant to the exercise of the discretion, but that is not the same as requiring BNP Paribas to prove that specific unreasonable conduct by Mr McPherson caused particular costs to be incurred. As Mr Tatton-Brown pointed out, there is a significant contrast between the language of rule 14(1), which deals with costs generally, and the language of rule 14(4), which deals with an order in respect of the costs incurred "as a result of the postponement or adjournment." Further, the passages in the cases relied on by Ms McCafferty (**Kovacs v. Queen Mary & Westfield College** [2002] IRLR 414 at para 35 **Lodwick v. London Borough of Southwark** [2004] EWCA Civ 306 (at paras 23-27) and **Health Development Agency v. Parish** EAT/0543/03, BAILII: [2003] UKEAT 0543_03_2410, LA at para 26-27) are not authority for the proposition that rule 14(1) limits the tribunal's discretion to those costs that are caused by or attributable to the unreasonable conduct of the applicant.
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> 41. In a related submission Ms McCafferty argued that the discretion could not be properly exercised to punish Mr McPherson for unreasonable conduct. That is undoubtedly correct, if it means that the indemnity principle must apply to the award of costs. It is not, however, punitive and impermissible for a tribunal to order costs without confining them to the costs attributable to the unreasonable conduct. As I have explained, the unreasonable conduct is a precondition of the existence of the

[1] All the guidance is taken from LexisNexis PSL, and I acknowledge its derivation. Not all of it is relevant to this case, but it is helpful as it sets out the principles overall, which gives context.

power to order costs and it is also a relevant factor to be taken into account in deciding whether to make an order for costs and the form of the order.

10. For a costs order:

    1. *there is nothing in the wording of the ET Rules to limit the costs that may be awarded by an employment tribunal to those costs incurred at a particular stage of the proceedings or indeed to costs incurred after they have begun*

    2. *the Tribunal's discretion to award costs where a party has conducted the proceedings in an unreasonable way is not limited to those costs that are caused by, or attributable to, the unreasonable conduct of that party*

    3. *the Tribunal is not required to identify the particular costs caused by particular conduct; rather it should look at the whole picture of what happened in the case and the effects of such conduct*

    4. *the conduct of the litigation by the party applying for the costs order can be taken into account*

    5. *the conduct of a claimant in rejecting a 'Calderbank' type offer of settlement can be taken into account, provided the claimant is found to have been unreasonable in rejecting the offer*

    6. *although the CPR do not apply directly to Employment Tribunal proceedings, Tribunals should exercise their powers under the ET Rules in accordance with the same general principles which apply in the civil courts, but they are not obliged to follow the letter of the CPR in all respects.*

11. Costs orders are not to be imposed for punitive reasons, and the Tribunal is entitled, but not obliged, to consider the ability of the paying parties ability to pay. It should give reasons.

12. For wasted costs orders:

    The government guidance on employment tribunal powers (derived from the seminal case of Ridehalgh v Horsefield [1994] Ch 205) states that:

    1. *'improper' covers but is not confined to conduct which would ordinarily be held to justify disbarment, striking off, suspension from practice and other serious professional penalty*

    2. *'unreasonable' describes conduct that is vexatious or designed to harass the other side rather than advance the resolution of the case*

    3. *'negligent' should be understood in a non-technical way to denote failure to act with the competence reasonably expected of ordinary members of the legal profession.*

13. The Tribunal should apply a three-stage test in determining whether to make a wasted costs order:

    13.1. has the representative of whom complaint is made acted improperly, unreasonably or negligently?

    13.2. if so, did such conduct cause the party applying for the order to incur unnecessary costs?

    13.3. if so, is it in all the circumstances just to order the representative to compensate that party for the whole or any part of the relevant costs?

