Case No: 6035029/2025

EMPLOYMENT TRIBUNALS

Claimant: Mr G Wlochinski

Respondent: English Lakes Hotels Limited

COSTS JUDGMENT

1. The claimant is ordered to pay costs incurred by the respondent in the sum of £3,000.00 (inclusive of VAT).

REASONS

Introduction

1. A hearing took place in this matter on 10 November 2025 to determine the claimant's application for interim relief. The claimant did not attend and the application was unsuccessful. The respondent made a costs application. I reserved Judgment on that application.

2. On 18 November 2025 I approved a written Judgment, which was provided to the parties on 19 November 2025. That Judgment gave my reasons for refusing the interim relief application and explained that, upon reflection, I considered it appropriate to invite further written submissions on the costs application, following which that application would be determined on the papers. This Judgment should be read in conjunction with that earlier Judgment.

3. In a letter accompanying the Judgment, I made the following Orders as to the costs application:

    1. If the respondent wishes to pursue its application, it must write to the Tribunal and the claimant by no later than 14 days from the date of this letter setting out the grounds of its application and enclosing a schedule of the costs claimed.
    2. The claimant must thereafter provide any response to the application within a further 14 days. His response must be sent to the Tribunal and the respondent and must comprise the following:
        (a) Any written representations as to why a costs order should not be made. The written representations are limited to 10 pages of A4, in 12-

point print, double-spaced. (That is a limit not a target, a much shorter submission may be more than adequate).

(b) A signed witness statement, with a statement of truth, setting out his financial means to include monthly income and outgoing and details of any assets (property, investments etc) and any debts, whether in the UK or another jurisdiction. The statement is limited to 3 pages of A4, in 12-point print, double-spaced. The statement need not be provided if the claimant does not wish the Tribunal to take his financial means into account in making any award.

(c) Any supporting documents (i.e. screenshots of bank statements etc) limited to 20 pages combined into one indexed pdf file. There is no need to provide copies of any legal authorities which may be relied upon.

3. Within a further 14 days the respondent must write to the tribunal, copying the claimant, making any further submissions it wishes to make in relation to the evidence provided by the claimant.
4. Each party must indicate on their correspondence that it is for the attention of Employment Judge Dunlop.

4. The prescriptive nature of the order reflects the fact that (as outlined in my previous Judgment) the claimant had previously sought to rely on very lengthy submissions (extending into the 100s of pages) which appeared to be AI-generated, had little relation to the facts of this specific case and which were of no assistance to me in determining the issues I had to determine.

5. By email dated 9 December 2025 the respondent wrote, as directed, to set out its costs application and provide its schedule of costs. That schedule totaled £16,896.60 and related solely to work connected with the interim relief application. The letter was a few days late due to a portal issue.

6. On 16 December 2025 Tribunal staff, acting on my direction, wrote to the parties to accept the application in view of the explanation given for the delay, and to confirm that the claimant now had 14 days to provide any submissions/documents in response. In view of the upcoming holiday period, I also directed in that letter that, should the 14 days fall prior to the 31 January (which is what happened) the period for response would be extended to 9 January 2026.

7. A case management hearing in relation to the on-going claim took place before a different Judge on 7 January. The hearing was ineffective due to apparent difficulties with the claimant's CVP connection, despite the history of such problems set out in my earlier Judgment.

8. On or around 6 January the claimant provided a close-typed 218-page document.

9. On 9 January 2026, on my direction, Tribunal staff wrote to the claimant informing him that the document he had provided was in breach of the Orders made, and would not be read by the Judge. The letter gave a final deadline of 23 January 2026 for the claimant to provide a compliant response, and notified the parties that an in chambers hearing (i.e. a hearing where the parties do not attend) had been arranged for 25 February 2026, when the costs application would be determined. (The claimant later confirmed that the document had not been intended as a rebuttal to the

costs application, but as a submission for the case management hearing on the 7th).

10. On 16 February 2026 the respondent made an application to strike out the claim. That application has not yet been dealt with by the Tribunal, and I record it only as a matter of chronology.

11. On 23 January the claimant uploaded an 11-page document setting out his representations as to the costs application. This included 7 pages of submissions and 4 pages of attached documents. Two of the documents were screenshots of correspondence to/from the Tribunal administration related to the postponement of earlier hearings. The penultimate page was a statement of means in which the claimant asserted that he had 'zero' means and was living in Poland due to his financial situation. It gives no indication of his actual incomings and outgoings. The final page was a bank statement for a £ sterling account with a British bank which showed transactions (all payments out) between 16 and 23 January 2026 and an account balance which decreased from £970 to £900.

