Case No: 2303131/2022

EMPLOYMENT TRIBUNALS

Claimant: Miss V Mbida

Respondent: Bella & Frank Ltd

Heard on the papers on 8 October 2024 by Employment Judge Cawthray

RESERVED COSTS JUDGMENT

1. The Claimant's application for a preparation time order under Rule 76(1)(a) of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013 is refused.

2. The Claimant's application for a preparation time order under Rule 76(2) of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013 is refused.

3. The Claimant's application under Rule 76(5) of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013 is refused.

4. The Claimant's application for wasted costs under Rule 80(1)(a) of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013 Rules is refused.

5. The Claimant's application for wasted costs under Rule 80(1)(b) of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013 is refused.

REASONS

Background to the claim and costs application

1. A Rule 21 hearing was conducted by me on 22 November 2023. The Claimant was successful in relation to her unfair dismissal complaint but was not successful in relation to her direct race discrimination and harassment related to race complaints.

2. A reserved judgment with reasons was sent to the parties on 9 January 2024.

3. A remedy hearing took place on 24 April 2024, and I gave an oral judgment at the hearing and a short judgment without reasons was sent to the parties on 8 May 2024. Following a request by the Claimant, written reasons were sent to the parties on 5 June 2024.

4. On 24 April 2024 the Claimant made a request for a preparation time order for 152 hours work at £43 per hour. The application appeared to be made under Rule 75(2) of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013, noting this was the rule cited by the Claimant. The email application stated:

   "I hereby formally request a preparation time order in line with the judge's ruling earlier today during the remedy hearing. This order is to compensate for 152 hours of preparation time, valued at £43 per hour. The allocated hours were primarily dedicated to various essential tasks, including extensive research on employment law and tribunal procedures, thorough review of communication records spanning from 2021 onwards, locating pertinent information, drafting a comprehensive schedule of loss, managing emails, compiling a contents page, crafting a detailed statement referencing relevant documents, conducting translations, and active participation in all hearings (preliminary, final, and remedy).
   These grounds align with the criteria outlined for a preparation time order, as stipulated in section 75(2) of THE EMPLOYMENT TRIBUNALS RULES OF PROCEDURE Regulation 13(1). This order seeks to acknowledge the significant investment of time and effort made by myself, the receiving party in diligently preparing and presenting the case without legal representation over the last 2 years."

5. The Respondent replied on 30 April 2024 and said:

   "The Claimant has not identified any reasonable grounds upon which any costs/preparation time order could be made and has not provided a proper schedule of loss for her time and costs.

We would also like the Tribunal to note that the Claimant rejected reasonable offers of settlement made by the Respondents as far back as August 2022 before the claim was issued, which were more than what she was eventually awarded by the Tribunal."

6. In response, on 30 April 2024, the Claimant emailed stating she was making a costs application and attached a 3 page letter.

7. The letter set out the basis of the application as:

"I wish to make a costs application on the basis that:

1.Under Rule 76(1)(a) of the ET Rules, the Respondent'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;
2.Under Rule 76(2) of the ET Rules, the Respondent's representative has been in breach of an order or practice direction;
3. Under Rule 76(5) of the ET Rules, expenses have been incurred or are to be incurred by a witness attending a hearing;
4. Under Rule 80(1)(a) of the ET Rules, I have incurred costs as a result of any improper, unreasonable or negligent act or failure to act by the Respondent's representative;
5.Under Rule 80(1)(b) of the ET Rules, I have incurred costs after the Respondent's representative has carried out an improper, unreasonable or negligent act or omission.
It would be unreasonable to expect me to pay for such costs."

8. The Claimant then set out one paragraph under a heading "Reasons for costs application".

9. On 19 July 2024 I wrote to the parties and set out a view that the matter of costs can be dealt with on papers, without the need for a hearing and asked the Claimant to confirm the basis of her application and if she was content for the matter to be dealt with on the papers. I also directed the Respondent to respond to the Claimant's application, set out its view on whether the matter can be considered on paper and set out any information regarding ability to pay, if it wished.

10. On 23 July 2024 the Claimant submitted a five page letter together with a 16 page bundle. I have read the full document, and for brevity I have summarised the key points here.

    - The Claimant says she is seeking £6,536 (152 hours x £143).
    - The sum relates to the following: 18 hours spent attending hearings (preliminary, final and remedy), 10 hours spent on negotiations and 124 spent on documents.

