Case Number: 2306206/2023

EMPLOYMENT TRIBUNALS

Claimant: **Mr Graham Hassell**

Respondent: **Tesco Stores Limited**

JUDGMENT

The claimant is ordered to pay costs to the respondent in the sum of £3000.

REASONS

Application for costs

1. By an application dated 13 May 2025, the respondent makes an application for a costs award, on a summary assessment basis, against the claimant pursuant to rules 74 and 76(1)(a) of the Tribunal Rules.

2. The application is made on the basis that the claimant's claim had no reasonable prospect of success (rule 74(2)(b) of the Et Rules) and that the claimant acted unreasonably in bringing the proceedings against the respondent. The respondent relies on the fact that it was unreasonable for the claimant to have continued to pursue his claims once he was informed in clear and unequivocal terms in the respondent's letters that his claim would fail.

3. The respondent also relies on the claimant's conduct, which the respondent submits unreasonably caused it to incur additional costs, namely by submitting four different applications to amend his claim, which, the respondent says, put it to the cost of both responding to each application and attending a second preliminary hearing listed to determine the applications, particularly in circumstances in which the claimant then withdrew his amendment applications so that the claim could proceed to the final hearing which was listed just one month later.

4. The respondent also relies on the claimant's assertion, for the first time in the final hearing, that his grievance hearing with Mr Lumm on 7 June 2024 was an 'initial' meeting. The judgment notes that the Tribunal concluded that this evidence was "simply not credible". The respondent says this is further unreasonable conduct of the claimant.

5. The respondent seeks £20,000 on a summary assessment basis, against its costs schedule of £64,093.60 plus VAT.

Claimant's response

6. In response the claimant submitted a "counter claim" for costs against the respondent and representations against the costs application.

7. The claimant's application for a costs order against the respondent could not be accepted as it was received more than 28 days after the date on which the judgment finally determining the proceedings was sent to the parties and no acceptable reason for the delay was given.

8. The claimant opposes the respondent's application on the basis that his claims had a reasonable prospect of success and his conduct was not unreasonable. He says his means and mental health challenges preclude a costs order.

Consideration of the application

9. The claimant's representations, including the information about his means, has been considered by Employment Judge Rice-Birchall when deciding this application.

10. The application has been dealt with by EJ Rice-Birchall in writing, without a hearing, and alone in accordance with paragraph 18 of the Presidential Guidance on Panel composition.

Background

11. The claimant was employed by the respondent, a well-known retail business, as a Stock and Administration Manager at their superstore in Thornton Heath. He was a full time team manager. Early conciliation started on 30 September 2023 and ended on 1 November 2023. The claim form was presented on 8 November 2023.

12. The claimant brought claims for direct discrimination / harassment related to disability and failure to make reasonable adjustments in relation to the respondent's refusal to provide support with travel to / from work, the failure to address the claimant's grievance in relation to this issue and the decision by Mr Lumm to consider all the claimant's grievances together (the claimant having submitted seven separate grievances).

13. The claimant suffered a serious head injury during 2023. Disability was conceded in respect of that head injury but was not conceded in respect of depression and anxiety on which Mr Hassall also relied.

14. The Tribunal dismissed all of the claimant's claims. Written reasons were provided.

Findings of Fact Relevant to the issues

<u>Costs warnings</u>

15. The respondent wrote to the claimant on 3 June 2024. The letter was headed “without prejudice save as to costs.” The letter invited the claimant to withdraw his claim before 28 June 2024 and put him on notice that, should he fail to do so, if his claim was subsequently withdrawn or was unsuccessful at the Tribunal, the respondent’s solicitors would be advising their client to make an application for costs. The letter focused on the claimant’s complaints of age discrimination and reasonable adjustments in relation to the travel policy as the claim was not fully particularised at this stage.

16. The letter explained the reason for writing in those terms was that it was considered that the claim had no reasonable prospect of success and set out the reasons for that which included that the claimant’s request for travel support would not be deemed a reasonable adjustment and that the comparators the claimant had named were not appropriate comparators.

17. On 16 July 2024, the respondent wrote again to the claimant, this time offering the claimant £20,000 in full and final settlement of his claims and subject to his agreement to terminate his employment with the respondent. Again the letter set out why the respondent believed the claimant would not be successful in his claims. The letter urged the claimant to obtain legal advice and provided the details of a nearby Citizen’s Advice Bureau which may be able to offer legal advice without making any charge. Again, the letter focused on the claimant’s complaints of age discrimination and reasonable adjustments in relation to the travel policy as the claim was not fully particularised at this stage.

