



EMPLOYMENT TRIBUNALS

Claimant: Dr P Lee

Respondent: The University of Birmingham

RECONSIDERATION JUDGMENT

In accordance with Rule 70(2) of The Employment Tribunal Procedure Rules 2024, the Claimant's reconsideration application of 18 September 2026 relating to a decision on costs of 27 May 2026 is refused because the Tribunal considers there to be no reasonable prospect of the original decision being varied or revoked.

REASONS

1. Please see, by way of background and introduction:
 - 1.1 the written full reasons, approved on 5 September 2026, for the Tribunal's unanimous decision, made at a costs hearing on 27 May 2026, that a costs order of £20,000 should be made against the Claimant. Those written full reasons are the "costs reasons" for the "costs decision" and I [Employment Judge Camp] adopt the abbreviations and terminology used in them;
 - 1.2 the documents listed in paragraph 2 of the costs reasons, including in particular the Reserved Judgment and Reasons sent to the parties on 30 January 2025;
 - 1.3 the Claimant's reconsideration application of 18 September 2026 relating to the costs decision, which will be referred to in these Reasons as the "Application".
2. In summary:
 - 2.1 in the Application, the Claimant seeks to re-run points that were, or ought reasonably to have been, made at the costs hearing and/or at the final hearing;
 - 2.2 in the Application, the Claimant largely fails to engage with our main reasons for making the costs order and to an extent reinforces those reasons;
 - 2.3 there is nothing in the Application that suggests to me that the Tribunal might have made an error of law or that otherwise might make it necessary in the interests of justice to reconsider the costs decision.

3. The Application, including a “*Contents*” page, a “*Chronology of Material Events*”, and “*Exhibits*”, is 53 pages long. The core of it approaches the length of the costs reasons themselves. It would be disproportionate to address here everything the Claimant says in it and I shall not do so, but I have read the whole of the Application carefully and taken all of it into account.
4. I shall now address some of the specific points the Claimant makes (with quotations from the Application unless otherwise indicated).
5. The Respondent’s application for costs did not focus “*exclusively on the Claimant’s rejection of a settlement offer*”, still less did the costs decision.
6. To the best of my recollection, the Claimant did not raise with us at the costs hearing the Respondent (apparently) pulling out of a listed judicial mediation, which is why this was not mentioned in the costs reasons. Judicial mediation is a voluntary process and only takes place if both sides agree. In circumstances where the Claimant had peremptorily rejected the Respondent’s generous settlement offer, it would be unsurprising if the Respondent felt judicial mediation was no longer worthwhile. Even if the Claimant had raised this point, as he ought to have done if he thought it relevant, there is no significant chance that our overall decision would have been different, not least because the Respondent’s conduct in this respect, which was not unreasonable, did not in any way excuse or mitigate the Claimant’s conduct in bringing and pursuing a claim he knew or ought to have known had no real chance of success, nor did it prevent him from making reasonable offers of settlement through Acas had he wanted to do so at any time.
7. The Claimant again seems to be suggesting in the Application that he brought the claim in order to prove the truth of his allegations against BCD, including his allegation that he was sexually groomed, when the claim he actually made in the Employment Tribunals was about other things. In relation to this, we refer to and repeat paragraph 24 of the costs reasons. In addition:
 - 7.1 it is untrue that the Respondent “*failed to carry out any valid investigation into an allegation of sexual assault*” – see paragraphs 97, 98, 105, 124, and 128 of the Reserved Judgment & Reasons;
 - 7.2 it is not clear whether the clinical notes the Claimant has presented as part of the Application have been put before the Tribunal before. If they have been, they were not drawn to the Tribunal’s attention at the final hearing or at the costs hearing. Moreover: the notes do not on the face of them suggest that the Claimant’s therapist agreed he had been sexually groomed, merely that that was how it was from the Claimant’s perspective; and if the therapist expressed the view that he had been sexually groomed, that would not be a “*clinical diagnosis*”;
 - 7.3 in so far as the Claimant is attacking the Reserved Judgment and Reasons of January 2025, that is not a valid basis for applying for reconsideration of the costs decision of May 2026. That decision of January 2025 has not been overturned on reconsideration or appeal and for the purposes of dealing with costs, it was and is, as it were, ‘set in stone’. We understand the Claimant is still pursuing his appeal against that decision. If his appeal is successful the costs decision will almost inevitably be overturned too. But unless and

until that happens, we operate on the basis of an assumption that the Reserved Judgment and Reasons was right and the Claimant cannot properly apply for reconsideration of the costs decision on the basis that it was wrong.