14. The following further guidance summarises the correct approach to wasted costs applications:

    1. The wasted costs jurisdiction should only be exercised with great caution and as a last resort. Both the aggrieved party and the court or tribunal have other powers to remedy the situation by invoking summary remedies such as striking out. The making of a wasted costs order should not be the primary remedy

    2. A wasted costs order should be made only if the court or tribunal is satisfied that the conduct of the representative was improper, unreasonable or negligent

    3. A wasted costs order should not be made unless it is supported by evidence. For example, where there has been a failure in disclosure, it cannot simply be assumed that there was either negligence on the part of the representative concerned or that the failure in disclosure amounted to a failure by the representative in his or her duty to the court

    4. A representative should not be held to have acted improperly, unreasonably or negligently simply because he acts on behalf of a party who pursues a hopeless case

    5. The Tribunal can only make a wasted costs order in such a case if it is shown that:

        1. the representative has presented a case which he regards as bound to fail, and

        2. in so doing, he has failed in his duty to the court, and the proceedings amount to an abuse of the process

    6. Behaviour by a representative will amount to an abuse of process if eg:
        1. he uses litigious procedures for purposes for which they were not intended, such as the knowing pursuit of dishonest cases, or the pursuit of proceedings for reasons unconnected with success in the litigation

2. *he evades rules intended to safeguard the interests of justice, eg by knowingly conniving at incomplete disclosure of documents*

7. *A representative owes no duty to the opposing party: only failures in duty to the court or tribunal can provide a foundation for wasted costs applications*

8. *The wasted costs jurisdiction should not be applied in such a way as to undermine the willingness of professional advocates to represent litigants, either by creating conflicts of interest or by exposing the advocates to pressures which will tend to deter them from representing certain clients or from doing so effectively. At times, the proper discharge by the advocate of his duties to his client will be liable to bring him into conflict with the court: the advocate acting in good faith in such circumstances is entitled to protection*

9. *It must be shown that the conduct complained of caused the party applying for the wasted costs order to incur unnecessary costs. For example, if a wasted costs order is sought relying on a representative's failure to advise his client during trial that the case has become hopeless, such an application could not succeed if it were established that the litigant would have pursued the trial to the bitter end despite receiving that pessimistic advice*

10. *The court or tribunal must exercise a discretion at two stages:*

    1. *it must first consider whether the application is justified and proportionate, having regard to the merits and circumstances*

    2. *if that first test is passed, the application will proceed to a hearing at which the court or tribunal has to:*

        1. *decide whether the central prerequisites for an order are made out, and*

        2. *if they are made out, exercise its discretion as to whether to make an order or not.*

11. *Despite the care with which wasted costs applications need to be approached, tribunals should not be discouraged from making wasted costs orders in an appropriate case. Despite the various cautions and caveats about its use, the weapon of the wasted costs order is a valuable one, which the rule-maker intended should be used in proper cases. The need to observe the essential requirements of a fair procedure and good reasons need not involve undue formality or elaboration and should not operate as a deterrent.*

The application

15. The costs order is made because of the way the matter was conducted by the Respondents, both before and after the action started.

16. The wasted costs application is on the basis that the Claimant incurred costs as a result of the improper, unreasonable or negligent acts on the part of the Respondents' Representatives.

17. The total claimed is £38,109.60, and a schedule of costs was annexed to the application.

18. The judgment said at paragraph 59:

"The Respondent has been advised by a (non solicitor) advice company throughout. The correspondence from the Respondent was doubtless drafted by them. Their correspondence with the Claimant's solicitor was reprehensible, as detailed in a letter from those solicitors to the Respondent on 25 October 2019 (368/574). The bombastic and petty language used, and the approach taken to this whole case by them, and by Mr Day, is regrettable."

19. At paragraph 70:

"The letters from the Respondent, both Mr Day and later by Mr Southwell from their advisers are hostile and offensive, and entirely misplaced. Mr Day regarded them as simply factual, and says that the facts set out were true, so that was the end of the matter. The letters are not simply factual. They accuse Mr Ward of taking their money under false pretences and say that he was deliberately refusing to do work or attend meetings. These are accusations, not facts. The facts are that the work was not being done and that he was not attending meetings."

20. At paragraph 77 the letters are described as *"insulting"*, and at paragraph 79 the Tribunal deplored the language and approach of Mr Day and Mr Southwell.

21. The application pointed out that:

21.1. On 01 August 2019 Mr Day wrote and said that Mr Ward was making *"empty promises"* which he had *"no intention or prospect of achieving"*, and that he was taking the opportunity to be paid by them while caring for his wife.