18. On 3 April 2025, the claimant was sent a further letter offering the claimant £9000 in full and final settlement of his claim. The letter again confirmed that the respondent did not consider that the claimant’s claims had reasonable prospects of success and set out the reasons why. Again the claimant was urged to seek legal advice.

19. The respondent maintained, in its letter of 3 April 2025, which post-dated the second preliminary hearing and therefore related specifically to the identified final issues to be determined, that the claimant:

    a. would be unable to establish that his request for travel assistance would amount to a reasonable adjustment;
    b. would be unable to establish that a request for his grievances to be heard separately would be a reasonable adjustment; and
    c. would be unable to establish a prima facie case for his direct disability discrimination and harassment claims and that the respondent’s actions complained of were in no way related to his disability.

20. In the Tribunal’s judgment, the Tribunal found that:
    a. there were material differences between the claimant and the comparators he was relying on (paragraph 120);
    b. the claimant had failed to prove that a hypothetical comparator in the same position as himself but for his disability would have been treated any differently (paragraph 121);
    c. Ms Dickason’s failure to address the claimant’s request for travel support was not due to his disability but due to the respondent’s

policy (paragraph 122 – allegation of direct discrimination and harassment); and

d. There was no less favourable treatment in how the respondent handled the claimant's grievances and no evidence he was treated worse than any hypothetical comparator. The decision not to deal with Ms Dickason's grievance was for reasons unrelated to the claimant's disability (paragraphs 123 and 124).
e. it was not accepted that the actions complained of were related to the claimant's disability and there was no evidence to support that it was (paragraph 130):
f. the respondent's conduct did not have the purpose of violating the claimant's dignity or creating an intimidating, hostile, degrading, humiliating or otherwise offensive environment for the claimant and there was no evidence to support this. The Tribunal further found it was not accepted that the actions had had that effect on the claimant (paragraphs 131 and 132); .
g. the financial travel assistance would not have been a reasonable adjustment and that no form of financial assistance would be reasonable in this case (paragraph 146);
h. it would not be a reasonable adjustment to have heard all the claimant's grievances separately (paragraph 152); and
i. it was not reasonable for the respondent to have taken the steps suggested by the claimant. The Tribunal found that the claimant's expectations "were unrealistically high" (paragraph 159).

Applications to amend

21. The claimant made four different applications to amend his claim on 9 June 2024; 12 September 2024; 4 October 2024 and 22 November 2024.

22. The respondent responded to the amendment applications, objecting to them.

23. The applications of June and September 2024 were considered at a preliminary hearing on 23 September 2024, EJ Hart allowed two of the claimant's requested amendments.

24. A further amendment was requested on 4 October 2024, to which the respondent objected.

25. On 21 November 2024, the respondent requested a further preliminary hearing as it had not been possible to agree the list of issues.

26. The claimant made a further application to amend his claim on 22 November 2024. The respondent objected.

27. A further preliminary hearing was listed for 3 March 2025. The final hearing was already listed for 7 April 2025.

28. At the preliminary hearing the claimant withdrew his amendment applications so that the list of issues could be finalised and the claim could proceed to final hearing in April 2025. The employment Judge noted in the record of preliminary hearing: " the list of issues had not been agreed prior to today due to the claimant's applications to amend…".

Respondent's cost schedule

29. The respondent's costs schedule set out its fees incurred in defence of the claim of £52,868.60 and Counsel fees in respect of attendance at two preliminary hearings and the final hearing in the sum of £11,225.00, making a total of £64,093.60. This application by the respondent is for £20,000 of those costs.

Case put forward by the claimant

30. In the final hearing, the claimant asserted that his grievance hearing with Mr Lumm on 7 June 22024 was an 'initial' meeting. The Tribunal found that this evidence was "simply not credible".

The claimant's means

31. The claimant says he relies on a pension from the respondent of £75 per four weeks and state pension and has no significant assets. The claimant states that his means are such that they would make "£20,000 ruinous".

Law

The Tribunal Rules

32. Rule 74 of the Employment Tribunal Rules 2024 provides so far as is relevant: "When a costs order or a preparation time order may or shall be made 74.— (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.