8. The point being made about time limits in paragraphs 20 and 28 of the costs reasons was that, in circumstances where – notwithstanding that he is a litigant in person and is not to be held to the same standard as someone legally represented – the Claimant knew or ought to have known that complaints were potentially out of time and that he might have to persuade the Tribunal that it would be “*just and equitable*” to extend time, he chose not to present any evidence on that point and instead hung his entire time limits case on an argument that there was a continuing act / “*conduct extending over a period*”. Given that choice, his complaints under the Equality Act 2010 had serious time limits problems. If an obviously intelligent, sophisticated and capable claimant chooses not to put forward anything in their witness statement on a particular issue that they know is potentially ‘in play’, neither the respondent nor the Tribunal is obliged to assist them by asking them questions on the point and giving them an opportunity to fill the holes they have left in their evidence.
9. As to the Claimant’s ground 4, he persists in misunderstanding the situation (and the law) and I cannot without undue repetition add to what has already been written about this in the Reserved Judgment and Reasons, the Reconsideration Judgment & Reasons, the EAT’s Rule 3(7) decision of 5 May 2026, and paragraphs 18 and 19 of the costs reasons. Further, this ground is another part of the Application that invites us, in effect, to overturn or go behind the Reserved Judgment and Reasons, something it would be improper for us to do.
10. It would be an unreasonable misreading of paragraph 45 of the costs reasons to suggest we were saying that we were awarding costs in order to discourage the bringing of completely unmeritorious claims, let alone that it was to punish or “*fine*” the Claimant for doing that. For the avoidance of doubt:
 - 10.1 we made a costs order for the reasons given in paragraphs 1 to 38 of the costs reasons;
 - 10.2 in response to a specific submission the Claimant made, we expressed the view – and it remains my [the judge’s] view – that, as set out in paragraph 45 of the costs reasons, our award of costs ought not to have a “*chilling effect on any worker who seeks to enforce their employment rights by pursuing, in a reasonable manner, complaints in an Employment Tribunal that have at least some merit*” and that “*it would be no bad thing if Employment Tribunals awarding costs in cases like this one discouraged the bringing of completely unmeritorious claims and encouraged people to think about their chances of winning and to engage in reasonable and realistic settlement discussions*”.
11. Paragraphs 25 and 26 of the Application are potentially misleading. There was no discussion with the Claimant about whether he was wanting to “*plead total poverty*” and no one suggested he was or might be. Instead, the question – first explicitly raised in a case management order in 2025 – was (to quote from that order) “*at the costs hearing, will he be wanting to argue that, because of his*

financial means and ability to pay, no costs order, or a costs order of less than £20,000, should be made” [emphasis added].

12. As explained in the costs reasons, this was discussed at length at the costs hearing. (The Claimant was not harangued.) One reason we spent as much time on this as we did at the costs hearing was because, although the Claimant had not complied with the 2025 case management order and had failed to provide the documentary evidence about his financial means and ability to pay that he should have provided if he wanted them to be taken into account, and although he was apparently unwilling to give oral evidence about his financial means and ability to pay at the costs hearing, he did in his submissions mention one or two things that were potentially relevant to his financial means and ability to pay.
13. Ultimately, for the reasons summarised in paragraph 22 of the costs reasons, we decided not to take into account the very limited information we had about the Claimant’s financial means and ability to pay. Further, for the reason given in paragraph 40 of the costs reasons, if we had decided to take that information into account in principle, this would not have affected the amount of costs awarded in practice.
14. The Claimant could not reasonably, on the one hand, choose not to provide and give the evidence about his financial means and ability to pay that he was ordered and expected to provide and give if he wanted to rely on Rule 82 and, on the other, criticise the Tribunal for not awarding less than £20,000 on the back of comments in written submissions about the cost of rental support for his adult daughters. This was particularly so when he was not even suggesting there was a particular amount greater than £zero but less than £20,000 that he could afford to pay. Even if those comments constituted evidence, they would be selective and untested evidence and would not give us a remotely adequate basis for assessing his ability to pay and for concluding that it was unreasonable to award as much as £20,000 and that some particular lesser sum should be awarded instead.
15. Finally, in relation to the Claimant’s allegation of bias, I note that the Claimant did not make a recusal application or otherwise allege bias at the costs hearing. I also note that, in so far as there is a discernible basis for the allegation, it is that I allegedly referred at the final hearing to claimants who are “frequent flyers”, i.e. who bring lots of Tribunal claims. Although I accept I may have used that phrase in a conversation near the start of the hearing about the extent of the Claimant’s experience of Employment Tribunals and that if I did so this was, with hindsight, ill-advised: I cannot specifically remember doing so; the Claimant is evidently unable to recall what was allegedly said with any precision; he has not, so far as I am aware, obtained a transcript that would provide clarity on this point; and even if I did say something that suggested I had an animus against claimants who bring many Tribunal claims (and I don’t think I did), that would not begin to suggest that I was biassed against claimants or litigants in person generally, which seems to be the Claimant’s allegation.
16. In summary and conclusion, there is no proper basis for reconsideration and there is no reasonable prospect of our decision on costs being varied or revoked.

Case Number: 1302171/2022

**Employment Judge Camp
Approved on 29 September 2026**