



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms Sarah Tucker

**Respondent:** People Plus Limited

**Heard at:** London South (by video)      **On:** 10 September 2025

**Before:** Employment Judge Evans

**REPRESENTATION:**

**Claimant:** Did not attend & was not represented at the hearing

**Respondent:** Did not attend & was not represented at the hearing

## JUDGMENT

The claimant is ordered to pay the respondent £420 in respect of the respondent's costs.

## REASONS

### Introduction

1. The respondent made an application for costs on 27 February 2025 ("the Application") and the hearing of that application was listed before me today, a notice of hearing having been sent to the parties on 8 April 2025. The respondent wrote to the Tribunal on 2 September 2025 enclosing written representations in respect of its application and explaining that it did not intend to attend. The written representations ran to 4 pages ("the Respondent's Representations") and were accompanied by an appendix running to 29 pages.
2. On 8 September 2025, just two days before the hearing today the claimant applied for a postponement "due my health" [sic]. The application was unsupported by any medical evidence and was refused on 9 September 2025 by the Regional Employment Judge.
3. At 19.16 yesterday, 9 September 2025, the claimant wrote to the Tribunal stating "I am unable to attend in person as I have training tomorrow for new employment". As such, it now appears that the reason the claimant says she cannot attend is not, as she suggested on 8 September 2025, ill-health but rather a commitment relating to "new employment". The claimant did not make a further application for a postponement. She did attach a 7 page document to her email which I have treated

as her representations (“the Claimant’s Representations”). She also commented on the case in her emails of 8 and 9 September 2025 and I have taken into account what she said in those emails in reaching my decision.

4. Given that neither party has attended today, I have decided to provide a short written judgment.

### **The Application**

5. The Respondent’s Representations note that:

- a. The Application was made pursuant to Rule 74 of the Employment Rules of Procedure 2024, on the basis that:

*74(2)(a) the Claimant has acted vexatiously, abusively, disruptively or otherwise unreasonably in either the bringing of the proceedings, or part of it, or the way that the proceedings, or part of it, have been conducted, and/or*

*74(3)(b) the Claimant was in breach of a number of orders and directions.*

*The Tribunal is also asked to consider Rule 74 2(b) that the claim/s had no reasonable prospect of success, given that the Rule stipulates that;*

*“The Tribunal must consider making a costs order or a preparation time order” where it considers this is the case, as well as under 74(2)(a).*

6. The unreasonable conduct on which the respondent relies is set out as follows:

*(a) failed to follow all but one case management order of the Tribunal (provision of a schedule of loss),*

*(b) their wholesale failure to provide detail of their claims as repeatedly requested by both ourselves and the Tribunal and*

*(c) failing to pursue their claim for unlawful deductions and holiday pay, resulting in the strike out of the remaining claims for failure to pursue that claim.*

7. In the Respondent’s Representations the respondent notes that:

- a. It sent a without prejudice save as to costs drop-hands off to the claimant on 19 November 2024 giving a full explanation of the claimant’s final payslip, to which the claimant did not reply; and

- b. It prepared a bundle and witness statement and sent these to the claimant on 20 December 2024.

### **The claimant’s response to the Application**

8. The Claimant's Representations largely deal with her complaints about her employment (pages 1-6). They do not address the substance of the Application in any meaningful way. They do however state (their final page) that:

*Due to [the respondent's treatment of the claimant] I have been left with health issues and suffer from insomnia mental stress financial worries as I no longer have the wages for me to pay my bills. I am under my GP as this has affected me greatly.*

*although I have been seeking new employment I have yet to be successful in this as yet. I do not have no other income in part from the last payment in February 2024 from peopleplus which I was deducted over £900.00 reasons being basics.*

9. The claimant's email to the Tribunal seeking a postponement of the hearing today also set out how the claimant's view of how she had been treated during her employment. It did not address the Application clearly but did state:

*After during my time with People plus and after I have been left mental health server anxiety and depression.*

*I did at one point contact the court, London southnet justice. I found it very difficult to get hold off. My email had not been replied to either.*

*I was told my court hearing that I originally asked for was cancelled. I found it hard to get legal representation due to lack of funds on my behalf.*

*As for people plus solicitor asking for me to be liable for their court fee's I have no money myself to barely live.*

*People plus owed me holiday pay*

*Bonus which was never paid.*

*I was treated very badly which effected my mental health. I could not sleep, I dreaded going into work.*

10. It went on to state:

*I have been in contact with citizen advice bureau which had advised to email the court and copy and paste people plus solicitor in the sane asking for the this hearing to struck out. I believe I had received a email from peopld plus solicitor asking for the some of £7 500 I do not have that kind of money.*

[Errors reproduced from the original.]

