



EMPLOYMENT TRIBUNALS

Claimant: Mrs C Charlton

Respondent: Crystal Clear International Limited

COSTS JUDGMENT RECONSIDERATION REFUSED

Pursuant to rule 70(2) of the Employment Tribunal rules of procedure 2024, the claimant's application for reconsideration of the costs judgment is refused.

REASONS

1. The Application

- 1.1. At a hearing on 10 November 2025 the Employment Tribunal determined that an order should be made requiring the claimant to contribute to the costs incurred by the respondent in defending the claimant's claims of anxiety-related harassment.
- 1.2. The amount of the costs award was not determined on that date, the hearing having adjourned to enable the claimant to collate and present evidence as to her financial means and ability to pay any costs award.
- 1.3. By emails dated 11 December 2025 and 22 December 2025 the claimant requested a reconsideration of that decision. The second email attached a second version of a document attached to the initial email, that version being described as an '*improved*' version.

- 1.4. That reconsideration application was refused. The refusal was announced at the resumed costs hearing on 8 January 2026. Written reasons for the reconsideration refusal were sent to the parties on 5 March 2026.
- 1.5. At the hearing on 8 January 2026 the amount of costs that the claimant should pay was determined. The judgment to that effect was sent to the parties on 5 March 2026. Written reasons for that judgment were then requested and were sent to the parties on 23 June 2026.
- 1.6. By email dated 6 July 2026 the claimant requested reconsideration of the final costs judgment.

2. The Relevant Law

- 2.1. An application for reconsideration is an exception to the general principle that (subject to appeal on a point of law) a decision of an Employment Tribunal is final. The test is whether it is '*necessary in the interests of justice*' to reconsider the judgment (rule 68).
- 2.2. Rule 70(2) of the 2024 Rules of Procedure states that where, on preliminary consideration, there is no reasonable prospect of the original decision being varied or revoked, reconsideration "*must be refused and the Tribunal must inform the parties of the refusal*".
- 2.3. The importance of finality in litigation was affirmed in **Liddington v 2Gether NHS Foundation Trust EAT/0002/16** where the EAT chaired by Simler P said in paragraph 34 that:

"a request for reconsideration is not an opportunity for a party to seek to re-litigate matters that have already been litigated, or to reargue matters in a different way or by adopting points previously omitted. There is an underlying public policy principle in all judicial proceedings that there should be finality in litigation, and reconsideration applications are a limited exception to that rule. They are not a means by which to have a second bite at the cherry, nor are they intended to provide parties with the opportunity of a rehearing at which the same evidence and the same arguments can be rehearsed but with different emphasis or additional evidence that was previously available being tendered."

- 2.4. In common with all powers under the 2024 Rules, preliminary consideration of a reconsideration application must be conducted in accordance with the overriding objective which appears in rule 2, namely, to deal with cases fairly and justly. This includes dealing with cases in a way which is proportionate to the complexity and importance of the issues and avoiding delay. Achieving finality in litigation is part of a fair and just adjudication.

3. The Grounds

3.1. The claimant's application for reconsideration is stated to be based on 5 numbered grounds. Reconsideration is refused on all cited grounds, for the reasons explained below.

3.2. Ground 1 – *“Reliance upon Earlier Judicial Decisions”*

3.2.1. This ground relates to whether the claimant should be ordered to pay costs, not to the quantification of the costs. This is a decision that was made at the hearing on 10 November 2025. This ground was relied on in the reconsideration application of 11 December 2025, and the improved version of that application dated 22 December 2025. The application on this ground has already been refused, and the reasons for refusal previously explained are relied on again. The following comments are added to the reasons for refusal previously cited.

3.2.2. The claimant's representative refers to the fact that Employment Judge Horne did not strike out the anxiety-based harassment complaints that the costs award related to; but did strike out all other anxiety-related harassment complaints. The claimant's representative suggests that, as a lay person, the lack of strike out from Employment Judge Horne meant that costs should not be awarded because the claimant was only pursuing the complaints that were not struck out. This is on the basis that a lay representative could reasonably draw some kind of inference about the merits of the claims not struck out from the fact they were not struck out.

3.2.3. That is a wholly unpersuasive position to take, that appears to disregard the reason why the claims were struck out. Employment Judge Horne determined that the claimant was not disabled by reason of anxiety until 30 June 2022. He proceeded to strike out the claims of disability related harassment that relied on events that occurred before this date, i.e. when the claimant did not have the disability of anxiety. It is clearly correct that you cannot make a claim that events before you had a disability were acts of harassment relating to that disability.

