



EMPLOYMENT TRIBUNALS

Claimant: Miss Alison McRobbie

Respondent : Department of Work and Pensions

Heard at: Southampton
On: 20 and 21 October 2025

Before: Employment Judge Rayner
Mr P Flannagan
Ms C Lloyd-Jennings

Representation

Claimant: In Person
Respondent : Ms Hodgetts, Counsel

Reserved JUDGMENT

1. The assertion that the Claimant has acted unreasonably in the way that the proceedings or part of those proceedings have been conducted, is well founded and succeeds.
2. The Tribunal concludes that this is a case in which an order of costs should be made against the Claimant.
3. The tribunal has not determined the amount of any costs order to be paid by the Claimant to the Respondent , and that determination will take place at the hearing listed already to deal with the question of remedy..

REASONS

4. At at a hearing listed over 2 days on the 20th and 21 October 2025 the judge and panel heard submissions in respect of costs from the Respondent and received written submissions from the Claimant the Claimant did not attend at the hearing for costs which was heard on the 21 October 2025. The tribunal reserved their decision and now provided the following written reasons.

5. At a hearing listed over 2 days on the 20 and 21 October 2025 the judge and panel heard submissions in respect of costs from the Respondent and received written submissions from the Claimant the Claimant did not attend at the hearing for costs which was heard on the 21 October 2025. The tribunal reserved their decision and now provided the following written reasons.
6. The Respondent made an application for costs by an e-mail dated the 15 January 2025.
7. The Respondent stated that they were making an application pursuant to rule 742A of the employment tribunal procedure rules and summarised the grounds of the application to include
 - a. the Claimant's repeated misconceived applications to strike out the Respondent's response Claimant's repeated allegations that the Respondent had not included her documents in the bundle in circumstances in which it transpired that the vast majority of those documents were included in the main bundle with a few in the supplemental bundle
 - b. the Claimant's comments about the Respondent and its witnesses online/ on social media.
8. In the letter the Respondent noted the deadline for making the application was the 15 January 2025 and that in light of the intervening Christmas period further detailed submissions would follow shortly.
9. On the 22 January 2025 the Respondent attached further written submissions and provided documents in support of its costs application. Both emails were copied to the Claimant.
10. In her detailed and persuasive submissions Ms Hodgetts for the Respondent asserted that the Claimant had acted unreasonably in conducting the proceedings and relied upon
 - a. the Claimant's repeated misconceived applications to strike out the Respondent's response
 - b. the Claimant's repeated allegations that the Respondent had not included her documents in the bundle in circumstances in which it transpired that the vast majority of those documents were included in the main bundle with a few in the supplemental bundle
 - c. the Claimant's comments about the Respondent and its witnesses online and in social media
 - d. The Claimant's misconceived application for anonymization dated the 13 September 2024 and
 - e. the Claimant's selected misleading and deliberately untruthful evidence.
11. Before the tribunal the Respondent counsel applied for leave to amend the original application by the addition of the two matters, d & e above,

and submitted that it was appropriate to grant the amendment since there was no prejudice to the Claimant in doing so. The Claimant had had adequate notice of the costs application and had sufficient time to address the various grounds on which the application was made.

12. The Claimant has raised no issue about the formalities of filing either the application or the subsequent detailed information and in so far as an application to amend the costs application is necessary, the tribunal granted it on the basis that there was no prejudice to the Claimant given the time that the information has been provided to the Claimant.
13. We remind ourselves of the legal provisions governing the making of a costs or preparation time order.
14. In particular we remind ourselves that rule 74 2A Employment Tribunal Procedure Rules, provides that we must (shall) consider making a costs order or a preparation time order where we considers that a party or that parties 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.
15. We remind ourselves that a claim which is misconceived is likely to be unreasonable.
16. We further remind ourselves that we must (shall) consider making a costs order where a hearing has been postponed or adjourned on the application of the party, made less than seven days before the date on which that hearing begins.
17. Further we remind ourselves that rule 74 (1) provides that a tribunal may make a costs order or a preparation time order on its own initiative or on the application of the party.
18. We remind ourselves that rule 76 ET Rules of Procedure , provides that costs order may order the paying party to pay an amount of not exceeding £20,000.00 or to pay the whole or a specified amount of the costs of the receiving party with the amount being determined by a detailed assessment
19. We remind ourselves that rule 82 of the tribunal Rules provides that the tribunal *may* have regard to the paying party's ability to pay (Ms Macrobbie in this case) in deciding whether to make a costs order and if so the amount of any such order.
20. The Respondent has referred as to the relevant case in her helpful and very full written submissions We have ken the cases we have been referred to into account when considering this a matter and accept and repeat the submissions on law as follows:

Threshold for order: authorities

21. The correct approach in deciding whether a party has acted unreasonably, is to consider all the circumstances relevant to his conduct: *McPherson v BNP Paribas* [2004] ICR 1398, CA, per Mummery LJ [31]. The ET must have regard to the nature, gravity and effect of the unreasonable conduct as factors relevant to the exercise of the discretion, but that is not the same as requiring the Respondent to prove that specific unreasonable conduct by the applicant caused particular costs to be incurred.
22. In a clarification of what was meant by this, Mummery LJ said in *Barnsley Metropolitan Council v Yerrakalva* [2012] ICR 420 that the ET should consider the whole picture of what had happened in the case and ask whether there had been unreasonable conduct by the Claimant in bringing and conducting the case and, in so doing, identify the conduct, what was unreasonable about it and the effects it had had.
23. In that case, the effect of a Claimant's conduct in giving differing accounts about her degree of disability was that her conduct was unreasonable and it was reasonable for the employers to question her credibility and to incur costs in doing so. It was the ET's findings about her conduct that gave it jurisdiction to make an award of costs. The costs awarded need not be precisely calculated to reflect the cost to the Respondent caused by the Claimant's unreasonable conduct, but should broadly reflect what had been caused by the erring party.
24. The case of *Daleside Nursing Home Ltd v Mathew* UKEAT/0519/08 did not create a rule that because a party lies in evidence, that must necessarily amount to unreasonable conduct; it is a question of fact whether conduct is unreasonable, and therefore provided that the ET directs itself correctly on the law, its decision will rarely be open to challenge: *Arrowsmith v Nottingham Trent University* [2012] ICR 159, CA.
25. It is well within the Tribunal's discretion to make a costs order even if it finds that a Claimant has a "damaged perception" of reality and has not told lies, but has brought a misconceived claim: *Boras Topic v Hollyland Pitta Bakery and ors* UKEAT/0523/11, HHJ Jeffrey Burke QC [24]. The genuineness of belief was not relevant to whether the claim was misconceived, but was relevant to the exercise of discretion whether or not to award costs, and if so, how much.
26. Similarly, in *Ghosh v Nokia Siemens* UKEAT/0125/12, the EAT confirmed that it was not necessary to have an express finding of dishonesty before making an award of costs in respect of a large number of failed allegations of discrimination.

27. For completeness, *McPherson v BNP Paribas* remains good law following the change in the wording of the Tribunal rules (in 2013): *Sunuva Ltd v Martin* UKEAT/0174/17/JOJ per Kerr J, [22, 24].

Ability to pay: authorities

28. The ET has a discretion whether or not to take ability to pay into account; but it would in many cases be desirable to take means into account before making an order, as ability to pay may affect the exercise of an overall discretion: *Jilley v Birmingham & Solihull Mental Health NHS Trust* UKEAT/0584/06.

29. Assessing a person's ability to pay involves considering their whole means; capital is a highly relevant aspect of anyone's means; including where it is not in immediately accessible form: *Shields Automotive Ltd v Greig* UKEATS/0024/10.

30. The fact that a party's ability to pay is limited does not require the ET to assess a sum that is confined to an amount that he or she could pay: *Arrowsmith v Nottingham Trent University* op cit . The Court of Appeal, in upholding an order of £3,000 made against a Claimant of very limited means, commented that the Claimant's circumstances might well improve.

31. Similarly, just because a Claimant is out of work (and in the particular case, had no savings or capital assets), does not mean that it is inappropriate to make an order: *Vaughan v London Borough of Lewisham* [2013] IRLR 713, EAT. Upholding the ET's award, Underhill J (as he was then) held that the question of affordability does not have to be decided once and for all by reference to the party's means as at the moment the order falls to be made, so that if there is a realistic prospect that the Claimant might at some point in the future be able to pay a substantial amount, it was legitimate to make a costs order in that amount thereby enabling the Respondent s to make some recovery when and if that occurred .

