EMPLOYMENT TRIBUNALS

Claimant		**Respondent**
Miss A Barrow	v	Leeds Beckett University

Decided at: Sheffield (on the papers) **On**: 11 August 2026

Before: Employment Judge James

JUDGMENT

(1) The claimant is ordered to pay to the respondent the sum of £20,000 as a contribution towards their costs, within 14 days of this judgment being sent to the parties.

REASONS

Background

1. In a judgment dated 24 June 2026, the Tribunal determined that the claimant had conducted the proceedings unreasonably and pursued claims with no reasonable prospects of success; and in those circumstances, it was appropriate to order the claimant to pay the respondent's reasonable costs, incurred on or after 13 September 2025.

2. Case management orders were made, in order for the tribunal to be able to determine the appropriate amount, following receipt of written representations from both parties. Written representations have subsequently been received, in line with the orders made. They can be summarised as follows.

<u>The respondent's submissions</u>

3. The Respondent seeks recovery of costs following the Tribunal's earlier decision that the Claimant should pay the Respondent's costs incurred after 13 September 2025, with quantum to be determined subsequently. The Respondent's amended schedule identifies total costs of £30,575.99, although the application is limited to £20,000 to permit summary assessment by this Tribunal.

4. The Respondent contends that the level of costs claimed is justified by the nature of the proceedings. In support of its contention that rates in excess of the guideline hourly rates are appropriate, the respondent relies upon the complexity of the litigation, the volume of documentation generated, the number of interlocutory applications made by the claimant, and the significant amount of work required in responding to the Claimant's conduct of the proceedings. Particular emphasis is placed on the extensive procedural correspondence, disclosure disputes, applications concerning witness evidence, challenges to redactions, chronology disputes, applications to set aside case management decisions, and the preparation required for the three-day final hearing.

5. The Respondent explains that the matter generated a substantial body of documentation, including a 415-page hearing bundle, a 94-page supplementary bundle, and an 85-page skeleton argument with multiple annexes. It argues that these factors required substantial solicitor and counsel involvement and justify charging rates above the Guideline Hourly Rates ordinarily applicable in the Leeds area.

6. The schedule includes solicitors' fees, counsel's fees, court-related expenses and VAT. Counsel's fees are broken down into a conference fee, a brief fee for the final hearing, and refresher fees. The Respondent submits that counsel's charges were proportionate given the preparation required, the duration of the hearing, and post-hearing work.

7. A not insignificant part of the costs claimed is for VAT. The Respondent states that, because of its charitable status and partial VAT exemption arrangements, only a small proportion of VAT can be recovered from HMRC. It therefore seeks to recover the balance as an irrecoverable expense, at the rate of 96.1% of the total VAT. The schedule includes both VAT on solicitors and counsel's fees and VAT on minor disbursements.

8. The documents also address settlement history. The Respondent relies on its "Without Prejudice Save as to Costs" offer of £5,000 made in August 2025. It contends that the offer was reasonable, particularly in light of its assessment that the claim had little prospect of success and that any recoverable compensation, if liability had been established, would have been modest. The Respondent contrasts this with the Claimant's position, including references to settlement figures substantially exceeding the Respondent's assessment of the claim's value.

<u>The claimant's response</u>

9. In response, the Claimant first makes clear that the submissions are filed on a protective basis because appeals are pending against both the substantive judgment and subsequent costs judgment. She contends that, pending the outcome of those appeals, the costs claimed by the Respondent should be scrutinised carefully and reduced substantially.

10. The Claimant identifies four principal areas of dispute: the hourly rates charged by the Respondent's solicitors, the reasonableness of the costs schedule, the recoverability of VAT and counsel's fees. Whilst accepting that summary assessment is appropriate, she argues that the Tribunal must ensure proportionality, prevent inflated claims and give clear written reasons for any award.

11. A major part of the submissions concerns hourly rates. The Claimant submits that the Respondent has failed to provide any compelling justification for charging rates above the Leeds Guideline Hourly Rates. She argues that premium commercial rates were applied from the outset of the litigation and cannot be justified retrospectively by reference to complexity or subsequent developments in the case.

12. The Claimant also relies on the compensatory principle to challenge a number of items within the schedule. She argues that substantial sums claimed for preparing the statement of costs and the costs application itself represent administrative or clerical work that forms part of a solicitor's ordinary overheads rather than recoverable legal costs. Similar objections are raised in relation to routine correspondence, file management, document handling, bundle preparation and other administrative tasks. In her submission, such work should either be disallowed entirely or charged at significantly reduced rates.