11. It concludes:

*I ask the court to strike this hearing. I just want to heal from the damage people plus had caused me.*

12. It is therefore clear that the claimant resists the application. She also states in her email correspondence that she is in receipt of Universal Credit.

## **The Law**

### **The Tribunal Rules of Procedure**

13. Rule 74 (1) gives the Tribunal the discretion to make a costs order or a preparation time order in certain circumstances. It provides as follows:

- (1) *The Tribunal may make a costs order or a preparation time order (as appropriate) on its own initiative or on the application of a party or, in respect of a costs order under rule 73(1)(b), a witness who has attended or has been ordered to attend to give oral evidence at a hearing.*

14. Rule 74(2) sets out the circumstances in which a Tribunal must consider making a costs order:

- (2) *The Tribunal must consider making a costs order or a preparation time order 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 of it, or the way that the proceedings, or part of it, have been conducted,*
  - (b) *any claim, response or reply 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 that hearing begins.*

15. It is important to note that whilst the Tribunal must consider making a costs order if one of the thresholds provided for by Rule 74(2) is crossed, it is not required to make such an order (Rule 74(1)).

16. Further, Rule 74(3) provides that:

- (3) *The Tribunal may also make a costs order or a preparation time order (as appropriate) on the application of a party where a party has been in breach of any order, rule or practice direction or where a hearing has been postponed or adjourned.*

17. The amount of a costs order is dealt with by Rule 76(1):

- (1) *A costs order may order the paying party to pay—*
  - (a) *the receiving party a specified amount, not exceeding £20,000, in respect of the costs of the receiving party;*
  - (b) *the receiving party the whole or a specified part of the costs of the receiving party, with the amount to be paid being determined—*
    - i. *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;*

- ii. *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 the Tribunal applying the same principles;*
- (c) *another party or a witness, as appropriate, a specified amount in respect of necessary and reasonably incurred expenses for the purpose of, or in connection with, an individual's attendance as a witness at a hearing;*
- (d) *an amount agreed between the paying party and the receiving party in respect of the receiving party's costs.*

### **The procedure to be followed by the Tribunal**

18. The Tribunal must follow a three-stage process following an application for costs:

- a. First, it must make findings about the paying party's conduct (and, if relevant, about the merits of the claim). It must consider whether on those findings one or more of the statutory thresholds in Rule 74 are met. In doing so it must identify which aspects of the conduct fulfilled which part of the Rule 74 test;
- b. Secondly, if the Rule 74 threshold is met, the Tribunal will consider whether to exercise its discretion to award costs;
- c. Thirdly, a Tribunal may proceed to consider the amount of the award payable.

### **The first stage: the assessment of the party's conduct/prospects of success**

19. **Unreasonable conduct:** In assessing whether a party or representative has acted unreasonably, the Court of Appeal in Yerrakalva v Barnsley Metropolitan Borough Council and another [2012] ICR 420 held that the vital point in exercising the discretion to order costs is to look at the whole picture. The Tribunal has to ask whether there has been unreasonable conduct by the paying party in bringing, defending or conducting the case and, in doing so, identify the conduct, what was unreasonable about it, and what effect it had.

20. Examples of conduct found to be unreasonable include:

- a. Persistent failure to provide information (Kaur v John L Brierley Ltd EAT 783/00, where the claimant persistent failed to identify the alleged unlawful deduction and then withdrew the claim at the last minute;
- b. Being unable to provide sufficient details of complaints despite being given a number of opportunities to do so. (Liddington v 2gether NHS Foundation Trust EAT 0002/16.)

21. The Tribunal must not judge a litigant in person by the standards of a professional representative. Further, where a representative is inexperienced, some leeway should be afforded.

22. **No reasonable prospects of success:** This question is determined objectively on the basis of the information that was known or reasonably available at the start of the claim.