Findings

32. When considering the Claimant's actions and the allegations made about her behaviour and conduct of this case, we remind ourselves, as the Claimant has reminded us, that the Claimant appeared before us as a litigant in person with a number of disabilities both physical and mental.

33. We remind ourselves that we must not assess the Claimant's behaviour or actions in the way that we would assess the behaviour or actions of a qualified legal representative, and that we must bear in mind that a person with disabilities may well find the legal process before the employment tribunal extremely stressful and difficult, and that this may

impact upon the way in which they conduct proceedings. We have borne this in mind throughout our deliberations.

34. The first stage for the employment tribunal is therefore to determine whether or not we consider that any of the Claimant's behaviour or actions as relied upon by the Respondent , amount, either by themselves or cumulatively, to the Claimant acting *vexatiously, abusively, disruptively or otherwise unreasonably either in bringing the proceedings or in the way that the proceedings, or part of the proceedings, have been conducted.*
35. During the course of her submissions, Ms hodgetts, counsel for the Respondent withdrew the application in respect of the Claimant's comments about the Respondent and its witnesses online and in social media.
36. She submitted that the Claimant's online activity and statements about the case and the Respondent witnesses were of relevance to the question of whether or not the Claimant's application for an anonymisation order was misconceived and unreasonable, but she did not seek to rely upon that activity as the Claimant acting unreasonably abusively or disruptively for the purposes of rule 74 (a)
37. The first matter we have considered therefore is the Claimant's repeated applications to strike out the Respondent 's response.
38. The first application relied upon by the Respondent was made on 2 November 2023.
39. In her application the Claimant said that the DWP had neglected to adhere to the directions set out by EJ Livesey in an order of the 13 April 2023, that they give mutual disclosure of documents relevant to the issues by providing a list and copies of all documents, to arrive on or before 15 June 2023.
40. The Claimant suggested that they had failed to disclose documents pursuant to sections 21, 22,23 and 24 of the order stating that *this not only cripples our case but ominously suggests a potential dereliction in their obligation towards the tribunal's commitment to fairness and transparency.*
41. The Claimant referred to a particular document which she said had been deliberately omitted by the Respondent as *a brazen attempt to stymie justice.*
42. The Claimant also made an allegation of witness intimidation, suggesting that the Respondent had threatened Mr Paul Tapner with allegations amounting to gross misconduct, solely because he represented Miss Macrobbie as her trade union representative . The full e-mail application

is set out in the bundle of documents and the tribunal have been referred to it.

43. The Claimant's application to strike out the Respondent's case was dismissed by Employment Judge Oldroyd, following a hearing on the 13 and 14 May 2024.
44. We accept the Respondent's submissions that the e-mail about Andrea Downing had in fact already been disclosed, and the Claimant was quite wrong in her assertions about it.
45. Further we accept that the Claimant was entirely wrong in her allegation that Mr Tapner had been threatened with gross misconduct for representing the Claimant.
46. In her evidence to the ET the Claimant again stated that Mr Tapner had been threatened with disciplinary action. We made findings at paragraphs 821-825 of the judgment, concluding that the Claimant had misrepresented what was said in the correspondence on this matter.
47. The allegation made by the Claimant was of witness intimidation. We conclude that this was not true and that the Claimant must have known it was not true when she made the allegation.
48. Whilst there was arguably a valid concern that the Respondent had said Mr Tapner could not act as her representative and be a witness in the internal grievance, the Respondent had changed their position, following an internal investigation. At no point was there any evidence at all of any witness intimidation.
49. We have made findings in our judgment that the Claimant has exaggerated and misrepresented matters, and we find that this was an example of such misrepresentation.
50. In respect of the documents, we accept the Respondent's submission that the documents had in fact been disclosed to the Claimant at the proper time. We conclude that the Claimant had not taken sufficient care to check whether or not she had the document before making her allegations.
51. We have referred back to the judgment on liability and in particular the findings we made in respect of the documents. These findings are set out at paragraphs 55-63 of our judgment.
52. We conclude that not only must the Claimant have known that she was exaggerating and misrepresenting what was said in the documents during the course of her evidence to the employment tribunal, but that she ought

to have known this at the point that she made her initial application to strike out the response.