11. The application was made on the basis as set out below, it is the same as that in her document of 30 April 2024:

1. Under Rule 76(1)(a) of the ET Rules, the Respondent'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;

2. Under Rule 76(2) of the ET Rules, the Respondent's representative has been in breach of an order or practice direction;

3. Under Rule 76(5) of the ET Rules, expenses have been incurred or are to be incurred by a witness attending a hearing;

4. Under Rule 80(1)(a) of the ET Rules, I have incurred costs as a result of any improper, unreasonable or negligent act or failure to act by the Respondent's representative;

5. Under Rule 80(1)(b) of the ET Rules, I have incurred costs after the Respondent's representative has carried out an improper, unreasonable or negligent act or omission.

It would be unreasonable to expect me to pay for such costs.

12. The Claimant then goes on to set out her reasons for the costs application, this section runs to just under 2 pages.

13. On 30 July 2024 the Respondent submitted a 7-page document headed "Response to Claimant's Application for a Preparation Time Order" together with annexes running to 36 pages. Again, I have read the full document, and for brevity I have summarised only the key points here.

14. The Respondent says attempts to agree a 100 page bundle for the remedy hearing were in compliance with the order dated 20 March 2024 and were done to assist the Tribunal. That payslips were included in the remedy bundle but encrypted version were sent by Bright Pay, a third party and is standard practice.

15. The Respondent summarises the settlement discussions between the parties, noting that the Claimant has asserted that the Respondent refused to engage in meaningful settlement negotiations, and says the Claimant's refusal to accept reasonable settlement offers (more than the sum awarded) resulted in unnecessary costs and time. It furthers references that the Claimant was only partly successful in her claim and the Respondent was entitled to defend proceedings.

16. It submits that the Claimant has not provided a proper breakdown of her time and costs and submits time spent at the hearing is not recoverable, that no documents required translation, no witnesses attended, reasonable settlement offers were refused and work done on documents largely relates to claims dismissed by the Tribunal.

17. The Respondent requested the application be dismissed and stated it was in financial difficulty and could not afford to pay its debts.

18. On 5 August 2024 the Claimant submitted a further 3 page letter, in response to the Respondent's response, together with a 37-page attachment. She submits these documents provide additional evidence supporting her application. She makes further comments on what she perceives to be unreasonable conduct by the Respondent throughout the

proceedings, including improper disclosure of without prejudice correspondence with ACAS. However, she then goes on to cite alleged conduct during ACAS facilitated settlement negotiations.

19. I was not directed to any specific case law.

Determination on paper

20. The Claimant and the Respondent both confirmed the application could be considered on the basis of written submissions, and both parties have made submissions in writing. Having considered the correspondence from both parties and taking into account the overriding objective, it is proportionate and in the interests of justice to provide my decision without the need for a hearing.

Costs in the Employment Tribunal - The Law

21. The general rule is that the Employment Tribunal is a 'costs neutral jurisdiction'. This means that the loser in proceedings does not automatically pay the winner's costs, which is a divergence from proceedings which run in most of the civil court jurisdictions. As the Court of Appeal reiterated in *Yerrakalva v Barnsley MBC [2012] IRLR 78*, costs in the Employment Tribunal are the exception rather than the rule. It commented that the Tribunals' power to order costs is more sparingly exercised and is more circumscribed than that of the ordinary courts.

22. The rules relating to costs are found in The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013. Key extracts from the rules are set out below.

Definitions

74.—*(1) "Costs" means fees, charges, disbursements or expenses incurred by or on behalf of the receiving party (including expenses that witnesses incur for the purpose of, or in connection with, attendance at a Tribunal hearing). In Scotland all references to costs (except when used in the expression "wasted costs") shall be read as references to expenses.*

(2) "Legally represented" means having the assistance of a person (including where that person is the receiving party's employee) who—

(a) has a right of audience in relation to any class of proceedings in any part of the Senior Courts of England and Wales, or all proceedings in county courts or magistrates' courts;
(b) is an advocate or solicitor in Scotland; or
(c) is a member of the Bar of Northern Ireland or a solicitor of the Court of Judicature of Northern Ireland.

(3) "Represented by a lay representative" means having the assistance of a person who does not satisfy any of the criteria in paragraph (2) and who charges for representation in the proceedings.

Costs orders and preparation time orders

75.—*(1) A costs order is an order that a party ("the paying party") make a payment to—*

(a)another party ("the receiving party") in respect of the costs that the receiving party has incurred while legally represented or while represented by a lay representative;

(b)the receiving party in respect of a Tribunal fee paid by the receiving party; or

(c)another party or a witness in respect of expenses incurred, or to be incurred, for the purpose of, or in connection with, an individual's attendance as a witness at the Tribunal.