### **The Second Stage: exercise of the discretion**

23. The costs regime set out in the Employment Tribunal Procedure Rules 2024 is tightly prescribed. Costs do not follow the event in the Tribunal and awards of costs are very much the exception and not the rule.
24. The power to award costs is discretionary. The ordinary principles applicable to the exercise of a discretion apply to the exercise of this discretion too. The Tribunal should remember that the purpose of an award of costs is to compensate the party in whose favour the order is made. Questions of punishment are irrelevant to the exercise of the discretion.
25. **Costs warnings:** There is no requirement for the paying party to have received a costs warning before a costs order is made but the fact of one may be a relevant factor in the exercise of the Tribunal's discretion.
26. **Calderbank principle:** this principle, whereby if a party makes an offer "without prejudice save as to costs" which is not bettered they are entitled to their costs from the date of the expiry of the offer, does not apply in the Employment Tribunal. However, that such an offer has been rejected may be relevant both to the threshold question and to the exercise of the Tribunal's discretion.
27. **Ability to pay:** The Tribunal may have regard to the paying party's ability to pay in deciding whether to make a costs order (Rule 82). If a party asks for its means to be considered, the Tribunal should state whether and how it has done so. The Tribunal is not required to limit costs to an amount that the paying party can afford, provided there is a realistic prospect that the party might at some point in the future be able to afford to pay the amount ordered.

### **The Third Stage: The amount of any costs order**

28. An award of costs should be compensatory not punitive. Costs should be limited to those "reasonably and necessarily incurred". The conduct of the receiving party may also be relevant to the amount of a costs order. The amount ordered must obviously reflect the actual costs incurred. The Tribunal must explain on what basis it arrives at a sum.
29. When making a costs order on the ground of unreasonable conduct, the discretion of the tribunal is not fettered by any requirement to link the award causally to particular costs which have been incurred as a result of specific conduct that has been identified as unreasonable (McPherson v BNP Paribas (London Branch) [2004] EWCA Civ 569, [2004] ICR 1398). In Yerrakalva Mummery LJ stated (at [41]):

*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.*

30. 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.
31. When assessing a bill of costs, it may be useful to consider (but there is no requirement to do so) the civil courts' Guide to the Summary Assessment of Costs.
32. VAT should not be included in a claim for costs if the receiving party is able to recover the VAT as input tax.

### **Findings of fact – the history of the claim**

33. The claimant submitted their claim form on 19 March 2024. It included complaints of unfair dismissal, for holiday pay and for "other payments". No significant details of the complaints for holiday pay and other payments were given other than "£100 bonus that was due". The only details of the unfair dismissal claim were "Unfair constructive dismissal bullied and pressured to leave". The claimant gave two sets of dates of employment. One set showed more than two years' service, the other less than two years' service".
34. The respondent provided grounds of resistance running to three pages. These noted that the claimant had less than two years' service when she resigned.
35. The Tribunal wrote to the claimant on 17 May 2024. The letter indicated that a Judge was proposing to strike out the claimant's unfair dismissal claim on the basis that she did not have the requisite length of service. The claimant was ordered to provide further information in relation to her money claims. The deadline for a response was 7 June 2024.
36. On 24 May 2024 the Tribunal sent a notice of hearing for the final hearing for 24 and 25 February 2025. The orders attached required disclosure and inspection in July, agreeing the contents of a file by 2 August and the exchange of witness statements by 16 August.
37. On 19 July 2024 the Tribunal chased a response to its letter of 17 May 2024, none having been received, saying that in the absence of a response within 7 days the claim would be struck out.
38. On 8 August 2024 the respondent wrote to the Tribunal saying that it had received a hard copy letter from the claimant dated 30 July 2024 in which she had said she had not been able to get through to the Tribunal and that:

*I do not want my case to be struck. I have evidence that proves wrong doings against me in the Company.*

39. On 12 August 2024 the claimant emailed the Tribunal stating:

*I am emailing you following having no response to previous email I have sent londonsouthet@justice.gov.uk.*

*I have been trying to get hold Montague Court.*

*Can you please advice as to why no one is answering to this number 0208667 9131 which is giving as contact to the courts?*

*I have sent all relevant information as requested and I have also sent a letter which requires the signature and photo evidence of prove if delivery for Montague Court 101 London road CR0 2RF.*

*I have not yet received any confirmation that this letter has been delivered to the address given.*

*I have heard from the my X employers lawyer my acas representative stating that if I continue with case they will sue me.*

*As I have stated I worked at peopleplus at 4 Vaughan chambers maidstone Kent from June 22 to Feb 2024*

*I was treaded very badly whilst working there which started around Nov 2023.*

*My work load was over wealming. I had illness and mental stress caused by peopleplus.*

*The letter I wrote requested my case was not to struck out but for the judge to review everything and lost of earnings that I have faced.*

[Grammatical and other errors reproduced from the original.]