53. The Claimant's second application for strike out was made on 25 June 2024. The Claimant alleged that the Respondent had not included her documents in the final bundle of documents for hearing. She asserted that the Respondent had failed to make full disclosure, and made reference to a number of documents which she said the Respondent had failed to include in the final bundle.
54. Amongst other things, the Claimant said that there was an absence of all the DSC risk assessment reports and that there was an absence of HR reports and documents relating to grievances. The application is in the bundle prepared by the Respondent at page 360 and the tribunal had been referred to it. It is not repeated in full here.
55. The Claimant asserted that the bundle had been provided late; that it was incomplete and that it excluded documents critical for both the ADR hearing and the final hearing due to take place in July 2024. The Claimant suggested that the Respondent's actions and their legal counsel's tactics continued to victimise her; prevent a fair trial and severely impact her health and well-being and she therefore made an application for a total strike out of the Respondent's response.
56. The Respondent objected to the Claimant's application in an e-mail letter to the tribunal of 6 June 2024. They stated they had provided the documents to the Claimant and her legal representative on the 29 May 2024 that they had informed the Claimant they were not able to access her documents via the Google Drive link she had sent, and had requested her to upload the documents
57. The Respondent stated that they provided a draft index for the final bundle to the Claimant on the 4 June, reiterating they were unable to access the Claimant's documents, meaning the documents were not included and again requesting them to be uploaded to the sharefile link provided.
58. The Claimant received this correspondence but did nothing about it. Instead, she continued to pursue a hopeless application. Instead of recognising that the reason her documents were not included, was that the Respondent could not access them, and taking steps to co-operate by doing what the Respondent asked, she made allegations against not only the Respondent but their representatives as well.
59. The agreement of bundles is often a cause of difficulty between parties and can of course be frustrating for a litigant in person, but in this instance, we all agree that the Claimant was not only at fault, in failing to co-operate with the Respondent, but that she failed to even

acknowledge that there were reasons for the situation. She preferred to blame others, rather than recognise her own failures.

60. We agree with the Respondent that the application to strike out was misconceived, as were the allegations made by the Claimant within it. The Respondent had attempted to liaise with the Claimant and her then legal representative, in order to produce a bundle which included the Claimant's own documents, but the Claimant herself had failed to ensure that the documents were accessible to the Respondent .
61. In any event we have referred back to the findings that we made at final hearing in respect of the bundle of documents. As a result of the Claimant's ongoing complaints and the application for a strikeout, the Respondent undertook a significant amount of work cross referencing the documents in the bundle with those the Claimants said were missing.
62. This was a complaint that the Claimant maintained after the start of the hearing and in respect of which the tribunal allowed her therefore to produce a separate bundle of documents.
63. In fact during the course of the hearing, on almost every occasion when the Claimant cited a counsel for the Respondent , , who had carried out the work of cross referencing, was able to identify it within the main bundle.
64. We recognise that the bundle in this case was very lengthy. We also understand that navigating a lengthy bundle of documents can be difficult, but this does not excuse the Claimants baseless allegations.
65. Instead of recognising that she was simply wrong and had made mistakes about the documents included, the Claimant continued to assert throughout the hearing that the Respondent had failed to include her documents. This was patently untrue, and was demonstrated to be untrue on numerous occasions. Not once did the Claimant apologise or admit that she was in the wrong.
66. Going back to the strike out application , we conclude that had the Claimant engaged with the Respondent in any reasonable way at the time as required by the overriding objective, that the matter could have been resolved, without the need for a strike out application and the significant amount of work subsequently required to demonstrate that the Claimants documents were indeed included in the bundle. We conclude that the Claimant preferred to waste time and resources on a pointless and misconceived application rather than co-operate with the Respondent to resolve a problem.
67. In respect of the allegations made about Paul Tapner, the Claimant was wholly unreasonable . She knew or should have known, had she read any of the documents disclosed to her, that the Respondent had not made

any threat of disciplinary action. She preferred to continue with her false allegations , rather than find out whether or not they could be supported.

