



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

AND

Respondent

Miss P Onochie

London Borough of Ealing

Heard at: London Central

On: 29 June 2022

Before: Employment Judge H Stout
Tribunal Member E Flanagan
Tribunal Member S Brazier

Representations

For the claimant: No appearance or representation

For the respondent: Mr B Amunwa (counsel)

COSTS JUDGMENT

The judgment of the Tribunal is that:-

- (A) The Claimant had a reasonable opportunity to make submissions in writing or at this hearing in response to the costs application as required by Rule 77 and it was fair to proceed in her absence.
- (B) The Claimant and her representatives conducted the proceedings unreasonably within the meaning of Rule 76(1)(a) so far as regards the following matters:
 - (i) Formulation of, and correspondence about, the List of Issues;
 - (ii) Production, in breach of the Tribunal's orders, of a second bundle and previously undisclosed documents with her witness statement of 7 April 2021;
 - (iii) Failing to disclose the enclosure to the 19 October 2018 letter referred to at paragraph 129 of the Tribunal's Liability Judgment;
 - (iv) Misleading the Tribunal by email of 31 March 2020 as to the position regarding the bundle;

- (v) Applying to postpone the hearing listed to commence on 12 April 2021 on the ground that counsel had not been instructed;
 - (vi) The Claimant's conduct during the final hearing in January 2022 as referred to at paragraph 60 of the Liability Judgment;
 - (vii) The Claimant's representative's conduct as set out at paragraphs 52 and 53 of the Respondent's submissions on this costs application;
 - (viii) Not succeeding on the two issues in respect of which Employment Judge James made a Deposit Order on 8 September 2020 for substantially the same reasons as he gave: see paragraphs 115-116 and 213-215 of the Liability Judgment; and,
 - (ix) Pursuing to final hearing allegations against Mr James and Ms Ondier-Thomas in which the Claimant had no reasonable belief: see paragraphs 94, 189, 126 and 198 of the Liability Judgment.
- (C) The allegations against Mr James and Ms Ondier-Thomas also stood no reasonable prospect of success for the purposes of Rule 76(1)(b).
- (D) It is appropriate for the Claimant to be ordered to pay a proportion of the Respondent's costs.
- (E) The Tribunal took into account the information provided to it by the Respondent as to the Claimant's means.
- (F) The Tribunal is satisfied that the Respondent incurred in excess of £20,000 in costs as a result of the unreasonable conduct of the Claimant and her representatives.
- (G) The Claimant must pay to the Respondent, within 14 days of the date this judgment is sent to the parties, the sum of **£20,000** in respect of the Respondent's costs of these proceedings.

Employment Judge Stout

30 June 2022

JUDGMENT SENT TO THE PARTIES ON

30/06/2022

FOR THE TRIBUNAL OFFICE

Reasons were given orally at the hearing and written reasons will not be provided unless they are asked for by a request in writing presented by any party under Rule 62(3) within 14 days of the sending of this judgment.