40. That email forwarded another email of 27 July 2024, correctly addressed to the Tribunal, in which the claimant said:

*Good morning*

*I'm contacting regarding my case against my X employer Peopleplus.*

*I have received a letter from you requesting more information.*

*The letter was dated 17th may 2024.*

*Unfortunately the letter was delivered to the incorrect address and has been past to me this .morning ny someone passing it through my letter box. In this letter a form was inside requesting more information regarding lost wages etc.*

*I believe I do have a fair case for wrongful doings from people plus and I ha e put a complaint in regarding my previous manager Gabriella alpe.*

*I ha e requested my records from my meeting and my Acas representative has as a well and this has still not be given.*

*I'll be requesting help from a solicitor now regarding me case.*

*I look forward to hearing from you*

[Grammatical and other errors reproduced from the original.]

41. The Tribunal then struck out the claimant's unfair dismissal complaint by a judgment sent to the parties on 9 October 2024 on the basis that the claimant's email of 27 July 2024 made it clear that she did not claim to have completed two years' employment before her employment ended.

42. The covering letter concluded:

*The claims for unpaid wages and holiday pay are continuing. The Tribunal has not received the further information from the Claimant that she was ordered to provide.*

*Please therefore reply within 7 days to explain how much you are claiming for holiday pay and wages and/or other payments, along with an explanation for the outstanding sums claimed including any calculations used to arrive at those sums.*

*The Respondent says they paid £316.62 holiday pay when your employment ended. Do you agree? Please explain why you believe there is still outstanding sums due for holiday pay.*

43. The claimant did not reply to that letter. Then, on 13 February 2025, the Tribunal wrote to the claimant stating:

*Employment Judge Wright is considering striking out the claim because it has not been actively pursued.*

*If you wish to object to this proposal, you must write to the Tribunal by 18 February 2025 giving your reasons or requesting a hearing at which you can give them.*

44. The claimant did not response and the Tribunal struck out her remaining complaints by a judgment sent to the parties on 20 February 2025.

## **The decision - conclusions**

### **Stage one – the claimant's conduct/no reasonable prospects of success**

45. The respondent identified three areas of unreasonable conduct and I consider each of these in turn:

- a. **Failure to follow case management orders:** this is the first aspect of the claimant's conduct which the respondent contends was unreasonable and it is also relevant to the respondent's argument in relation to Rule 74(3). I conclude that the claimant did fail to comply with all case management

orders after providing the schedule of loss. The claimant has provided no explanation for this and the failure was unreasonable.

**b. Failure to provide details of the claims:** the claimant did provide details of her unfair dismissal claim. When her emails of 27 July and 12 August 2024 are read together, I conclude her delay in responding was due to a delay in her receiving the letter of 17 May 2024 until 27 July 2024. It is true that the details of the claim led to it being struck out because those details confirmed that her employment had lasted for less than two years. I conclude that the claimant did not unreasonably fail to provide details of her unfair dismissal claim. By contrast, I find that she did unreasonably fail to provide details of her claims for holiday pay/other payments because she did not engage with the correspondence sent to her. I find that such failure began on 27 July 2024 when she responded to the Tribunal's letter of 17 May 2024 which had been delayed.

**c. Failure to pursue her claim:** this adds nothing to the two previous grounds. The failure to pursue comprised the failure to follow case management orders and the failure to provide details of the claims.

46. Turning to prospects of success, I conclude that the unfair dismissal claim clearly never had any reasonable prospect of success, because the claimant had not completed two years' service when she resigned and did not attempt to argue that the dismissal was for a reason which meant that the two years' service requirement did not apply. So far as the holiday pay claim/other payments are concerned, those claims have never been adequately particularised. However, as pleaded, and in light of what the respondent says in its response, I conclude that they had no reasonable prospects of success.

47. The threshold for an award of costs has therefore been passed because the claimant unreasonably failed to comply with case management orders, because the claimant unreasonably failed to provide details of her holiday pay/other payments claim, and because her claims had no reasonable prospects of success.