68. During the course of giving judgement on the merits hearing, the Claimant raised an issue about whether or not her name would be made public in the judgement. It was explained to her that it would be. The Respondent counsel also confirmed that they would be asking for written reasons.
69. Following delivery of judgment, the Claimant made an application for an anonymisation of her name.
70. This followed the rejection of rule 50 order to anonymise the names of witnesses for the Respondent , which had been opposed by the Claimant and in respect of which full reasons, setting out the law had been provided. The Claimant was thuswell aware of the basis on which anonymisation or other privacy order might be made in the employment tribunal as well as the reasons one was likely to be refused.
71. The Respondent rightly pointed out that prior to making her application for anonymisation, the Claimant had made numerous postings online, about the case, her views of the witnesses, and the merits. She maintained a significant online presence prior to the liability hearing and during the case management leading up to the liability hearing, during the liability hearing itself and indeed following the liability hearing.
72. She stopped making comments about other people involved, only after being warned by the Judge of possible consequences of her posts, including the possibility that she may be considered to have acted unreasonably in conducting the litigation , for the purposes of a costs application.
73. The Claimant was aware that the Respondent was extremely concerned about some of the content of the Claimant's online posts and the Judge reminded the Claimant that she should be careful in discussing the proceedings as they were live, and further that she should bear in mind that her online commentary may be considered unreasonable and may lay her open to other proceedings.
74. The Claimant has consistently asserted her right and her intention to publish online details of her experiences at the employment tribunal as well as her version of evidence given to the tribunal; including details of other witnesses.
75. We have heard evidence, which we accept from with the Respondent 's that members of their staff who gave evidence to the tribunal have been extremely upset by the Claimant's constant and subsequent remarks about them and their involvement in the litigation, in her online posts.

76. We have been referred to a number of posts made publicly by the Claimant about counsel for the Respondent ; about witnesses in the case; about the Judge and the judgment, all of which we consider significantly misrepresent the findings of fact and the conclusions of the tribunal , and which criticise Ms Hodgetts the Respondent 's counsel in a wholly unfair and inappropriate manner. The Claimant fails to understand, or does not care, that Ms Hodgetts is the independent counsel instructed by the DWP.
77. The Claimant has made allegations of conduct by Miss Hodgetts which, if true could amount to professional misconduct. We will not we will not give such allegations the oxygen of publicity, but do state for the record that as far as we are concerned Ms Hodgetts has acted with absolute professional integrity throughout these proceedings. There was no basis as far as we are concerned for any such allegations.
78. Had the Claimant's comments and allegations being made during the course of these proceedings rather than following the proceedings in public commentary, either to the press or in her own social media we would have considered them alone to have amounted to malicious or vexatious and wholly unreasonable conduct.
79. As it is we find that they are evidence of the Claimant's willingness to express incorrect and dishonest beliefs, disregarding the truth and misrepresenting facts to suit her own narrative.
80. In this case the Claimant has used social media throughout these proceedings to publicise her own version of events; to criticise the Respondent and to take issue with the tribunal. She has stated on numerous occasions that she intends to write further about her employment tribunal experience and her experience of employment at the DWP.
81. The Claimant had, by her own actions, already made it widely known that she was the Claimant in this case. She had posted about the case and her disability status, and her involvement. Given the Claimant's publication of her own involvement in these proceedings and her substantive online criticism of the process there was no basis whatsoever for granting any privacy order in her favour in respect of the judgement.
82. Further, had the Claimant given any rational thought to the issue and her application, she must have realised that it was wholly without merit and unreasonable to make. The application showed a breathtaking lack of insight, and was a waste of everybody's time. It was groundless and misconceived.

