



EMPLOYMENT TRIBUNALS

Claimant

Mr R. Nyamaah

v

Respondent

Solidum Solicitors Ltd

Heard at: Norwich (by CVP)

On: 1 October 2025

Before: Employment Judge M. Hunt

Appearances

For the Claimant: the Claimant

For the Respondent: Mr N. O'Brien

JUDGMENT ON COSTS

1. The Claimant is to pay the Respondent the sum of £200 as a contribution towards its costs of responding to the application for interim relief.
2. The Claimant's application for a preparation time order is dismissed.

REASONS

3. At the hearing on 1 October 2025, I dismissed the Claimant's application for interim relief brought under section 128 of the Employment Rights Act 1996.
4. The Respondent said that it wished to make an application for costs. I invited it to consider Part 13 of the Employment Tribunal Procedure Rules 2024 (the "Rules") before doing so in writing. I made provision for the Claimant to respond in writing and said that I would thereafter determine any such application "on the papers" without a further hearing. All of this has happened. I considered the parties' representations and determined to make a costs order under Rule 73(1)(a).
5. The basis to the application was the Claimant's allegedly unreasonable and disruptive pursuit of the application for interim relief. The Respondent recognised the Claimant was permitted to make the application, but suggests that the manner in which it was brought created a disproportionate burden on

the Respondent in contesting the application. This was principally because the Claimant sent over 90 emails to the Respondent in the two weeks leading up to the hearing, which were said to be “repetitive, irrelevant and unnecessarily complex”. The Respondent also complained about the number of “applications, amendments, and documents” presented by the Claimant generally, which impeded the Respondent’s ability to prepare its response to the application for interim relief. Finally, the Respondent submitted that it had to prepare extensive documentation for the interim relief application, including witness statements and a file for the hearing.

6. In response, the Claimant made two written submissions. He rightly outlined that a costs order should be the exception rather than the “norm”. He also explained that a litigant in person should not be “punished” by costs orders due simply to seeking to vigorously pursue their claim. He said that his communications all had a legitimate purpose and that his actions did not reach the threshold of unreasonableness. He said that the application should be adjourned for later determination, or, if not, that he should be awarded a preparation time order. It is unclear whether he intended to pursue this application and it was not referred to in his second submission. I felt it worth assuming the application had been made, had not been withdrawn and therefore should be determined. Although few if any submissions were made, I considered all the information available in considering whether such an order would be appropriate.
7. The Claimant has highlighted that he is now unemployed and that his wife is pregnant and suffering some health concerns. He therefore has no real ability to pay without suffering severe hardship. He said he could provide evidence of his means, but did not.
8. The Claimant also usefully pointed out that the Respondent should seek either a costs order or a preparation time order, not both (Rule 73(3)). It has clearly sought a costs order. This could raise an issue about the recoverability of the entirety of all claimed costs as the fees of two solicitors, who I understand both work for the Respondent, have been claimed as well as those of external counsel. There is an argument that the former should not be considered “costs” as defined in Rule 73(1)(a) as it might not be right to consider them “legal representatives”. Ultimately, in light of the size of my award, it is not necessary for me to determine the matter, as counsel’s costs alone exceed the amount of my order.
9. I concluded that I should make an order on the basis of the Claimant’s unreasonable and disruptive conduct in pursuing his application for interim relief. Much of the matters the Respondent complained of are simply a product of the litigation process or not directly related to the interim relief application. However, the extent of emails it received was excessive. It is right to note that some did not refer (or not exclusively) to the interim relief application. But many included wide-ranging requests for disclosure that I cannot see were directly relevant to the interim relief application (or, to the extent they may have been, were highly unlikely to have a material impact on its outcome). Many communications were either repetitive or “piecemeal”.

10. Despite all this, the Claimant could not present any convincing evidence coming close to establishing that he either made a protected disclosure or that he was dismissed because of it. If he had made such a disclosure, it should be clear. A recollection of what was said and when, alongside a good argument of causal connection to his dismissal is the starting point. Any requests for disclosure of specific emails that he sent or received would likely have been able to be very specific and detailed in that case. Seeking further or irrelevant documents by repetitive email is unnecessarily disruptive and is unreasonable conduct in relation to the application.
11. I take fully into account that the Claimant is a litigant in person, but many litigants in person with no legal background whatsoever are able to focus on what they say happened to them and why, without seeking extensive disclosure or sending copious amounts of disruptive correspondence.
12. On the other hand, the Respondent should have been able to, and did, provide the necessary focus in responding to the application. It needed do little more than explain its position as to why the Claimant was dismissed. It did so clearly in short witness statements with a limited number of exhibits. It obviously knew why it dismissed the Claimant, as it had done so a matter of weeks prior. It provided a succinct and helpful skeleton argument at the hearing. Nothing more was required. Although it says it has engaged constructively with the Claimant and his disclosure requests, that was not really a matter for me. I certainly shan't criticise it for doing so, but my consideration is limited to the Claimant's conduct so far as the interim relief application is concerned, not the wider litigation about which I have limited knowledge. If the Respondent chooses to make a further application for costs in due course in relation to more general litigation conduct, that matter can be considered then.
13. Taking all matters into account, I accept that the Respondent has been put to a degree of unnecessary work due to the Claimant's disruptive and unreasonable conduct in pursuing his application for interim relief. However, only to the extent of having to consider an excessive amount of irrelevant, piecemeal and repetitive correspondence. I note that not all such correspondence was sent with reference to the interim relief application. Some can be attributed to a lack of knowledge of Tribunal processes. However, a significant part simply need not have been sent and certainly not across a series of emails. I find that a limited costs order is therefore warranted and should be made.
14. I note what the Claimant says about his financial position (albeit with limited evidence), but in this case it is not a factor I think relevant to my determination in addition to the general principle that Tribunal proceedings should be accessible and largely cost-neutral. These proceedings are at an early stage. The Claimant was not familiar with the conduct of Tribunal proceedings. It is appropriate to order the Claimant to pay only a limited contribution towards the Respondent's costs in the sum of £200. I consider this order should be made in principle, irrespective of the Claimant's means.

15. As to the Claimant's application for a preparation time order, any additional work he was put to was created by his own actions, not those of the Respondent. Accordingly, there is no basis on which to allow the application.

Approved by
Employment Judge M. Hunt

Date: 24 November 2025

Sent to the parties on:
24 November 2025

For the Tribunal Office