### **Stage two – the Tribunal's discretion to award costs**

48. The wider context for my exercise of my discretion is this: the claimant did what many unrepresented claimants do. She began an unfair dismissal claim which had no reasonable prospects of success because of her lack of service and tagged on a claim for holiday pay/wages which was largely unparticularised (there was really no more than a reference to the alleged failure to pay a £100 bonus). The unfair dismissal claim met the fate unfair dismissal claims meet in these circumstances when it was struck out. The delay in it being struck out was I conclude due to: (1) delays in the Tribunal acting on orders it had previously made; (2) the delay I have found above in relation to the claimant receiving the Tribunal's letter of 17 May 2024.

49. Given that the claimant is unrepresented, I would not exercise my discretion to award costs against her in relation to the commencement and subsequent conduct of the unfair dismissal claim. Whilst it is obvious to a lawyer that her claim had no

reasonable prospects of success, I conclude that it was not to her. In reaching this conclusion I take into account the imprecision of the claimant's written communications: she is not, I conclude, someone with the ability to make fine distinctions.

50. Turning to the failure to comply with case management orders, again, given the status of the claimant as an unrepresented claimant, her obviously limited understanding of the process that she is involved in, the nature of the complaints once her unfair dismissal claim was dismissed, and the fact that the unfair dismissal claim was dismissed more than four months before the final hearing was due to take place, I would not exercise my discretion to award costs in relation to her failure to comply with case management orders.
51. In reaching this conclusion I have also taken into account how in my view a battle-hardened lawyer acting for the respondent and seeking to minimise costs would have conducted itself when dealing with an unrepresented claimant in such a claim. It would have recognised that it was highly unlikely to ever have to prepare the unfair dismissal claim for a final hearing and that the holiday pay claim/other payments claim would be unlikely to require significant preparation. It would therefore have applied for the case management orders made to be stayed until the claimant had provided the required information. The Tribunal's file reveals no such application. I have also taken into account that once the unfair dismissal claim was dismissed what remained was a "short track" claim. Judges routinely deal with such claims at a final hearing with neither side having made any real effort to comply with the case management orders.
52. That leaves the failure to provide information in relation to the holiday pay/other payments claim, which I have concluded above was unreasonable, and which was ongoing from 27 July 2024 and, also, the fact that she pursued this claim when, I have concluded, it had no reasonable prospect of success. I would exercise my discretion to award costs in relation to the failure to provide information in relation to this claim because the Tribunal repeatedly ordered the claimant to provide information in terms she would, I find, have understood and she simply did nothing. In this respect I refer to the Tribunal's communications to the claimant of 17 May 2024 and 27 July 2024. I would not exercise my discretion to award costs in respect of the fact that the claim had no reasonable prospects of success, in light of the fact that, whilst I have concluded that that was the case, I also conclude that this was not apparent to the claimant and she was an unrepresented party.
53. I have considered the prospects of success issue separately in relation to each claim and also the various failures found to be unreasonable conduct. However, considering them together also, and therefore considering their cumulative effect, I have for the various reasons set out above in relation to the individual elements decided to award costs only in respect of the claimant's unreasonable failure to provide details of her claim for holiday pay/other payments from 27 July 2024 onwards.

### **Stage three – the amount of costs to be awarded**

54. In my view, the respondent's solicitors have been over-thorough in their attention to what was from October essentially a short-track claim. Given the nature and history of the claims, I am surprised that they have spent over 42 hours on this file (although I accept that time will have been wasted chasing the Tribunal for responses to correspondence or asking it to take action in relation to its own previous correspondence).
55. If the respondent's solicitors had acted in the way that I have identified at [51] above when dealing with the claimant's claim for holiday pay/other payments from 27 July 2024 onwards then they would not have spent more than a few hours dealing with the claim prior to it being struck out. Only a few hours would have been "reasonable and necessarily" spent on the file.
56. I also take into account what I find to be the claimant's limited means in deciding the amount of costs that should be awarded to the respondent. I have taken this into account as a factor because it will limit her ability to pay the costs award made.
57. Bringing these various things together, I order the claimant to pay the respondent £420, that being equivalent to two hours at the rate of £210/hour. I make no order in respect of VAT because the respondent has not produced evidence showing that the respondent is not registered for VAT.
58. I make no order in respect of the costs incurred by the respondent in relation to its costs application, because I do not find that the claimant acted unreasonably in defending it.
59. I note that it is entirely possible that I might have reached a different decision if either party had chosen to attend the hearing today, but they did not.

Approved by:

**Employment Judge Evans**

**10 September 2025**

Notes

*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.*