83. The Respondent's next ground in its costs application is that the Claimant gave untruthful evidence to the tribunal.
84. The Respondent has referred us to pages 213 to 217 of the bundle which are the tribunal's conclusions in respect of the Claimant's credibility. We have reminded ourselves of the findings that we made and we rely upon them, although we do not repeat them here.
85. We remind ourselves that paragraph 1010 we made reference to the submissions of Ms Hodgetts in which she set out examples taken from the evidence in cross examination, where the Claimant was demonstrated to be wrong and inconsistent. We accepted that many of those submissions, that informed our findings of fact, and on balance found that the majority of points made by Ms Hodgetts were fair ones to make.
86. At paragraph 1020 we concluded that the Claimant's evidence was largely unreliable and in many cases simply wrong.
87. We then found that from all the evidence we have heard we concluded *that the Claimant must have known that she was at the very least being economical with the truth and must have known that she was distorting and misrepresenting the events. We find this is true in respect of her exchanges with Miss Docherty and subsequent complaints about the open day in the autumn of 2021; in respect of the delivery and collection of a screen which her son collected; in relation to the comments made by Mr McCartan in respect of physical disability; the comments made by Miss Downey about why she was unable to continue to support the Claimant; the comments made by Miss Hooper as well as the 13 June issues with her non attendance online and in respect to the home visit made to her by Mr McCartan and Miss Nye by way of example.*
88. In Paragraph 1024 we concluded that the Claimant must have been aware that she was misrepresenting and exaggerating facts, but that she chose to represent herself as a victim and represent the Respondent and their witnesses as being in the wrong.
89. As part of her submissions Ms Hodgetts referred to the Claimant's misrepresentation of matters in respect of the disciplinary action taken against her.
90. The Claimant admitted in an initial meeting that she had accessed DWP data for her own purposes and then, in subsequent meetings, sought to deny that she had done so.
91. She did this by referencing the dates and times of access shown on a CIS report and cross referencing it with social media posts, which she said demonstrated that she had been elsewhere at the time of the access.

92. She produced images showing her to be either on the beach or in a petrol station for example. The tribunal did not find this convincing, and did not consider that it undermined the fairness of the investigation or the conclusions honestly reached by the investigators. We concluded that the Respondent had carried out a reasonable investigation and that the Claimant had been fairly dismissed.
93. However, we take the point that the Claimant sought to construct a narrative to exonerate herself, despite the fact that she had already admitted the wrongdoing.
94. Ms Hodgetts suggests that the Claimant knew that she had committed misconduct and had admitted to the same, but then opportunistically tried to rewrite the past, by suggesting that she could not have accessed the documents at the time because she had been somewhere else. She continued to maintain this even when it was explained to her that the dates she was looking at on the various reports were not the date and time of access, but the time that the system sent the call through.
95. We all agree that this is an example of the Claimant unreasonably pursuing a line of argument in circumstances when she knew or ought to have known that she had in fact committed the misconduct alleged and in circumstances when she herself had admitted to it initially.
96. We agree that the Claimant appears to be capable of believing conflicting things at the same time. We accept the Respondent's example that she has asserted that she has been rendered incapable of work and we refer to page 336/7 of the bundle, whilst at the same time stating that she has gone from being fired to being a five figure earner. This is from her own social media pages and we agree with the Respondent that the two things cannot be true.
97. The Claimant asserts repeatedly that she is disadvantaged in the employment tribunal as a litigant in person with a disability, yet, at the same time, in her online life, she holds herself out as an adviser and representative on employment tribunal proceedings.
98. We accept that there is a difference between writing about a process online and taking part in a process, but we agree with the Respondent that each of these instances is indicative both of a lack of good faith in the Claimant and a lack of integrity.
99. We do not make these findings lightly, but come to the conclusion that the matters the Respondent has drawn to our attention are indicative of the Claimant's inconsistency and lack of good faith following on from the findings that we made and set out in our judgement on the liability hearing.