(2) A preparation time order is an order that a party ("the paying party") make a payment to another party ("the receiving party") in respect of the receiving party's preparation time while not legally represented. "Preparation time" means time spent by the receiving party (including by any employees or advisers) in working on the case, except for time spent at any final hearing.

(3) A costs order under paragraph (1)(a) and a preparation time order may not both be made in favour of the same party in the same proceedings. A Tribunal may, if it wishes, decide in the course of the proceedings that a party is entitled to one order or the other but defer until a later stage in the proceedings deciding which kind of order to make.

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

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

(c)a hearing has been postponed or adjourned on the application of a party made less than 7 days before the date on which the relevant hearing begins.

(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

(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.

Procedure

77. *A party may apply for a costs order or a preparation time order at any stage up to 28 days after the date on which the judgment finally determining the proceedings in respect of that party was sent to the parties. No such order may be made unless the paying party has had a reasonable opportunity to make representations (in writing or at a hearing, as the Tribunal may order) in response to the application.*

The amount of a costs order

78.*—(1) A costs order may—*

(a)order the paying party to pay the receiving party a specified amount, not exceeding £20,000, in respect of the costs of the receiving party;

(b)order the paying party to pay the receiving party the whole or a specified part of the costs of the receiving party, with the amount to be paid being determined, in England and Wales, by way of detailed assessment carried out either by a county court in accordance with the Civil Procedure Rules 1998, or by the Tribunal applying the same principles; or, in Scotland, by way of taxation carried out either by the auditor of court in accordance with the Act of Sederunt (Taxation of Judicial Expenses Rules) 2019, or by ***t****he Tribunal applying the same principles;*

(c)order the paying party to pay the receiving party a specified amount as reimbursement of all or part of a Tribunal fee paid by the receiving party;

(d)order the paying party to pay another party or a witness, as appropriate, a specified amount in respect of necessary and reasonably incurred expenses (of the kind described in rule 75(1)(c)); or

(e)if the paying party and the receiving party agree as to the amount payable, be made in that amount.

(2) Where the costs order includes an amount in respect of fees charged by a lay representative, for the purposes of the calculation of the order, the hourly rate applicable for the fees of the lay representative shall be no higher than the rate under rule 79(2).

(3) For the avoidance of doubt, the amount of a costs order under sub-paragraphs (b) to (e) of paragraph (1) may exceed £20,000.

The amount of a preparation time order

***79.**—(1) The Tribunal shall decide the number of hours in respect of which a preparation time order should be made, on the basis of—*

(a)information provided by the receiving party on time spent falling within rule 75(2) above; and

(b)the Tribunal's own assessment of what it considers to be a reasonable and proportionate amount of time to spend on such preparatory work, with reference to such matters as the complexity of the proceedings, the number of witnesses and documentation required.

(2) The hourly rate is £33 and increases on 6 April each year by £1.

(3) The amount of a preparation time order shall be the product of the number of hours assessed under paragraph (1) and the rate under paragraph (2).

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

(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.

Effect of a wasted costs order

81. *A wasted costs order may order the representative to pay the whole or part of any wasted costs of the receiving party, or disallow any wasted costs otherwise payable to the representative, including an order that the representative repay to its client any costs which have already been paid. The amount to be paid, disallowed or repaid must in each case be specified in the order.*

Procedure

82. *A wasted costs order may be made by the Tribunal on its own initiative or on the application of any party. A party may apply for a wasted costs order at any stage up to 28 days after the date on which the judgment finally determining the proceedings as against that party was sent to the parties. No such order shall be made unless the representative has had a reasonable opportunity to make representations (in writing or at a hearing, as the Tribunal may order) in response to the application or proposal. The Tribunal shall inform the representative's client in writing of any proceedings under this rule and of any order made against the representative.*

Ability to pay

"84. *In deciding whether to make a costs, preparation time, or wasted costs order, and if so in what amount, the Tribunal may have regard to the paying party's (or, where a wasted costs order is made, the representative's) ability to pay."*

23. It is, therefore, a multi-stage determination to awarding costs. First, at least one of the 'gateways' outlined by Rule 76(1) and Rule 76(2) needs to be found to have been opened. In other words, I must be satisfied in this case that I have the ability to award costs.