The test

33. This legal test applies whatever the complaint. The Employment Tribunal must determine whether one of the threshold criteria apply, such as the claim having no reasonable prospects of success or that a party has acted unreasonably, and then decide whether to exercise the discretion to award costs: **Robinson v Hall Gregory Recruitment Ltd** [2014] IRLR 761. These are two separate stages of the decision making process.

34. The first stage of the test (the threshold test) is an objective one. For example, did the claim or defence, in fact, have no reasonable prospect of success at the start of the litigation, even though the party did not realise it at the time.

35. The second stage of the test (when the tribunal exercises its discretion) is subjective. For example, at the time, did the party know, or ought they have reasonably known, that its claim or defence had no reasonable prospect of success.

36. When considering these questions, the tribunal must be careful not to be influenced by the hindsight of taking account of things that were not, and could not have reasonably been, known at the start of the litigation. However, it may have regard to any evidence or information that is available to it when it considers these questions, and which casts light on what was, or could reasonably, have been known, at the start of the litigation.

37. The courts have repeatedly emphasised that costs in the Employment Tribunal are the exception not the rule, but that is on the basis that the costs regime in the Rules is tightly circumscribed and costs do not follow the event. There is no authority for any additional general test of exceptionality.

The threshold criteria

Acting 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;

38. For conduct to be vexatious, there must be evidence of some spite or desire to harass the other side, simply being misguided is not sufficient. As regards unreasonable conduct, the Tribunal has to take into account the nature, gravity and effect of a party's unreasonable conduct.

39. The failure to accept an offer might also be relevant, although it does not of itself constitute unreasonable action in the bringing or conducting of proceedings (see **Anderson v Cheltenham and Gloucester PLC** [2013] 12 WLUK 163).

40. In **Kopel v Safeway Stores plc** [2003] IRLR 753 the claimant was found to have unreasonably refused a generous settlement offer in respect of claims that were "frankly ludicrous" and "seriously misconceived". The EAT held that the civil court rule in **Calderbank v Calderbank** [1975] 3 WLR 586, that a claimant who succeeds on liability but is awarded the same or less than a settlement sum previously offered by the defendant is responsible for their own costs and those of the defendant from the date the settlement was offered, had no place in the employment tribunal. However, a claimant's refusal of an offer was a factor that could be taken into account when a tribunal was deciding whether or not to make a costs order. In these circumstances, the tribunal had been entitled to find that the claimant had acted unreasonably in conducting proceedings and had been entitled to order that they pay costs.

41. It continues: "Whilst we would not want to deter the making and the acceptance of sensible offers, if it became a practice such that an applicant who recovered no more than two thirds of the sum offered in a rejected Calderbank offer was, without more, then to be visited with the costs of the remedies hearing or some part of them, Calderbank offers would be so frequently used that one would soon be in a regime in which costs would not uncommonly be treated as they are in the High Court and other Courts. Yet it is plain that throughout the life of the Employment
Tribunals the legislature has never so provided. It can only be that that was deliberate."

42. In **National Oilwell Varco UK Ltd v Van de Ruit** UKEAT/0006/14 the Employment Appeal Tribunal noted in terms of abusive, disruptive or unreasonable conduct, “unreasonableness” bears its ordinary meaning and should not be taken to be equivalent of “vexatious”.

Any claim or response had no reasonable prospect of success.

43. The question of whether a complaint had no reasonable prospects of success is wholly objective. The Tribunal is required to assess the claim objectively and to consider what prospects of success the claim had at the time of its existence. However, the fact that a litigant acts in person may be relevant to whether he has acted unreasonably in pursuing the complaint.

44. **Radia v Jeffries International Ltd** UKEAT/0007/18 provides guidance on how the Tribunal should consider such applications. Namely, the Employment Tribunal must consider: 1) objectively, whether the claim had no reasonable prospect of success when it was initiated; and 2) whether the Claimant knew, or reasonably ought to have known that the claim had no reasonable prospect at the time.

45. In **Scott v Inland Revenue Commissioners** 2004 ICR 1410, CA Lord Justice Sedley observed that ‘misconceived’ for the purposes of costs under the Tribunal Rules 2004 included ‘having no reasonable prospect of success’ and clarified that the key question in this regard is not whether a party thought he or she was in the right, but whether he or she had reasonable grounds for doing so.