13. The Claimant further objects to a conference fee charged by counsel, contending that it duplicates work already encompassed by the brief fee. She accepts the brief fee and refresher fees but argues that any allowance for the conference fee would require specific justification.

14. Finally, she challenges the Respondent's VAT claim. She submits that the Respondent has produced no evidence supporting its assertion that only a small proportion of VAT is recoverable and, absent such proof, the VAT element should be disallowed. She therefore invites the Tribunal either to make no costs award at all or to reduce the award substantially, giving detailed written reasons for its conclusions.

Relevant law

15. This is set out between paragraphs 28 and 44 of the previous costs judgement. The same principles have been applied here, where relevant, in addition to the cases cited by the claimant in Section 3 of her submissions.

Conclusions

16. For completeness, it is again noted that the claimant does not seek to argue that in deciding the amount, the tribunal should take account of her means. For the sake of completeness, there being no information available in any event, the claimant's means have not been taken into account in deciding the amount.

17. The tribunal also notes the three stage approach to costs applications, which requires the tribunal to decide first, whether one or more grounds for making a costs order have been made out; second, even if that is so, whether it is appropriate to make a costs order in the circumstances of the case; and if so, in what amount. It is only the last of those three stages that the tribunal is concerned with in this judgment.

18. The tribunal has concluded that it is appropriate for the guideline hourly rates (GHRs) to be exceeded in this case, having accepted the arguments set out by the respondent above. The claimant suggests that the respondent is trying to retrospectively justify costs which they were charging the outset of the case. However, the tribunal has only allowed costs from 13 September 2025 onwards. Further, the fact that these were the rates charged by the

respondent from the outset is a matter for the respondent and its solicitors. The decision to allow rates higher than the GHR's has not been influenced by the fact that these were the rates being charged from the outset.

19. Taking a proportionate approach to this matter, the tribunal has concluded that the appropriate hourly rate for fee earner (a) is £350; for fee earners (b), (c) and (d), £300 per hour; for (e) and (f), £250 per hour, and for (g) (h) and (i), £160/£155, as claimed.

20. Applying those rates to the amounts claimed gives 0.9 hours at £350; 0.1 hours at £300 (b); 0.6 hours at £300 (c) and (d); 21 hours at £250 for (e) and (f); 0.5 hours at £160, and 0.6 hours at £155. That gives a total of £5,948, in respect of the work claimed save for work done on the documents.

21. In relation to the documents themselves, the tribunal has allowed the total of 0.3 hours at £350; 2.6 hours at £300; 24.9 hours at £250; 10.4 hours at £160; and 0.3 hours at £155. That gives a total of £9,780.50.

22. In total, that gives a potential award for solicitors costs in the sum of £15,728.50.

23. The tribunal rejects the claimant's arguments that many of the amounts claimed are simply administrative in nature; for example, the preparation of the schedule of costs, preparing the bundle and routine letters and telephone calls. Those matters are properly chargeable under well established principles. However, the amount allowed for the preparation of the Schedule of Costs for the lower grade fee earners is limited to 10 hours, rather than the 17.1 hours claimed.

24. In relation to the other amounts, the Tribunal concludes that they are reasonable in all circumstances, on the basis of a summary assessment.

25. As for the disbursements, the Tribunal concludes that the amounts claimed for counsel's fees are reasonable, save that the claimant's argument that there has been some duplication is accepted, on the basis that there was a conference with Counsel shortly before the hearing. The brief fee allowed is limited therefore to £2250, instead of £3000, giving a total allowed for disbursements of £5219.70.

26. In total, that comes to over £20,000. That is before VAT is considered. The tribunal accepts the respondent's arguments in relation to the recoverability of VAT in this case. However, given that the amounts awarded exceed £20,000 before VAT is considered, that is in any event academic. (Although it will be up to the respondents to allocate the amount awarded between solicitors costs, counsel's fees, other disbursements and VAT, as it sees fit).

27. In summary, the tribunal concludes that the amount claimed by the respondent, which it has agreed to limit to £20,000 in this case, is reasonable in all the circumstances and it is that amount that the claimant is ordered to pay to the respondent.

Employment Judge James
North East Region

Dated 11 August 2026

Sent to the parties on:

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For the Tribunals Office

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ANNEX A – EXAMPLES OF UNREASONABLE CONDUCT

17.1 On 11 September 2025, the Claimant sent 5 emails to the Respondent's Solicitors about the agreed bundle of documents, alleging that documents had deliberately been omitted, before realising that she had been using an old version when preparing her witness statement, and then requesting that further documents were added [pages 118-122].

