



EMPLOYMENT TRIBUNALS

Claimant: Mrs J Parry

Respondent: Crispy Cod Ketley Ltd

Heard at: Birmingham

On: 19/12/2023 on the papers

Before: Employment Judge Wright

JUDGMENT

The Tribunal's decision on the claimant's application for a preparation of time order is set out below. The Judge makes her apologies for the significant delay in this decision being made and sent to the parties. This was due to a breakdown in communication regarding whether the respondent had responded to the Tribunal's correspondence dated 14 August 2023.

1. The claimant's application for a preparation time order pursuant to Rule 77 of the Employment Tribunals Rules of Procedure succeeds.
2. The respondent is ordered to pay the claimant **£432** in respect of the claimant's preparation costs.

REASONS

3. The claimant made an application for preparation time order in respect of the work undertaken by her mother Mrs J Haywood, who acted as her representative throughout this case.
4. The Tribunal wrote to the Respondent about this on 14 August 2023, enclosing the claimant's application for a preparation of time order in which the details of the sums being claimed were clearly set out.
5. The Tribunal confirmed that it intended to decide the application on the papers and gave the respondent 7 days to provide any response and comments on the application and time being sort. No response has been received from the respondent.

6. The Tribunal needed to consider Rule 76 (1) (a) and (b) of the Employment Tribunal Rules of Procedure when considering whether to award costs. The first limb of the test was assessing if the respondent behaved in an unreasonable way in their conduct of the proceedings.

Unreasonable Conduct and No Reasonable Prospects of Successfully defending the Claimant's Claim

7. In assessing this I have considered the following:
- (i) The respondent's failure to submit a response to this claim.
 - (ii) The respondent's failure to engage with the claimant in anyway during the preparation of this claim.
 - (iii) the claimant's correspondence to the respondent dated 25/03/2023 putting it on notice of the intention to make a preparation of time order.
 - (iv) As evident from my written reasons provided following the final hearing, any defence to the claimant's claim clearly had no reasonable prospects of success given that the respondent had dismissed the claimant without notice, text message without a valid reason and followed no procedure at all. Further the respondent had followed up the claimant's dismissal by sending the claimant abusive, offensive, and intimidating messages.
8. Given the findings in paragraph 7 the respondent failed to conduct the proceedings in a reasonable manner and had no reasonable prospects of defending this claim. I therefore find the respondent should pay the claimant's preparation costs.

Notice of Costs Application

9. The Tribunal is satisfied that the respondent had notice of the cost application and that the Tribunal intended to consider this on the papers as outlined at paragraph 4 and had also been forward by the claimant of the intention to pursue the claimant's preparation costs.

What Costs Should be Awarded

10. The claimant has sought preparation costs in this matter of £432. This sum appears eminently reasonable considering the work undertaken by the claimant.

Employment Judge K Wright
19 December 2023