24. If one of the gateways to award costs is opened, then I *may* award costs. There is a discretion. The next stage, therefore, is to decide whether or not this is a case in which I exercise my discretion to award costs, having in mind the circumstances of the case and the nature of the conduct that has led to the ability to award costs if decided appropriate.

25. The final stage, if I decide to exercise my discretion, is to decide the amount of the costs to award. Where evidence about means is provided, this should be taken into account so long as I am satisfied I have an honest and full picture of the financial position. I must also consider the amount of costs requested in the application and decide whether or not the amount is appropriate, before deciding what amount should be paid towards those costs, or ordering that the whole of the costs are paid.

26. The assessment of the amount of costs to pay is a broad brush exercise and does not take the form of any sort of detailed assessment of cost. The assessment is made broadly in all the circumstances using my judgment of what would be reasonable in this case. Generally, I am trying to consider the proportion of costs incurred because of the criticised conduct.

27. Where a party has no legal costs because they are not legally represented, but they (or lay advisors) have spent time working on the case, the party can claim preparation time (PTO) under Rules 74-79. They cannot claim for time spent at any final hearing (Rule 75(2)).

28. The power to make a PTO is contained in rule 76 (coupled with rule 75(2)). The grounds for making a PTO are identical to the grounds for making a general costs order against a party under rule 75(1)(a). Preparation time means 'time spent by the receiving party in working on the case, except for time spent at the final hearing' — rule 75(2).

Conclusions

Do I have the power to award costs?

29. I am not able to award costs unless one of the 'gateways' set out at Rule 76 is engaged.

30. The Claimant appears to seek a PTO on two grounds.

31. Firstly, she says the Respondent'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 under rule 76(1)(a); and

32. Secondly. she applies under Rule 76(2) of the ET Rules, saying the Respondent's representative has been in breach of an order or practice direction;

33. The first step is to consider whether there has been conduct in line with 76(1)(a) and 76(2).

34. Dealing firstly with whether Respondent's representative has acted

vexatiously, abusively, disruptively or otherwise unreasonably in conducting the proceedings it is noted that the Respondent was not legally represented at the Rule 21 final hearing. The Respondent's legal representatives were not engaged until the remedy stage.

35. The Respondents were not allowed to participate at the Rule 21 hearing. There were no case management directions on the Respondent for the Rule 21 liability hearing. In practical terms, the late response and proceeding to a Rule 21 hearing meant that the length of the final hearing was considerably shorter than it would have been had the Respondent been allowed to participle, noting that only the Claimant was permitted to provide evidence and submissions.

36. A Notice of Hearing in relation to the Remedy Hearing was sent to the parties on 25 January 2024. Within it, directed:

"The Claimant must provide the Tribunal and the respondents with and updated Schedule of Loss, a Witness Statement and Bundle of documents dealing with the remedy issues to be determined no later than 21 days before the Remedy Hearing.

The respondents will be permitted to make representations at the Remedy Hearing in relation to remedy matters only."

37. On 31 January 2024 the Respondent's representative made a *"formal application to the Tribunal for the Respondents to be permitted to fully participate at the Remedy Hearing to include filing and service of documents, a counter-schedule and witness statements."*

38. On 20 March 2024, I wrote to the parties stating:

"The Respondent's application is permitted. The Respondent is permitted to produce a bundle, agreed with the Claimant, as far as possible with a maximum of 100 page and witness statements of not more than 10 pages. The Claimant can produce a witness statement to accompany her Schedule of Loss if she wishes."

39. The Remedy Hearing was listed to take place on 24 April 2024, there was no deadline set in relation to the order on 20 March 2024.

40. On review of the documents provided, it does appear there was correspondence regarding the bundle for the remedy hearing in close proximity to the remedy hearing. The Respondent also prepare a witness statement. However, as noted above, there was no deadline. Further, the Respondent submits that following the Claimant submitting a bundle of 176 pages it sought to try and agree and reduce the bundle to 100 pages, remove duplication and blank pages.

41. The Claimant does make reference to what she considered to be disruptive and delaying tactics. The documents she cites relate to the Respondent's application to extend time for submission of the ET3. This was refused, and the response was presented late. I do not consider this added delay or was deliberately disruptive. Indeed, the late presentation of the response ultimately meant that the final hearing was uncontested and

much shorter than it would have been had the Respondent been allowed to participate, and furthermore, the Respondent was not legally represented at this stage.