46. As HHJ Auerbach stated in **Iyieke v Bearing Point Ltd** [2025] EAT 25: 34. In the strike-out jurisdiction, the tribunal is, in the nature of things, usually called upon to make a judgment of this kind ahead of trial on the basis of the material currently then available. In the costs jurisdiction, in the nature of things, the exercise is usually carried out in point of time after a trial, by which time the tribunal has itself been exposed to all of the evidence and reached its conclusions. But nevertheless what the tribunal has to decide in a case of this type is whether the claimant ought at the relevant time pre-trial to have appreciated that their claim had no reasonable prospect of success on the information then available. The tribunal therefore needs to be wary when making such a costs decision, of being influenced by the hindsight of how the evidence in fact unfolded at trial. Nevertheless, there can be cases where the tribunal can properly conclude that what the claimant knew pre-trial should have made the position reasonably clear to them at that point. (See: **Radia v Jefferies International Ltd** [2020] IRLR 431 at [61] – [67].)

47. As set out by the claimant, “23.1. No reasonable prospect of success is a high test. It is not enough to conclude that the claim is likely to fail. It is not enough to ask whether it is possible that the claim will fail. It is not a test that can be satisfied by considering what is put forward by the respondents either in the ET3 or in submissions and deciding whether their written or oral assertions regarding disputed matters are likely to be
established as facts: **Balls v Downham Market High School and College** [2011] IRLR 217 EAT

Relevance of LIP to the threshold test

48. The fact that a party is a litigant in person will often be relevant to determining an application for costs: **AQ Ltd v Holden** [2012] IRLR 648, EAT [32]: A tribunal cannot and should not judge a litigant in person by the standards of a professional representative. Lay people are entitled to represent themselves in tribunals; and, since legal aid is not available and they will not usually recover costs if they are successful, it is inevitable that many lay people will represent themselves. Justice requires that tribunals do not apply professional standards to lay people, who may be involved in legal proceedings for the only time in their life. Lay people are likely to lack the objectivity and knowledge of law and practice brought by a professional adviser. Tribunals must bear this in mind when assessing the threshold tests.

<u>The overlap between the tests</u>

49. The Tribunal when considering whether to make an order because the claim had no reasonable prospect of success bore in mind the guidance offered in **Radia -v- Jefferies International Ltd (**2020) IRLR 431. Where there is an overlap between unreasonable bringing of or conducting the claim and no reasonable prospect of success, the key issues for consideration by the tribunal are in either case likely to be the same: did the complaints in fact have no reasonable prospect of success, did the claimant in fact know or appreciate that, and finally, ought they, reasonably, to have known or appreciated that? **Radia** notes that tribunals should focus on what the parties knew about their cases at the time, not what the tribunal knows after hearing the evidence.

<u>The exercise of discretion</u>

50. Where the case falls into a category in which costs may be awarded, the Tribunal has wide and unfettered discretion. This discretion will be exercised having regard to all the circumstances. A Tribunal must not move from a finding that conduct was vexatious, abusive, disruptive or unreasonable to the making of a costs order without first considering whether it should exercise its discretion to do so.

51. Factors which might be relevant to the Tribunal's discretion include: the fact that costs in the Tribunal will be the exception rather than the rule; whether there might be costs warnings; and whether the claimant was represented.

52. The vital point in exercising the discretion to order costs is to look at the whole picture of what happened in the case and to ask whether there has been unreasonable conduct by the claimant in bringing and conducting the case and, in doing so, to identify the conduct, what was unreasonable about it and what effects it had.

53. The Tribunal may have regard to the paying party's ability to pay in deciding whether to make a costs order (Rule 84). If a party asks for its means to be considered, however, the Tribunal should state whether and how it has done so.

Relevance of LIP to exercise of discretion

54. It is not irrelevant that a lay person may have brought proceedings with little or no access to specialist help and advice. Whatever the threshold conduct, the fact that a litigant acts in person will generally be relevant to the discretionary question of whether to make an award of costs.