100. As we are reminded by the Respondent we do not need to make a finding of deliberate dishonesty in order to conclude that the Claimant's actions were unreasonable for the purposes of a costs order.
101. However, in this case, having reviewed our findings and taking into account the submissions made by the Respondent and the submissions made by the Claimant on her own behalf, we conclude that even if the Claimant has convinced herself that the things she says are true, she has done so by being willing to ignore the clear truth of matters before her. She is more than willing to distort the facts to fit her own narrative, and appears to be incapable of recognising the truth, where it does not fit with that narrative. We conclude that she has been deliberately dishonest
102. Even in these proceedings, when dealing with the Claimant's own application for a stay or adjournment, the Claimant has recast and misrepresented her own applications. She has suggested that she has presented medical evidence to support her assertion that she is not well enough to attend at the hearing at all, when in fact the very brief medical letter from her General practitioner simply states that she would have difficulty attending in person.
103. The Claimant's behaviour in these proceedings however does not assist us with assessing whether or not to make a costs order in respect of the main proceedings.
104. We have reminded ourselves that we must look at the proceedings themselves and not the Claimant's behaviour on social media. However, we accept Ms Hodgetts submissions that the Claimant's behaviour in other arenas may be relevant to the reasonableness of her actions, particularly for example in respect of her application for privacy.
105. We have also taken into account the Claimant's submissions and have considered very carefully how we should assess the matters that she has put forward.
106. Much of the 44 pages of her submissions and much of the documentation that she has submitted are more relevant to the question of remedy, which we are not dealing with at this hearing.
107. Secondly much of the information is criticism of the tribunal judgment itself, of the sort that would form the basis of an appeal.
108. Having reached our judgment on liability, the Claimant is bound by our findings of fact and our conclusions unless she is able to successfully appeal to the EAT.
109. She is quite wrong to say that the tribunal had pre judged any outcome from the appeal courts, simply by refusing to stay her claim. The tribunal had not done so and cannot make any comment on the appeal

court proceedings and does not do so. What we do say, is that in the absence of a successful appeal our findings of fact remained binding and the Claimant cannot at this stage go behind them.

110. What the Claimant can do of course, is use such arguments to suggest that she had valid reasons for bringing her claim and that she had arguments which required determination by the employment tribunal.
111. If that is the thrust of her application, we do not disagree.
112. Whilst we dismissed the majority of the Claimant's claims and whilst some of those claims on close inspection were never going to succeed, we accept that there was a context and that some of the actions of the DWP corporately could have been indicative of discrimination or discriminatory course of conduct.
113. As with many discrimination claims it was necessary for there to be close consideration over 15 days of numerous instances and allegations in order to determine whether or not there had been discrimination. We do not criticise the Claimant for bringing the claim which she brought to the tribunal. Whilst we have determined that she was wrong in many instances, we accept that there was a case to answer.
114. What we do criticise the Claimant for, is the way in which she has conducted the litigation and in particular her approach to certain aspects of procedure and certain parts of the evidence.

Conclusions

115. We all agree that the Claimant acted unreasonably in pursuing the proceedings in the way she did.
116. We find that she was unreasonable to make the two applications for strike out, and to pursue them, in light of the Respondent's correspondence and the disclosure given to her.
117. We find she was unreasonable in her insistence that Paul Tapner had been threatened with disciplinary action.
118. We find the Claimant was unreasonable in proceedings, in that she was untruthful about documents having been disclosed and about numerous matters of fact, when giving evidence.
119. We also find that she was wholly unreasonable to make an application of privacy under rule 50, following the delivery of judgment, on realisation that the judgment would make adverse comments about her.

120. Having determined that the Claimant has acted unreasonably in the way that the proceedings or part of those proceedings have been conducted, we all agree that this is a case in which the tribunal shall consider whether or not to make a costs award.
121. In this case we all agree that this is a case where an order of costs should be made against the Claimant.
122. However the tribunal has not determined the amount of any costs order to be paid by the Claimant to the Respondent .
123. We have not received a detailed costs schedule from the Respondent and have not heard submissions from the Respondent or submissions in reply from the Claimant, as to or the type of costs order that should be made or the amount of costs that we should order, killer have heard no submissions from the Claimant regarding her ability to pay any costs order that might be made against her.
124. As indicated to the parties this matter will be determined at the hearing listed to consider remedy and outstanding costs issues.
125. The following case management orders are made in respect of that hearing
- a. the Respondent shall produce a schedule of costs detailing the amount of costs claimed and shall provide this to the Claimant and the employment tribunal 14 days in advance of the listed hearing
 - b. the Claimant will provide the Respondent with a statement of no more than 1000 words setting out any information she wishes to provide to the tribunal in respect of her income savings and any other matters relevant to her ability to pay a costs order, and will provide electronic copies of any relevant documentation to the tribunal and the Respondent at the same time. This should include in particular details of benefits received and earnings from any source from the end of her employment until the date of hearing.

Judgment approved by
Employment Judge Rayner

Date 2 December 2025

JUDGMENT & REASONS SENT TO THE PARTIES ON
4th December 2025

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Simon Fraser

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FOR THE TRIBUNAL OFFICE