21.2. The application sets out further communications which it is said meant that Mr Ward needed to obtain legal advice, and incur expense.

21.3. The dismissal letter included *"...I believe that Andrew* [the Claimant] *has at all times been deceptive and disingenuous..."* and the Tribunal did not accept that this was so.

21.4. The correspondence warranted the Tribunal's criticism, for example in their email to the Claimant's solicitors dated 26th September 2019 that *"...you have made no effort whatsoever to put forward a case on*

your Client's behalf. I can only assume that your 'endeavours' are focused elsewhere on a matter that you feel is more important than acting in his best interest and, if I were him, I would be most aggrieved by your tardiness" and impermissibly criticised them directly *"(and if you advised him not to do so then you were quite remiss to do so)"*.

21.5. The correspondence continued for some time, and on 08 November 2019 included:

- *it appears that I have 'touched a nerve'... Regrettably, I believe that you have been somewhat 'put out' after having thought at the outset that you could simply present an allegation of discrimination to my Client and receive a substantial settlement without putting in much effort or work, only to be taken aback by receiving a robust rebuttal on their behalf".*

- *"I therefore believe that your inference, along with your allegations of unprofessional and inflammatory conduct, is nothing more than an attempt to scaremonger".*

- *"I must say it is baffling that you purport to be a specialist in employment law, yet it seems that you are ignorant of such a basic, inherent and long-standing legal principle".*

- *"My Client...does not wish to correspond any further as it is clear that your Client has no valid claim...we invite you to proceed accordingly ...the proceedings will be defended rigorously".*

21.6. After proceedings had commenced the Respondents' representative emailed (on 09 June 2020) in similar vein:

- *"Your claim to be so confident of success also rings hollow when faced with the facts, and I must say that such false bravado is typical of the way you have acted throughout".*

- *"I also reject your contention that either I or my Client have been unreasonable in conduct. Demonstrably, it has in fact been your conduct of proceedings that has been unreasonable with numerous delays and prevarication, incorrect legal opinion and inconsistencies and contradictions in your Client's case".*

- *"I stand by my comments...provided dubious excuse for your Client's failure to carry out little or no work and / or taking unauthorised time off. Along with exhibiting a complete lack of awareness regarding your Client's right to time off".*

- *"...then attempted a 'johnny come lately'".*

- *"I also believe that you are only keen to suggest entering into settlement negotiations as you are aware of the tenuous nature of your Client's case".*

22. The whole approach taken by the Respondents' representative is said to have resulted in the necessary cost of dealing with what are described as unprofessional emails. These are particularised in the application:

- In an email dated 20th September, Andrew Southwell [of AP Partnership Ltd] stated *"If you cannot act promptly on your client's behalf then you are failing to act in his best interests and I would suggest he seeks alternative assistance."*
- In an email dated 20th September, AS stated *"I must say that it is concerning that it seems you are advising him not to attend the rearranged hearing . . ."*
- In an email dated 26th September, *"you have made no effort whatsoever to put forward a case on your Client's behalf. I can only assume that your 'endeavours' are focussed elsewhere on a matter that you feel is more important than acting in his best interests and, if I were him, I would be most aggrieved by your tardiness."*
- In an email dated 26th September, *"(and if you advised him not to do so then you were quite remiss to do so)"*
- In an email dated 4th October, *"I must also take the opportunity to highlight an apparently deliberate omission . . ."*
- In an email dated 4th October, *"I must say that this is clearly 'faux' ignorance on your part."*
- In an email dated 11th October, *"I … believe that you chose not to do so as you were aware of the inherent weaknesses in your Client's position and simply did not wish to waste any more time in collating and forwarding the information as a consequence."*
- In an email dated 8th November 2020, *"I must say it is baffling that you purport to be a specialist in employment law, yet it seems that you are ignorant of such a basic, inherent and long-standing legal principle."*

23. The application is put thus:

"It is the Claimant's contention that Andrew Southwell's (AS) inflammatory comments, negligence, improper and unreasonable conduct throughout the proceedings directly contributed to the costs that the Claimant incurred in bringing the proceedings against the Respondents. The Claimant maintains that if AS had adopted a conciliatory approach and showed some humanity towards his circumstances, he would not have pursued his claims to the Employment Tribunal or incurred the costs within his Schedule of Costs. As such, the Tribunal should award the Claimant costs orders for the payment of his legal costs incurred including costs related to this application pursuant to Rule 80(1)(a)."