55. The challenges that face claimants bringing discrimination claims often will be relevant to a decision whether to award costs. In **Saka v Fitzroy Robinson Ltd** EAT/0241/00 at paragraph 10 the EAT referred to the "very real difficulties which face a claimant in a discrimination claim", that there is often a lack of overt evidence and so "it may be and often is very difficult for the claimant to know whether or not he has real prospects of success until the explanation of the employer's conduct which is the subject of complaint is heard, seen and tested". None of this means that litigants in person bringing complaints of discrimination are immune from costs orders, but the difficulties that can face claimants bringing discrimination complaints, and the specific challenges that face litigants in person, will often be relevant to deciding whether to award costs.

<u>The amount of costs awarded</u>

56. Where an Employment Tribunal exercises the discretion to award costs because of unreasonable conduct it is not required to precisely align the unreasonable conduct with the costs caused by it, but it is generally necessary to have regard to the nature, gravity and effect of the unreasonable conduct: **McPherson v BNP Paribas** (London Branch) [2004] ICR 1398, CA.

57. The means of the paying party are also likely to be a relevant factor in determining the amount of the costs order (rule 82).

58. Pursuant to Rule 78(1)(a) the Tribunal may 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. This is often referred to as "unassessed costs".

59. It is well established that an award of costs should be compensatory not punitive. Costs should be limited to those "reasonably and necessarily incurred".

60. When having regard to a party's ability to pay the Tribunal should balance that factor against the need to compensate the other party who has unreasonably been put to expense. The former does not necessarily trump the latter, but it may do so.

61. In **Atta v Football Beyond Borders** [2023] Case No: 2304318/2022 [para 28]) the following was said: "However, we remind ourselves that in **Benjamin v Inverlacing Ribbon Ltd** EAT 0363/05 it was held that where a Tribunal has been asked to consider a party's means, it should state in its reasons whether it has in fact done so and, if it has, how this has been done.

Conclusions

<u>Is one of the threshold criteria met?</u>

62. Whether the claimant was unreasonable in bringing or continuing the claims is closely connected to the issue as to whether the claims had no reasonable prospect of success and whether the claimant knew or ought to have known that.

No reasonable prospect of success

63. The claimant can only be taken to have known what he knew, or ought to have known, and cannot be expected to have predicted the findings of the Tribunal. There was no evidence was before the Tribunal for the costs application about what the claimant did or did not know at the material time, namely whilst he was bringing the proceedings. The claimant describes himself, in opposing the respondent's application, "as a litigant in person with 17 years' Tesco expertise and 3 years at GMB". The claimant held a senior position and had many years of experience. He submits that his claim had "strong prospects".

64. As early as 3 June 2024, the respondent's representative explained in clear terms that an allegation that the respondent had failed to make reasonable adjustments as regards the claimant's request for travel support had no reasonable prospects of success. It set out that the claimant's request would not be reasonable "given the significance of the adjustment, and the fact that it was not in accordance with the Respondent's Travel and Expenses policy."

65. The respondent went on to explain that the law only requires "reasonable" adjustments and that the Tribunal would "consider the extent to which any requests for adjustments were practicable, and the financial cost of making the adjustment, and/or the availability of other assistance amongst other factors when deciding on the "reasonableness" of any adjustments."

66. The respondent continued: "The respondent is confident it can defend its decision not to introduce the adjustments based on the wider implication it could have on the respondent's Travel and Expenses policy and the costs incurred from funding this.

67. The respondent also explained that it had offered suitable alternatives, including allowing the claimant "to choose an alternative store to work at in walking distance of your home, which you refused."

68. The respondent also explained why the two comparators chosen by the claimant were not appropriate comparators in that one had not worked for the respondent for seven years and the other had been a store director which is a peripatetic role, which the claimant's was not.

69. The claimant ought to have known as early as June 2024 when the respondent's representative explained it, that his claims of disability discrimination in respect of the travel policy had no reasonable prospect of success, particularly as the respondent urged the claimant to take legal advice. He could have done so and was referred to a possible source of free advice. He put the respondent to the considerable expense and inconvenience of defending a discrimination claim.

70. However, it was not until April 2025 that the respondent was able to properly address all aspects of the claimant's case as it was not until the preliminary hearing of March 2025 that the list of issues was able to be finalised. That letter provided a clear and rational explanation of why all of the claimant's claims had no prospect of success and again urged the claimant to take legal advice.

71. In the event, the claims failed for the reasons set out by the respondent. Whilst the Tribunal now has the benefit of hindsight, knowing what the decision is, it is relevant that the respondent alerted the claimant to the prospects of success in a way that was relevant and which turned out to be accurate.

