



EMPLOYMENT TRIBUNALS

London South Employment Tribunal

Claimant: Francis Taiwo
Respondent: Oxleas NHS Foundation Trust

Costs Judgment

The Claimant shall pay to the Respondent the sum of £7,500 by way of costs pursuant to Rules 73(1)(a), 74(2) and 76(1)(a) of the Employment Tribunal Procedure Rules 2024, such sum to be paid in accordance with the instalment terms set out in this judgment.

Introduction

1. By application dated 11 December 2025, the Respondent seeks an order for costs against the Claimant pursuant to Rule 74 of the Employment Tribunal Procedure Rules 2024. The application was made following my judgment dated 12 November 2025, in which I struck out the Claimant's claims in their entirety.
2. The Claimant was invited to respond to the application and did so by letter dated 19 December 2025. Neither party has requested a hearing. I am satisfied that the application can be determined fairly on the papers and I proceed to do so.

The Legal Framework

3. Under Rule 74(2) of the Employment Tribunal Procedure Rules 2024, the Tribunal must consider making a costs order or a preparation time order where it considers that 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 them, or the way that the proceedings, or part of them, have been conducted, or that any claim, response or reply had no reasonable prospect of success.
4. The discretion to make such an order is broad but must be exercised judicially, with reference to the facts found.

Findings Already Made on Liability

5. In my strike-out judgment of 12 November 2025, I made several express findings which are directly relevant to this application.
6. I found that all the Claimant's claims were presented outside the applicable limitation periods. The effective date of termination was 23 October 2023. The primary three-month limitation deadline expired on 22 January 2024. The Claimant did not commence ACAS Early Conciliation until 11 March 2024, some 49 days after the time limit had expired. The effective presentation date of 10 April 2024 was therefore 78 days out of time. I found that no statutory basis for extending time had been established under either the "not reasonably

practicable" test applicable to the unfair dismissal and holiday pay claims or the "just and equitable" test applicable to the discrimination claims.

7. I found that the discrimination claims were founded upon a factual premise that was demonstrably false. The Claimant's case rested entirely on the allegation that he, a black man, was dismissed for hitting a service user whereas a white female comparator "was not dismissed" for having sex with a service user. The comparator's disciplinary outcome letter, which was undisputed documentary evidence in the bundle, proved that allegation to be false. She was found guilty of gross misconduct and the panel's decision was that had she remained in employment she would have been summarily dismissed. She faced the identical sanction. She was not treated more leniently; she resigned before that sanction could be formally imposed.
8. I found that the unfair dismissal claim was fatally undermined by the Claimant's own admission at the disciplinary hearing. The disciplinary hearing notes recorded that after viewing the CCTV footage, the Claimant stated: "I shouldn't have pushed him." This was an unequivocal admission of conduct amounting to gross misconduct in the context of a secure psychiatric hospital setting.
9. I found that the Claimant had persistently failed to comply with the Tribunal's case management orders. Employment Judge Macey's order of 29 April 2025 required particulars by 20 May 2025; that order was not complied with. Employment Judge Pitt's order of 25 July 2025 required disclosure by 5 September 2025; that order was not complied with. The order requiring witness statements by 10 October 2025 was not complied with. By 12 November 2025, the date listed for the final hearing, the Claimant had provided no particulars, no disclosure, and no witness evidence.
10. I found that the cumulative effect of that non-compliance was that the final hearing could not proceed and a fair trial was no longer possible. The Respondent had been put to the cost of preparing for a final hearing that could not take place.
11. Those findings are final and have not been challenged.

Application of Rule 74 to the Facts

12. Applying those findings to the criteria set out in Rule 74(2), I am satisfied that the Claimant pursued claims that had no reasonable prospect of success. The claims were not merely weak or speculative. They were jurisdictionally barred from the outset, having been presented out of time with no proper basis for an extension. The central factual premise of the discrimination claims was demonstrably incorrect. The unfair dismissal claim was undermined by the Claimant's own admission. No evidential foundation was ever provided despite repeated orders requiring it.
13. I am further satisfied that the Claimant's conduct in the proceedings was unreasonable. His repeated failures to comply with orders went well beyond the ordinary difficulties that might be expected of a litigant in person. He was given three separate opportunities to comply with clear, unambiguous orders over a period of six months. Each order was ignored. The pattern of non-compliance was systematic and persistent. He allowed the Respondent to prepare for a final hearing that could not take place.
14. The Claimant's response to the application, dated 19 December 2025, focuses almost

entirely upon his personal circumstances, his length of service with the Respondent dating back to 2004, and the distress he has experienced. He does not dispute the findings of unreasonable conduct. He does not deny that he failed to comply with the Tribunal's orders. He does not engage with the Rule 74 criteria or advance any substantive answer to the Respondent's case. While I have regard to what he says about hardship, that is a matter relevant to quantum rather than to the question of whether a costs order should be made.

15. I am satisfied that the criteria in Rule 74(2) are plainly met and that an award of costs is appropriate.

Quantum

16. The Respondent's costs schedule claims a total sum greater than the statutory cap. Under Rule 76(1)(a) of the Employment Tribunal Procedure Rules 2024, where a costs order is made, the Tribunal may order the paying party to pay a specified amount not exceeding £20,000 in respect of the costs of the receiving party. I do not consider it necessary or proportionate to direct a detailed assessment under Rule 76(1)(b). I therefore proceed on the basis that the maximum award available to me without such an assessment is £20,000.
17. Having regard to the nature and seriousness of the Claimant's conduct, the persistence of his misconceived claims over a period exceeding eighteen months from the effective date of termination, his repeated non-compliance with three separate case management orders, and the costs that the Respondent has been put to as a direct result, I consider that an award at the maximum level would be justified on the merits.
18. However, under Rule 82, in deciding whether to make a costs order and if so the amount of any such order, the Tribunal may have regard to the paying party's ability to pay. The Claimant's response of 19 December 2025 describes his financial circumstances in narrative terms. He states that he is currently employed in a lower-paid role, that he has ongoing financial commitments, and that an award of costs at the level sought would cause him significant hardship. He has not provided documentary evidence to verify those assertions, despite being invited to do so. That is a matter I am entitled to consider and, in the ordinary course, a failure to provide evidence of means might lead to an adverse inference.
19. Nevertheless, I am prepared to give the Claimant the benefit of the doubt and to accept the general premise of his representations, namely that he is a person of limited means for whom a substantial costs order would represent a significant burden. In those circumstances, I consider it appropriate to reduce the quantum of the award to reflect his ability to pay.
20. I assess the appropriate sum to award at **£7,500**.

Payment Terms

21. I am conscious that even a reduced sum of this nature may be difficult for the Claimant to discharge immediately. I therefore make provision for payment by instalments over a period of twelve months.
22. The payment terms are as follows:
- a) Total sum payable: £7,500

- b) First instalment of £625 to be paid within 28 days of the date on which this judgment is sent to the parties
 - c) Thereafter, eleven further monthly instalments of £625 each, payable on the same day of each subsequent month
 - d) The final instalment to be paid no later than twelve months from the date of the first payment
23. If the Claimant fails to make any instalment payment by its due date, the full outstanding balance shall become immediately payable without further order.

APPROVED
Judge M Aspinall
10th January 2026

Judgment sent to parties on
19th January 2026

For the Tribunal Office

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