12. I considered that the length of this document was proportionate, and substantively in accordance with the order I had made, even if not technically fully compliant (for example, the submissions were not double-spaced and would have extended significantly before 7 pages if they had been). I read it carefully and have had regard to it in reaching my conclusions.

Law, submissions and conclusions

13. The respondent's application is pursued under three of the available 'costs gateways' set out in Rule 74(2) Employment Tribunal Rules of Procedure 2024. Specifically:
    (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.
    (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.

14. The rule sets out a three-stage process. I must consider whether the claimant's conduct falls within the descriptions contained in the rule i.e. the gateways. If so, the Tribunal's costs jurisdiction is engaged, but this does not necessarily mean that an order will be made. I have a discretion, and I must decide whether it is appropriate to exercise that discretion. Finally, if it is appropriate, I must decide the amount of any award in accordance with Rule 76.

15. I remind myself that costs are the exception in this jurisdiction and that there is a high threshold in establishing unreasonable behaviour: **Gee v Shell UK Ltd [2003] IRLR 82** and **Salinas v Bear Stearns International Holdings Inc [2005] ICR 1117**.

16. One question which arises in almost every costs application is the extent to which the costs claimed are attributable to the gateway conduct identified. The claimant's submission asserts (repeatedly) that the tribunal must identify costs which are "incremental" to the conduct. That submission is not correct in law. **Yerrakalva v Barnsley Metropolitan Council [2012] ICR 240** establishes that costs awarded need not be directly attributable to the impugned conduct, but that I must take into account the nature, gravity and effect of the unreasonable conduct, and ensure that I am looking at the whole picture.

Gateway - Unreasonable conduct

17. The respondent argues that the claimant has acted unreasonably in bringing an Interim Relief application and in the way it has been pursued, specifically in his 'failure to engage' with both hearings, his failure to copy the respondent into correspondence and his lengthy submissions and email attachments. (The respondent says, and I have no reason to doubt, that one email attachment which I have not seen reached 888 pages).

18. With a degree of hesitation in view of subsequent events, my view is that I cannot class the claimant's non-attendance at the initial CVP hearing on 20 October as being, or contributing to, unreasonable conduct. I consider it would be wrong of me to go behind the Tribunal's recording at the time that this was a case of technical difficulties. As I said in my previous Judgment, it is relatively common for this to happen on a first hearing and a party cannot necessarily be expected to know that they will experience difficulties prior to attempting to join the platform. In view of the claimant's repeated 'failures' the respondent's belief that this is, in fact, deliberate refusal to engage on the claimant's part rather than genuine technical difficulties becomes harder to resist. However, I remain unprepared to make such a finding on the evidence I have, particularly in respect of a hearing which was a first hearing, and at which I was not present myself.

19. The claimant has acted unreasonably in failing to copy correspondence to the respondent on numerous occasions (as set out in the respondent's application) and by relying on the extremely lengthy and unhelpful submissions documents which I have discussed elsewhere. Both of those are matters which have no doubt put this respondent (and indeed the Tribunal) to considerable extra work than an interim relief application which had been appropriately and sensibly pursued would have done.

20. Finally, the claimant also acted unreasonably by failing to attend the 10 November interim relief hearing. In reaching this conclusion I have regard to the background I have referred to, the lateness of his correspondence, and the absence of any substantive explanation for his non-attendance in his email. Indeed, I have still had no explanation from the claimant as to why he says he could not join the hearing. I am drawn to the unavoidable conclusion that the claimant chose not to attend. The claimant submits that he should not be penalised as he asked for a determination on the papers and provided written submissions, which (he asserts) is a cost-effective method of determining disputes. However, it is not for the claimant to dictate to the Tribunal how an application should be determined. It is for the

Tribunal to decide if a hearing is required. In determining the interim relief application I would have very much benefitted from being able to speak to the claimant, as indicated in my previous Judgment. He chose to deprive the Tribunal of that opportunity, whilst still seeking to pursue a type of application which, by its nature, requires much of the Tribunal administration as well as the other party. That is the epitome of unreasonable conduct.

Gateway - No reasonable prospects of success

21. The respondent's application under this head relates to the prospects of the interim relief application, not to the case as a whole.