17.2 Between 13 and 16 September 2025, the Claimant again emailed the Respondent's Solicitor raising various "formal objections" to and a "serious modification issue" in the bundle, including an allegation of a fabricated document (which had, in fact, been submitted by the Claimant) and requesting that amendments were made to the Respondent's Grounds of Resistance and witness evidence because the Claimant deemed elements "irrelevant and prejudicial" [pages 123-138].

17.3 On 24 October 2025, the Claimant sought an order striking out the Respondent's witness evidence from her Line Manager, largely on the basis that he did not make decisions at Board level [pages 72-73]. The Respondent was obliged to respond [page 76-77], although it is for the Respondent to determine which witnesses it calls and the Tribunal to draw inferences as appropriate.

17.4 On 24 November 2025, the Claimant submitted an application for directions for specific disclosure relating to documents she believed the Respondent held regarding changing its parking policy at Board level [pages 74-75] and seeking to raise complaints under section 149 of the Equality Act 2010. Again, the Respondent was obliged to respond in detail [pages 79-80]. The Respondent objected to this application as the points made by the Claimant were not relevant to the issues to be determined, and it is not possible to pursue a claim under section 149 of the Equality Act 2010 as a private cause of action.

17.5 On 17 December 2025, the Claimant complained to the Tribunal alleging that two "procedural directions" had caused her a disadvantage or concern, claiming that the earlier postponement was "unjustified" and that it "exacerbated the inherent disadvantage of self-representation" [pages 82-83].

17.6 On 30 December 2025, the Claimant emailed the Tribunal requesting "judicial clarification" and directions regarding the two "procedural directions", further claiming that the postponement caused significant prejudice and [she] stated that because she had not received a response to her previous correspondence yet that she has been left in "procedural limbo" and that it has compounded the disadvantage to her [pages 84-85].

17.7 On 9 January 2026 the Claimant emailed the Tribunal asking them to set aside the decision of the same date to refuse her application for specific disclosure [page 22-23] on the basis that the decision contained material errors of law and resulted in procedural unfairness and adding additional reasons for the application.

17.8 On 26 January 2026, the Claimant emailed the Tribunal chasing a response to her application to set aside the order of 9 January 2026 [pages 89]. The

Tribunal wrote to the Claimant on 27 January 2026 granting an order for limited specific disclosure, but also highlighting the Claimant's unreasonable conduct towards the Tribunal [pages 24-25].

17.9 On multiple occasions in February 2026, the Claimant emailed the Respondent's Solicitors and the Tribunal requesting the disclosure of a single paragraph in an email, which was redacted as it referred to content of the parties' discussions with ACAS and was therefore privileged [pages 91, 92, 93, 139, 140-141]. This was explained to the Claimant, but she continued to assert that its disclosure was necessary for the progression of her claim, and the Respondent was obliged to set out the position to the Tribunal.

17.10 On 10 February 2026, following the Respondent providing documents relating to the parking policy and witness statements (as ordered by the Tribunal) the Claimant emailed the Tribunal alleging that the Respondent was not compliant with its disclosure requirements [page 90];

17.11 On 1 March 2026, the Claimant emailed the Tribunal applying to strike out the Respondent's additional witness evidence which related to the order that the Claimant herself requested regarding disclosure of documents relating to the Respondent's parking policies [page 95].

17.12 On 3 March, the Claimant submitted a further 85 pages of evidence in addition to the agreed and further extended bundle of documents and a supplemental bundle of procedural correspondence, each already requested by the Claimant [page 97-98].

17.13 On 3 March 2026, the Claimant emailed the Tribunal to advise that she could not access the documents provided by the Respondent to the Document Upload Centre, alleging that no documents had been served upon her at all, and stating the chronology submitted was not agreed [pages 100-103]. The Respondent's Solicitors had sent all documents bar the recently completed chronology to the Claimant in the post a significant amount of time prior to uploading them to the Document Upload Centre [page 148].

17.14 On 3 March 2026, the Claimant emailed again advising the chronology has been received but not uploaded, that it was not neutral and stating that she did not have to agree the chronology [page 100]. The Respondent's Solicitors had already made extensive efforts to agree the chronology with the Claimant, including making amendments at her request and delaying its submission to allow for further comment from the Claimant.

17.15 On 3 March 2026, the Claimant emailed a further time, asserting that harassment should be included within her claim (despite this having already been addressed by the Tribunal at a much earlier stage) and obliging the Respondent to respond [pages 104-108].

17.16 0n 4 March 2026 the Claimant emailed the Tribunal to formally reject the Respondent's chronology and file her own [pages 109-113].