24. The application points out that in the judgment, at paragraph 60 the Tribunal found:

"What has occurred is not a conduct matter, but "some other substantial reason". There is no fault in Mr Ward looking after his wife, and there is no fault in the employer saying that this means they can't keep his employment open any more. That is the top and bottom of the reality of this case, and had Mr Day and Mr Southwell of AP Partnership had the common sense and humanity to see that this case would never have been brought."

25. The Claimant asked that the Employment Tribunal should apply Mummery LJ's legal principles in McPherson v BNP Paribas (London Branch) [2004] EWCA Civ 569 that there was no need to prove that specific unreasonable conduct caused particular costs to be incurred. The Claimant also asks that the Tribunal apply Mummery LJ's judgment in *McPherson* which observed that rules 74-76 of the Tribunal Rules do not, on their face, limit the scope of costs that may be awarded to those incurred after the proceedings have begun.

Response

26. AP Partnership responded to the application, on 29 October 2021. They wrote:

26.1. The Respondent holds that whilst it is clear that the phrasing of certain correspondence issued by the Respondent and the Respondent's Representative was considered regrettable by Employment Judge Housego, the actual effect and overall impact of that correspondence was not prejudicial to the conduct of the proceedings with regard to the Overriding Objective…

26.2. The determination of the Tribunal was arrived at, with observance of the Overriding Objective, regardless and in spite of the phrasing of the aforementioned communications and therefore the Respondent holds that the conduct of proceedings remained unaffected. It is also presented that even had the aforementioned communications been phrased in a more palatable manner, the determination of the Tribunal would have been the same, therefore disruption to the proceedings did not occur related to the phrasing of communications.

26.3. The Respondent would also respectfully advance the argument that the Respondent and the Respondent's Representative's displayed no vexatious conduct (and the costs application is not fully illustrative as to why any conduct should be considered as such), relying upon Marler Ltd v Robertson 1974 ICR 72 "For something to have been pursued in a vexatious manner it must be that it is pursued not with the expectation of success but to harass the other side or out of some improper motive." The Respondent and the Respondent's Representative acted at all times with an expectation of success.

26.4. Further, the fact that a costs order may be considered at all is not indicative that a costs order is appropriate when taken in context with the totality of the facts.

Decision

27. We note that costs can be claimed for expense incurred before issue of a claim, and *MacPherson* remains good law, even after changes in the Rules[2].

28. The costs and wasted costs orders do not have to be directly attributable to specific items of costs incurred[3].

29. The judgment was highly critical of the approach taken by the Respondents, and of the correspondence of their representative (paragraphs 59 and 70 particularly.)

30. The representations set out above are, in essence, that the way the case was conducted made no difference to the costs incurred. The Tribunal disagrees. The Tribunal noted also no acceptance that the approach was wholly wrong, referring only to the Tribunal's view of it, and contained no apology.

31. The representations come from AP Partnership Ltd., and do not deal at all with the issue of conflict of interest. That is a matter for the Respondents to take up with them if they wish, but not something the Tribunal can address.

32. It is abundantly clear that that approach vastly inflated the costs of the Claimant, both before and during the proceedings, right up to their conclusion. At the very least the emails from Mr Southwell had to be considered, the Claimant advised and thought given as to how to respond. During the hearing Mr Day did not resile from the statements of the Respondents' position set out throughout (for example seeking to defend some of the accusations made as simply factual[4]).

33. We decide that the conduct of the 1st Respondents (by the actions of the 2nd Respondent Nigel Day) was vexatious, abusive and unreasonable, throughout.