3.2.4. At no point does the record of that hearing suggest that Employment Judge Horne examined or considered the substantive merits of any of the claims, or suggest he was doing so.

3.2.5. The fact that Employment Judge Horne did not strike out other claims, that related to events after the claimant became disabled by reason of anxiety, can in no reasonable way be said to allow any inference about the merits of those claims to be drawn. Judge Horne's decision to strike out some claims was a simple, logical and inevitable consequence of the fact that the claims simply could not succeed because the claimant was not

disabled by reason of anxiety at the relevant times. Nobody, legally trained or otherwise, can suggest this is not the case.

- 3.2.6. The argument set out in the application for reconsideration in this ground is therefore totally lacking in merit, if not vexatious. There is no prospect that this ground could change the decision reached, and accordingly it would not be in the interests of justice to reconsider the costs decision on this ground.

3.3. Ground 2 – “Whether the Correct Test Was Applied”

- 3.3.1. This ground, at least in part, is a repeat of ground 1 above. In this ground the claimant asks that the conclusion that the claimant should have known her claims of anxiety-related harassment had no reasonable prospects of success should be “*reconsidered in the light of earlier judicial decisions*” and “*...whether it was unreasonable for litigants in person, relying upon judicial guidance and case management decisions, to continue pursuing claims*”.
- 3.3.2. As described in Ground 1 above, it was wholly unreasonable (legally qualified or not) to draw any inference about the merits of the claims being pursued on the basis they had not been struck out for being logically impossible to sustain. For this reason there is no prospect that this ground of reconsideration could change the costs decision reached, and accordingly it would not be in the interests of justice to reconsider the costs decision on this ground.

3.4. Ground 3 – “Procedural Fairness”

- 3.4.1. The point raised in this ground has already been specifically addressed in the costs reasons and in the first reconsideration refusal.
- 3.4.2. It is correct that a bundle of documents produced for the hearing on 10 November 2025 was produced very late. All the documents that were considered at that hearing were documents that had been in the claimant’s possession for a considerable time.
- 3.4.3. The only documents that were not already in the claimant’s possession related to the amount of costs being claimed. These were not considered until the hearing on 8 January 2026. As such, the claimant had these documents for almost two months before they were considered at a hearing.
- 3.4.4. This ground of application is refused for the same reasons as given in the first reconsideration refusal. There is no prospect that reconsideration on this ground could change the decision reached, and accordingly it

would not be in the interests of justice to reconsider the costs decision on this ground.

3.5. Ground 4 – “Relevant Matters Not Given Sufficient Weight”

3.5.1. This ground again refers to the prior decision of Employment Judge Horne, and the fact that the relevant allegations of anxiety-related harassment were not struck out at an earlier hearing. For all the reasons given above this argument is wholly without merit.

3.5.2. The application for reconsideration seeks to add to the above argument the context that the claimant had been found to be disabled, that she was not professionally represented, alleged guidance from Employment Judge Horne and Employment Judge Leach at prior hearings, and her belief she was entitled to pursue the relevant complaints.

3.5.3. This ground appears to overlap and repeat ground 2, which itself was largely a repeat of ground 1.

3.5.4. Full consideration was given to all these matters. They were raised at the costs hearing and taken into account. Reconsideration is not an opportunity to have a second chance to argue the same point.

3.5.5. Regardless, the underlying fundamental flaw in this ground, as discussed at Ground 1 above, remains. This is not altered in any way by the expanded context and factors the claimant seeks to introduce in this ground.

3.5.6. For the above reasons there is no prospect that this, repeated ground for consideration could change the decision reached, and accordingly it would not be in the interests of justice to reconsider the costs decision on this ground.

3.6. Ground 5 – “Consistency of the Costs Decision”

3.6.1. The claimant’s representative in this ground appears to confuse and conflate the manner in which proceedings were conducted with the fact that they were conducted at all.

3.6.2. These are two separate grounds for awarding costs in the Employment Tribunal. The fact that only one of those two grounds was found to apply in this case does not suggest any inconsistency in the decision.

3.6.3. There is no prospect that this ground could change the decision reached, and accordingly it would not be in the interests of justice to reconsider the costs decision on this ground.

4. Conclusion

- 4.1. For all the above reasons there is no reasonable prospect that the costs decision will be varied or revoked, and the reconsideration application is accordingly refused.

Approved by:

Employment Judge Buzzard

30 July 2026

Judgment sent to the parties on:

10 September 2026

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For the Tribunal:

Notes

All judgments (apart from judgments under Rule 51) and any written full reasons for judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimant(s) and respondent(s).

If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings and accompanying Guidance, which can be found here:

www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/