EMPLOYMENT TRIBUNALS

Claimant		**Respondent**
Ms Satbinder Nakra	**v**	Breezemount Services Limited

Heard at: Cambridge **On:** 29 September 2026

Before: Employment Judge Tynan

Members: Mrs A Buck and Mrs S Laurence-Doig

UPON THE CLAIMANT'S APPLICATION pursuant to rule 69 of the Employment Tribunals Procedure Rules 2024 for reconsideration of the Judgment sent in writing to the parties on 18 March 2026 (the "Costs Judgment").

JUDGMENT on RECONSIDERATION APPLICATION

1. It is necessary in the interests of justice to reconsider the Costs Judgment.

2. On reconsideration, the Costs Judgment is varied by substituting the following order in place of paragraph 1 of the Costs Judgment:

   The Tribunal orders the Claimant to pay the Respondent's costs assessed in the sum of **£600**.

REASONS

1. Regrettably, the costs aspects of these proceedings have become somewhat protracted. We hope that this judgment on the Claimant's reconsideration application will now draw a line under the matter for the parties.

2. On 10 March 2026 we ordered the Claimant to pay the sum of £3,600 in respect of the Respondent's costs. This followed a hearing on 10 January 2025, attended by the Claimant, at which we determined that the threshold test was met for making a costs order against the Claimant in respect of

the Respondent's costs incurred on 5 and 6 June 2024. However, on that occasion, namely 10 January 2025, we wished to give the Claimant an opportunity to provide the Tribunal with information regarding her ability to pay. We refer in this regard to the orders that were sent to the parties on 28 January 2025.

3. We subsequently proceeded on the mistaken belief that the Claimant had failed to submit a statement of her financial circumstances as ordered. We were aware that on 27 February 2025 the Claimant had sent a brief email to the Tribunal in which she said she had overlooked the matter and asked that the Tribunal and Respondent "bear with me". Her statement was then two days overdue. However, we did not know that she had subsequently emailed the Tribunal, twice, on 4 March 2025, with a statement of her financial circumstances and supporting evidence. We can only conclude that this was as a result of an administrative oversight.

4. Rule 69 of the Employment Tribunal Procedure Rules 2024 empowers the Tribunal, either on its own initiative or on the application of a party, to reconsider any judgment where it is necessary in the interests of justice to do so. On 10 January 2025, we were of the view that the Claimant should be given an opportunity to provide the Tribunal with information and documents regarding her ability to pay. She was denied this opportunity as her statement and evidence were not made available to us when we determined that the Claimant should pay the Respondent's costs assessed in the sum of £3,600. She may have been a few days late in providing her statement and documents, but it is inconceivable that we would not have considered them had they been made available to us. It is plainly necessary in the interests of justice that we reconsider the Costs Judgment.

5. On reconsideration, we do not think that our order that the Claimant pay the Respondent's costs of £3,6000 can stand. Although we have a discretion as to whether and, if so, to what extent to have regard to a party's ability to pay, that discretion must be exercised judicially. Amongst other things, a costs order is not intended to mark a tribunal's displeasure or to punish a party. A tribunal will ordinarily have some regard to ability to pay in the exercise of its discretion.

6. As at 4 March 2025, the Claimant's total monthly income was £1,527.17, comprising universal credit of £789.97 and a personal independence payment (PIP) of £737.20. PIP helps working age people with extra living or mobility costs caused by long term health conditions. The Claimant is reported by her Consultant Orthopaedic Consultant to have a long standing history of progressive severe mechanical pain and stiffness to the right hip due to end stage osteoarthritis. Last year she was placed on a waiting list for a hip replacement.

7. Using an average figure of £225 per month for domestic assistance, we calculate that the Claimant's regular monthly outgoings in March 2025 totalled £1,392.99. There were no inherently unreasonable items of expenditure, though we take on board the Respondent's observation that

according to National Office of Statistics data, the Claimant's claimed expenditure of £450 per month on groceries was at least 60% higher in 2025 than the recorded average household monthly spend in 2023. Even allowing for inflation during the intervening period, it may suggest some scope for the Claimant to trim her expenditure. The Respondent has referred to the Claimant employing "part-time servants to undertake her chores, while she enjoys a life of leisure". We think that observation is wide of the mark; the Claimant's eligibility for a PIP of £737.20 suggests that the Claimant's needs have been assessed by the DWP at or towards the highest level. In the circumstances, it is unsurprising that she reported spending between £200 and £250 per month on domestic support.

8. As at 4 March 2025, the Claimant had various bank/store card debts and was in arrears with her gas and electricity accounts. The total combined debt was said to be over £7,000. In her email to the Tribunal of 18 March 2026, in which she applied for reconsideration of the Costs Judgement, the Claimant provided evidence that her outstanding gas and electricity charges had increased by over £1,000 in the space of a year.

9. On 13 June 2024 the Claimant settled an employment tribunal claim against another former employer on terms that she would be paid £4,000. These monies were received by her later that month. They have effectively been spent, whether entirely sensibly we cannot be certain, though there is certainly evidence of payments having been made to reduce the Claimant's debts. There are no grounds for us to infer that monies were deliberately placed beyond the reach of the Respondent or indeed the Claimant's creditors. In September 2024 the Claimant cashed in a funeral fund to help further address her debt situation and provide some support to her daughter who is a student. We do not think she would have taken this step if there were other monies still available to her. By the time of the hearing in January 2025, at which we determined that the threshold test was met for making a costs order, the monies from the funeral fund had long been exhausted.

10. Any costs order we make should be fair, both in terms of the Claimant's ability to pay those costs and in terms of compensating the Respondent for the costs it needlessly and undoubtedly incurred as a result of the Claimant's unreasonable conduct of the proceedings. In our judgement, a costs order of £3,600 will only exacerbate the Claimant's debt situation. If it were to precipitate her bankruptcy or some other insolvency process, the Respondent and her other creditors might receive little or nothing, in which case it would be self-defeating. In our judgement, the Claimant could trim her expenditure by £25 per month without undue or unreasonable hardship. Over a period of 24 months that would free up £600 to pay to the Respondent. In the exercise of our discretion, that is the amount we shall order her to pay in respect of the Respondent's costs. The costs shall be payable in full within 14 days of the date that this judgement on reconsideration is sent to the parties. The costs shall be payable to Citation Ltd on behalf of the Respondent. If the Claimant wants the opportunity to pay the costs by instalments, that is something she must

negotiate and agree with the Respondent.

Approved by:

Employment Judge Tynan

Date: 8 October 2026

Sent to the parties on: 9 October 2026

For the Tribunal Office.

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