72. The claimant's claims had no reasonable prospect of success. The claimant was alerted to this by the respondent in clear and unequivocal terms.

73. The Tribunal accepts that it can be difficult for a claimant, especially if acting in person, to form a clear view of the likely prospects of success prior to the hearing. However, the claimant cannot hide behind his assertion that his belief they had been discriminated against is sincere to suggest it is reasonable to pursue them, or to show that a costs order would be inappropriate in relation to them.

Unreasonable conduct

74. The claimant's multiple amendment applications increased the respondent's costs by necessitating an additional preliminary hearing. It was unreasonable conduct to submit four separate amendment applications and then withdraw them at the second preliminary hearing.

75. The Tribunal must also consider the nature, gravity and effect of conduct when deciding if it was unreasonable. The threshold is met. The Tribunal is satisfied that the claimant's conduct in pursuing four amendment applications, such that a preliminary hearing was necessary shortly before the final hearing to determine the issues, only for the claimant to withdraw his applications, was unreasonable.

76. The Tribunal bears in mind that the claimant is a litigant in person and also that it is not unreasonable conduct to refuse an offer made by the respondent. However, in this case, the refusal of the offer, and, with it, the rejection of the explanation of why he would lose his case, was unreasonable. The Tribunal finds that the respondent, in sending three costs warning letters to the claimant, had attempted to explain to the claimant why his claims of disability discrimination had no reasonable prospects of success. It had also urged the claimant to take legal advice, There as not evidence before the Tribunal to indicate that he did so.

<u>Should the Tribunal exercise its discretion?</u>

77. The Tribunal is satisfied that it should exercise its discretion to award costs.

78. Even if the claimant may have genuinely believed that his claims had merit, given the clear and precise explanation given by the respondent, particularly

in the letter of 3 April 2025 which postdated the preliminary hearing and was therefore directly relevant to the issues to be determined at the final hearing, he ought to have known that his prospects of success were poor. The respondent's solicitors explained why the claim had no reasonable prospect of success in accurate straightforward and simple terms and how it applied to his claim, setting out the flaws in his case and suggesting that he should take legal advice, even suggesting where he might obtain that advice free of charge. If he did not know that his claim had no reasonable prospect of success, then he ought to have known following receipt of that letter, despite being a litigant in person. The Tribunal notes that the claimant had worked for the GMB and had been a manger. He was also very articulate.

79. The Tribunal notes that it found that "the claimant's expectations were unrealistically high." Further, the Tribunal finds that, in his actions in insisting on walking to work when he had lifts available to him, the claimant was seeking to make a point. He is specifically recorded as saying that he did not want to make life easy for the respondent. The Tribunal finds that the claimant's attitude in this regard is relevant to the consideration of whether or not the Tribunal should exercise its discretion to award costs and finds that the claimant was determined to make a point to the respondent without stopping to consider the merits of his case and the reasonableness of his conduct in so doing.

80. In relation to the amendment applications, the Tribunal notes that the claimant is a litigant in person who may not understand the process of amendment and the impact of applications on proceedings and therefore does not exercise its discretion to award costs in this regard.

What amount of costs should be awarded?

81. The Tribunal concludes that costs should be awarded from 3 April 2025, being the date of the final costs warning letter from the respondent following the final preliminary hearing. That is because, at that stage, the claimant had a full explanation, in clear and precise terms, of why all of his claims, as defined in the final list of issues, had no reasonable prospect of success and were likely to fail.

82. The respondent has not separated out its costs so that it is possible to establish what cost was incurred following that date.

83. However, the Tribunal, taking into account the claimant's means and the difficulties it is likely to cause him to be required to pay significant amount towards the respondent's costs, concludes that it is appropriate to limit any award to £3000. The reason for that figure is that it is an amount which the claimant should be able to afford to pay, albeit, if necessary, in instalments. The Tribunal considers that the claimant's means preclude any higher amount.

Approved by:

Employment Judge Rice-Birchall

17 July 2025

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision. If written reasons are provided they will be placed online.

All judgments (apart from judgments under Rule 51) and any written reasons for the judgments are published, in full, online at *https://www.gov.uk/employment-tribunal-decisions* shortly after a copy has been sent to the claimants and respondents.

If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings and accompanying Guidance, which can be found here:

www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/