



EMPLOYMENT TRIBUNALS

Claimant: Ms Bethany Williams

Respondent: Marian Langford T/A Towyn Capel Residential Home

Heard at: Cardiff **On:** 19th October 2023

Before: Employment Judge H V Dieu

Representation:

Claimant: None.
Respondent: None.

JUDGMENT ON COSTS

The judgment of the Tribunal is that:

1. The Claimant is ordered to pay the Respondent £1,374.80 in respect of preparation time costs.

REASONS

BACKGROUND

1. On the 12th April 2023 the claimant's claim was struck out. This was because the claimant had failed to comply with Tribunal orders, failed to actively pursue her claim, and by that point, a fair hearing was no longer possible.
2. On the 5th May 2023 the Respondent made an application for a preparation time order pursuant to r.75 and 76 *Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013*. The claimant was copied into that application

by email: bettyjadexo@hotmail.com. Within that application the respondent invited the claimant to direct any comments to the Tribunal, copying the respondent in. There was no response. I remind myself that the claimant had within her claim form opted for a preference to be contacted by that email address and there has been no contact from the claimant throughout these proceedings, either through that address or otherwise.

3. On the 9th June 2023 the respondent emailed the Tribunal to ascertain an update on their application. The claimant was not copied into that email.
4. On the 12th July 2023 the respondent had a telephone conversation with the Tribunal office staff and is told that a backlog meant that the Tribunal will attempt to get round to it within a few days.
5. On the 21st August 2023 the respondent requested an update from the Tribunal. The claimant was not copied into this.
6. On the 6th September 2023 the respondent once again requested an update from the Tribunal. The claimant was not copied in.
7. On the 7th September 2023 the Tribunal emailed the claimant, attaching the respondent's application made in May 2023, asking for the claimant's representations by the 21st September 2023. There was no response. The respondent was copied in.
8. On the 17th October 2023 the Respondent emailed the Tribunal for an update. The claimant was copied in. There was no response.
9. I have considered all of the above and I am satisfied that the claimant has been given more than a reasonable opportunity to make representations.
10. I am also satisfied that a preparation time order is appropriate in this case because the claimant has acted vexatiously and has acted unreasonably in bringing a claim which she does not then engage with in any way whatsoever. I am further satisfied that the claimant has repeatedly failed to comply with Tribunal case management orders. I find that in doing so the respondent has been put to costs through the claimant's unreasonable conduct. I find that a preparation order is therefore in accordance with the overriding objective in dealing with cases justly.
11. In deciding whether to make an order, I *may* have regard to the claimant's ability to pay. The claimant has provided very little to assist me on that. I note that within the ET1 she had started another job since 3rd November 2022 on £1,000/month. I find she is likely able to pay the full amount claimed therefore. In any event, I bear in mind the relatively lower sum being claimed and find that further delay and effort to try and contact the claimant for further details would

not be in accordance with the overriding objective and would be disproportionate.

12. Turning to the amount, the respondent has claimed 32 hours and 36 minutes on preparation. They have provided a detailed breakdown of how those hours had been arrived at. I am satisfied that the time spent is entirely reasonable and proportionate to the nature and complexity of the case, and in particular to the amount of correspondence needed in light of the claimant's inaction throughout. I find that the rates of £42 and £43 are the correct rates under r.79 and have been properly apportioned.

Employment Judge H V Dieu
Dated: 19th October 2023

JUDGMENT SENT TO THE PARTIES ON 20 October 2023

FOR THE SECRETARY OF EMPLOYMENT TRIBUNALS