



EMPLOYMENT TRIBUNALS

Claimant: Mr. M. Manders
Respondent: Wincanton Group Limited
Decided at: London South (on the papers)
On: 23rd February 2026
By: Employment Judge Sudra

JUDGMENT on COSTS

The Respondent's application for a Costs Order under Rule 76 is well founded. A Costs Order is made of 100% of the Respondent's costs claimed and the Claimant is ordered to pay the Respondent costs in the sum of **£10,225.99p** in respect of the costs it has incurred from 20th December 2024.

REASONS

1. This is the determination of the Respondent's application for costs made on 20th June 2025.

2. Following a Final Hearing on 20th to 23rd May 2025 the Tribunal delivered an oral Judgment and held that the Claimant's claims were not well-founded and stood dismissed for the reasons given.
3. The application was made under rule 74(2)(a) and (b) of the Employment Tribunal Procedure Rules 2024. Rule 74 provides that if a party against whom an application for costs is made is considered by the Tribunal to have either, in bringing the proceedings or in conducting them, acted vexatiously, abusively, disruptively or otherwise unreasonably, or the claim or response had no reasonable prospect of success, then the Tribunal may make a costs order against that party.
4. The Respondent pursues its application on grounds of the Claimant's unreasonable conduct and that the claim had no reasonable prospect of success.
5. I had before me:
 - (i) The Respondent's costs application (including a schedule of costs);
 - (ii) two 'Without Prejudice Save as to Costs' letters sent to the Claimant on 5th December 2024 and 13th March 2025; and
 - (iii) an email from the Claimant detailing his means.

Issues

6. The issues that I have to determine are:
 - (a) Whether the threshold for a costs order has been met;
 - (b) whether a costs order should be made; and
 - (c) if so, in what amount

Has the Threshold for a Costs Order Been Met?

Unreasonable Conduct

7. There were two aspects to this ground:
 - (i) The Respondent contended that it was unreasonable for the Claimant to pursue his claim against the Respondent, after the Respondent had, twice (see paragraph 5(ii) (*supra*)), comprehensively brought to the Claimant's attention the weakness of his case and the difficulties he would encounter in establishing his complaints. The Respondent submits that it was unreasonable for the Claimant to pursue a claim which he should have ought to have known had no reasonable prospects of success. Further, on 5th December 2024 and 13th March 2025, the Respondent made offers to the Claimant not to pursue its costs if the Claimant withdrew his claim. The Claimant rejected the Respondent's offer and made counter-offers of £100,000.00p and £80,000.00p which the Claimant said he would accept as a full and final settlement.
 - (ii) The First Respondent also asserts that the Judgment of this Tribunal at the Final Hearing dismissed the claim for the same reasons he had been advised (by the Respondent) that his claim had no reasonable prospects of success.
8. I am satisfied that the matters at paragraphs 7(i) to (ii) (*supra*) amount to unreasonable conduct by the Claimant.
9. In all the circumstances, I am satisfied that the threshold for a costs order has been met.

Should a Costs Order be Made?

10. The case of Yerrakalva v. Barnsley MBC 2012 ICR 420 makes clear that there does not have to be a direct causal link between the unreasonable conduct and the costs awarded. Rather, in exercising its discretion, the Tribunal should have regard to the nature, gravity and effect of the unreasonable conduct. I am satisfied that the Claimant's pursuit of a claim that had no reasonable prospects of success and his repeated non-compliance with Case Management Orders resulted in additional work by the Respondent which would otherwise not have been required, resulting in increased legal fees. I am satisfied that those fees were more than '*de minimis*'. In all the circumstances, I consider it just that a costs order should be made.

How Much Should be Awarded in Costs?

11. Rule 82 of the Rules provides that in deciding whether to make a costs order, the Tribunal may (our emphasis) have regard to the paying party's ability to pay. To that end, the Tribunal wrote to the Claimant on 6th September 2025, asking him to provide a response to the Respondent's application for costs and a statement of means. This was provided by the Claimant on 22nd September 2025. The Claimant failed provide any documentary evidence of his means save for an account statement from 'Revolut Business.' The statement showed that the account balance was zero and no transactions had been carried out between 1st January and 22nd September 2025.

12. The Respondent seeks costs in the sum of £10,225.99p and has provided a breakdown of those costs. I have not taken the Claimant's means into account and borne in mind that costs in this jurisdiction are discretionary, are still relatively unusual and are intended to be compensatory, not punitive.

13. In all the circumstances, I award costs to the Respondent in the sum of £10,225.99p (ten thousand two hundred and twenty-five pounds and ninety-nine pence).

Employment Judge Sudra

Date: 23rd FEBRUARY 2026

Sent to the parties on:
29th April 2026

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For the Tribunal Office:

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