34. We decide that the conduct of their representative, Andrew Southwell of AP Partnership Ltd, was undoubtedly improper as defined above – that word covers, but is not confined to, conduct which would ordinarily be held to justify disbarment, striking off, suspension from practice and other serious professional penalty. As the Judge observed in the hearing, had Mr Southwell been a solicitor, his correspondence and approach to the litigation, if referred to the Solicitors Regulatory Authority would be highly likely to lead to a referral to the Solicitors Disciplinary Tribunal and a sanction being imposed by that Tribunal.

35. This was directly in contradiction of the overriding objective[5], which expressly obliges parties to cooperate with one another, and to save expense. The tests set out above[6] is met. The Tribunal decided to exercise

[2] Sunuva Ltd v Martin [2017] UKEAT 0174_17_1412 (14 December 2017)
[3] Paragraphs 39-41 of *McPherson*.
[4] Paragraph 70 of the decision
[5] Rule 2
[6] Paragraph 13

its discretion and decided that both a costs order and a wasted costs order should be made.

36. No information was provided to the Tribunal about the means of Respondents or of their representative. One of the Respondents is a trading limited company, the other the key person within it. The representative is a trading company engaged in representation in Employment Tribunals, and human resources advice and health and safety. There is no reason to think that any of them are short of funds.

37. Employers lose unfair dismissal cases without incurring costs, however unfair their decisions are, if they conduct their cases properly. The cost of running a simple Employment Tribunal claim, which in essence this should have been, is perhaps £7,500. Counsel's brief fee was not excessive, and the case would not have lasted so long had the Respondents and their representative complied with their obligations under the overriding objective.

38. Perusal of the schedule of costs reveals multiple entries such as 11 September 2019 *"Perusal of lengthy email by Respondent and sending lengthy email to client with advice"* of £150. The entire way the matter was handled by the Respondents greatly increased the costs incurred by the Claimant. Overall, perusal of the costs schedule does not reveal anything which looks excessive for the work that was required. The charging rate was £300 an hour, which is not excessive.

39. In assessing the amount of the orders we take note of *McPherson* at 41 - It is not, however, punitive and impermissible for a tribunal to order costs without confining them to the costs attributable to the unreasonable conduct.

40. Mr Day and Mr Southwell were both to blame for this. Whether Mr Day gave instructions which Mr Southwell should not have followed, or Mr Southwell gave advice which Mr Day should not have acted on is not knowable. In all the circumstances we consider that they are both responsible for the way the matter was handled. It seems to us most likely that Mr Day came to Mr Southwell with the approach he wanted to take, and that Mr Southwell egged him on.

41. The Respondent's representative is a company which trades as advisers for employers. They have a responsibility to their clients as they hold themselves out as experts in the field. It is not an excuse that the adviser does not hold a professional legal qualification. Whatever Mr Day's view was, they had an obligation to assist their client to carry out the defence in a cooperative way. The way this was done could not be further from that obligation.

42. Given the way the defence was mounted, it was entirely reasonable – indeed sensible – for Mr Ward and his solicitor to instruct Counsel to represent Mr Ward at the hearing. If the case had been conducted properly by the Respondent that may well not have been necessary. The incurring of those costs was down to the Respondent and his representative.

43. In assessing the amount to be ordered, we note the sum claimed in the application was £38,109.60. The costs schedule is at £26,409.60. With vat

of £5,281.92 that is £31,691.52. Counsel's fees were £1500, £720, £1080, and £8,400, all including vat. That is £11,700. The total would appear to be £43,391.52, but the sums add up to £38,109.60 (Solicitor and Counsel) if the costs schedule figure is inclusive of vat.

44. We assess costs on the figure given in the application (of £38,109.60) so there can be no unfairness to the Respondents or to their representative.

45. This was conduct both by Respondents and by their representative which may accurately be described as egregious, and which undoubtedly led to considerably increased costs being incurred by the Claimant.

46. We decide that it is fair proportionate and appropriate to make a costs order against the Respondents (jointly and severally) of £10,000 and a wasted costs order of a further amount of £18,000 against AP Partnership Ltd. This leaves the Claimant to bear the cost which he would have borne had the Respondents and their representative acted as they should have done, with some leeway in favour of the Respondents and their representative.

Employment Judge Housego
Date 06 December 2021