22. It is true that that application was determined in the respondent's favour (and also true that the vast majority of such applications are unsuccessful). I consider that it is impossible to analyse whether the application may have had some prospects of success if the claimant had engaged with the process, presented his case in a sensible way and attended the hearing. I am not prepared to make a finding, in those circumstances, that it had no prospects of success from the outset.

Gateway - Short notice adjournment of 20 October hearing

23. The respondent's application under this head is a 'belt and braces' application, making the same points in relation to the 20 October hearing as it made in relation to unreasonable conduct (Rule74(2)(a)). I do not consider that this rule is engaged in circumstances where the claimant did not actually make an adjournment application but, rather, the case was adjourned in circumstances where he failed to connect to CVP.

Discretion

24. I next ask myself whether, in principle, it is appropriate to award costs in respect of the unreasonable conduct I have identified.

25. In relation to the claimant's defaults regarding correspondence and production of lengthy documents, I have concluded that it is not. I take account of the fact that the claimant is a litigant in person and that it appears highly likely that English is a second language for him. The use of technology allows many litigants to produce documents which must appear to be vastly superior to what they could achieve on their own. It is to be hoped that problems with relying solely on such documents, and not taking steps to ensure that they are tailored and proportionate, will become widely known in due course. But it certainly is not widely known now. By producing costs submissions which at least broadly complied with what was required, the claimant has shown an ability to take heed of what the Tribunal has told him and to learn. The claimants error in failing (repeatedly) to copy correspondence to the other party is one which is common amongst litigants in person.

26. Although I have disregarded these matters in decided what costs, if any, should be awarded today, the claimant must take heed of the finding that his conduct has been unreasonable in this respect. If it continues, there may

well be grounds for a further costs application, which, in view of this warning having been given, might be successful.

27. Moving onto the 10 November hearing, I am entirely satisfied that it is appropriate to make a costs order in respect of the claimant's conduct around his non-attendance at that hearing. I will not repeat the reasoning I have set out above as to why his actions in that respect are particularly concerning. In my judgment any claimant who brings an interim relief application and fails, without good reason, to attend the hearing of that application, can expect to be penalised in costs given the "high stakes" nature of the application and the commitment which it requires from both sides. Claimants, of course, have a choice about whether to enter into that commitment, in contrast to respondents.

Amount of award

28. The respondent's schedule sets out all of its costs associated with defending the interim relief application. Given the conclusions I have reached, I do not consider that it would be appropriate to award all of those costs. That would (in the event the sums were actually recovered) represent a windfall in favour of the respondent. It is unhelpful that the schedule does not distinguish between the fees and disbursements related to the separate hearings. However, I remind myself that, as per **Yerrakalva**, I am concerned with the whole picture. I appreciate that, to some extent, it will be impossible for the respondent to distinguish precisely which costs would not have been incurred if the claimant had attended the second hearing and also that the very task of drawing up costs schedules and so forth adds to the respondent's costs.

29. Taking everything into account, I have decided that an appropriate sum to award, absent any consideration of the claimant's means, would be one third of the amount claimed on the schedule. That would amount to £5,632.20.

30. The claimant has me to reduce any amount awarded to a token amount in view of his reduced means. I am unimpressed with the evidence the claimant has offered as to means. The statement he has provided is worthless – it gives no account at all of his income and outgoings as I have said. I am also concerned that the bank statement provided covers only part of a month. I therefore cannot see whether there is income coming into the account at the start/end of the month. If it includes all of the claimant's outgoings then it supports the proposition that he is living frugally (spending approximately £70 in two weeks), but I have little confidence that it is a full account.

31. In view of those difficulties, I considered disregarding the claimant's means altogether. However, there remains the fact that, whilst working for the respondent, the claimant was engaged in low-paid hospitality work, living in tied accommodation, as an immigrant. It would fly in the face of reality to assume that he is now a man of significant means. That leads me to give the claimant some credit for the likelihood that his financial means are

limited, albeit not to the extent that I might well have done if a fuller and more credible account of his circumstances had been given.

32. Having regard to all of the matters set out above, I have concluded that it is appropriate to make an order for costs against the claimant and in favour of the respondent in the sum of £3,000.00.

Approved by: Employment Judge Dunlop

Date: 25 February 2026

RESERVED JUDGMENT & REASONS
SENT TO THE PARTIES ON

14 April 2026

FOR EMPLOYMENT TRIBUNALS

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