42. The parties engaged in settlement discussions via ACAS. The Claimant says the Respondents *"refused to engage in settlement discussions including phone calls and in-person meetings through ACAS and dragged the case unnecessarily."* Discussions with ACAS are outside of the Tribunal process, but in any event, it appears from the correspondence provided that both parties were engaged and indeed the Respondent offered more than the Claimant was awarded at the remedy hearing. This does not amount to vexatious, abusive, disruptive or otherwise unreasonable conduct in the proceedings

43. Considering all of the above, I do not find the Respondent's representatives, either solicitors at the remedy stage or Ms. Peachey-Thacker prior to the appointment of legal representation, acted vexatiously, abusively, disruptively or otherwise unreasonably in conducting the proceedings. This gateway has not been opened, the threshold required by the rules to demonstrate vexatious or unreasonable behaviour is not reached. Therefore, the claimant's application for a PTO on this basis fails at the first stage and there is, strictly, no need for me to consider the second or third stages of the process.

44. In turning to the Claimant's assertion that the Respondent's representative has been in breach of an order or practice direction, it not entirely clear which order or practice direction the Claimant seeks to rely upon. She does not identify it and the reasons for the costs application are not linked to the five basis of applications. I have commented on the late submission of the ET3 above, and the process of agreeing the Bundle for the Remedy Hearing and noted no deadlines for remedy hearing matters were imposed, as it seems that these are the only two matters that seem to relate to the application made on the basis of Rule 76(2).

45. For the same reasons as set out in relation to the application made under Rule 76(a)(b) above, I do not find this gateway has been opened. The Respondents representative has not breached any order or practice direction, at least not one which has been adequately identified. Therefore, the Claimant's application for a PTO on the basis of Rule 76(2) fails at the first stage and there is, strictly, no need for me to consider the second or third stages of the process.

46. Furthermore, and for completeness, it is noted that at the end of the section headed "Reasons for costs application" in the Claimant document of 24 July 2024 it states: "*Furthermore, the respondents defence had no reasonable prospect of success, as evidence by the Tribunal's decision in my favour. This aligns with Rule 76(1)(b), supporting my application for a preparation time order".*

47. Firstly, I ordered the Claimant to set out the basis of her application, and under a heading called "Basis of costs application" she sets out five grounds. None of those grounds relate to Rule 76(1)(b) – no reasonable prospects of success. It not understood that is a ground on which she

seeks a preparation time order. However, in any event, and for completeness, the response was not considered at the Rule 21 hearing, and as noted, the Claimant was only successful in relation to her unfair dismissal complaint. Her complaints of harassment related to race and direct race discrimination were dismissed.

48. As noted above, strictly I do not need to consider the second stage, which is whether I should exercise my discretion to award costs. However, even if the threshold had been reached in the first stage, I would not in any event exercise my broad discretion in the Claimant's favour. Costs and PTOs remain the exception rather than the rule, they are intended to be compensatory (not to punish the party) and the fact that the Respondents representative sought to agree a bundle, even with it making late changes, the fact settlement discussions were ongoing and the Respondent submitted its response late, are not factors that would have persuaded me it was appropriate to exercise the discretion in the context of this claim.

49. The Claimant's application for a PTO is refused and is dismissed.

50. The Claimant has also made an application under rule 76(5). The Rule states: "*(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."*

51. No witness, other than the Claimant, gave evidence at either hearing. It is further noted that preparation time excludes time spent at a hearing.

52. As such, no costs order is ordered in relation to the application under rule 76(5).

53. The Claimant also makes an application for wasted costs under Rule 80(1)(a). For ease of reference, Rule 80(1) states:

54. 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

(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".

55. Nowhere in any of the documents has the Claimant set out costs that she

has incurred. Incurring costs is different to spending time preparing, which is why the ET Rules make provision for preparation time orders.

56. Further, she has not clearly identified any improper, unreasonable or negligent act on the part of the Respondent's representative. It may be that she relied on those matters set out under "Reasons for costs application" but I have addressed those above in view of the application under Rule 76(1)(a). I do not consider the Respondent's representatives to have acted improperly, unreasonably or negligently.

57. For these reasons, the Claimant's application for a Wasted Costs Order under Rule 80(1)(a) fails and is dismissed.

58. The fifth application made by the Claimant was under Rule 80(1)(b). The Claimant, at point 5 as copied above, says she has "incurred costs after" but she has not specified anywhere what costs she has incurred.

59. For the same reasons as set out in relation to the application under Rule 80(1)(a), the application for a Wasted Costs Order under Rule 80(1)(b) also fails and is dismissed.

Employment Judge Cawthray
Date 8 October 2024