Case Number: 1306130/2024

EMPLOYMENT TRIBUNALS

Claimant: **Shasta Bi**

Respondent: **Matrix Academy Trust**

Heard at: **Birmingham** **On:** **01 October 2026**

Before: **Employment Judge Edmonds**

Representation
Claimant: In person
Respondent: Mrs H Anderson, counsel

UPON APPLICATION made by letter dated 16 December 2025, 29 December 2025 and 6 February 2026 to reconsider the judgment dated 12 December 2025 under rule 69 of the Employment Tribunal Procedure Rules 2024 ("the ET Rules")

AND UPON APPLICATION made by letter dated 19 January 2026 from the respondent for the claimant to be ordered to pay some or all of its costs under rule 74 of the ET Rules.

RESERVED JUDGMENT

1. The claimant's application for reconsideration is refused. The Judgment dated 12 December 2025 is confirmed.

2. The respondent's application for costs is refused.

REASONS

Background

1. At a hearing on 11 December 2025 Employment Judge Perry struck out the claimant's claim under Rule 38(1)(b) of the ET Rules, on the basis that the manner in which the claimant had conducted these proceedings had been scandalous, unreasonable or vexatious. That was confirmed by way of Judgment dated 12 December 2025 (page 4), with Written Reasons dated 9 February 2026 (page 47). The purpose of this hearing was to consider the claimant's application for a reconsideration of that decision, and to consider the respondent's application for costs dated 19 January 2026 (page 30). There was insufficient time for me to reach a decision in the time allocated for the hearing, and so we agreed that I would send a Reserved Judgment in due course.

2. This is an unusual case, in that ordinarily it would be the Judge who conducted the strike out hearing who would deal with both the reconsideration application and the costs hearing. However, in this case, Employment Judge Perry has been appointed to be a Circuit Judge with the result that he stopped sitting as an Employment Judge from the end of March 2026. There was insufficient time for him to address these issues before he left, because of various other issues which he had to attend to in relation to these proceedings (see below) and other judicial commitments.

3. In relation to the application for reconsideration, I cannot find any record of correspondence having been sent to the parties indicating that there Tribunal had first considered whether there was any reasonable prospect of the judgment being varied or revoked under Rule 70(2) of the ET Rules. However, by virtue of the fact that this hearing was listed, I have proceeded on the basis that the application was not refused under Rule 70(2) at that first stage.

4. It is also relevant to note the history of this reconsideration application. The claimant initially sent a brief email to the Tribunal indicating that she wished to apply for reconsideration, and requesting written reasons so that this could be done, on 16 December 2025 (this followed a detailed email dated 12 December 2025 in which she complained about the conduct of the hearing). She then sent a further email dated 17 December 2025 in which she stated that the basis for reconsideration was that she considered Employment Judge Perry to have been biased, that he ignored evidence, and that he had failed to recuse himself from the case.

5. Employment Judge Perry replied on 22 December 2025, explaining that it was not clear to him whether the claimant was applying for reconsideration at that stage, or wished to do so once she received the written reasons. He said that he therefore took the precaution of assuming she wished to do so now and set out reasons as to why, if the claimant did intend to have made a reconsideration request already, that was refused. He confirmed that he would send written reasons in due course, but unlikely to be before mid-February due to his other commitments.

6. The claimant then sent a detailed reconsideration application dated 29 December 2025 amounting to over 28 pages of A4 text. It is not immediately clear why she had done so before receipt of the written reasons, however I suspect that she may have been under some misunderstanding that her application needed to be sent within 14 days of the Judgment being sent to her (which is not the case where written reasons are awaited). She then sent a further email on 30 December 2025, correcting a date within the Reconsideration Application dated 29 December 2025.

7. There then followed various correspondence from both parties throughout January 2026, which I do not repeat in detail here, save to note that by this stage the claimant had also made an application for Employment Judge Perry to recuse himself. Employment Judge Perry considered that this issue needed to be addressed before the reconsideration. He wrote to the parties in this regard on 30 January 2026, and in that correspondence also indicated that given the recusal and reconsideration applications now

appeared to be spread over piecemeal correspondence, they should be consolidated into one document each by the claimant. The claimant did so, and it is her consolidated reconsideration application dated 6 February 2026 (amounting to 12 pages) which I consider here (page 35).

8. Employment Judge Perry's written reasons dated 9 February 2026 were then sent to the parties on 10 February 2026 (page 47). He also separately considered the claimant's recusal application, which was refused by Judgment dated 5 March 2026 following a hearing on 2 March 2026. By this stage Employment Judge Perry was aware that he was shortly to leave Midlands West Employment Tribunal and that he would therefore not be able to deal with the reconsideration or costs applications which remained outstanding. He noted in his Reasons accompanying the Judgment that the claimant appeared to wish to raise new matters in relation to the Reconsideration Application (based on things she had said at the hearing) but that, being now more than 14 days since the date of the written reasons, that would appear to be out of time and so she should do so swiftly including an explanation of why it was late. On 6 March 2026 the claimant sent an application for reconsideration of the recusal decision, which Employment Judge Perry refused by Judgment dated 16 March 2026, as supplemented by letter dated 27 March 2026.

9. By email dated 9 March 2026 she applied to amend the reconsideration application in light of Employment Judge Perry's written reasons. This application was 11 and half pages long. The essence of her application was that Employment Judge Perry's written reasons differed from his oral reasons and various allegations about the conduct of Employment Judge Perry. She also stated that her application was late because of the death of a close friend, the volume of other matters she had to attend to with the Tribunal and in other court proceedings in the relevant period, health reasons, overwhelm and her daughter being off for half term.

10. The parties were then sent a Notice of Hearing (page 112) to consider the claimant's application for reconsideration of the strike out Judgment and the respondent's costs application, which is the hearing I have conducted.

11. During the hearing which I conducted, no mention was made about the fact that there was an out of time application to add new grounds of reconsideration for me to consider, and this issue was not addressed at the hearing. I suspect that this is a result of the high volume of correspondence received from the claimant and it being difficult to keep up with the regular stream of communications about various issues.

12. In reaching my decision, I have considered the claimant's application to add additional grounds of reconsideration out of time, and her stated reasons as to why the application was late. I have decided to refuse that application. Whilst she has put forward a number of reasons why she says she was unable to complete the application in the 14 days since the written reasons were sent to her, she had during that time sent a large amount of correspondence to the Tribunal about other matters, albeit in an email on 17 February 2026 she did refer to the reasons she now relies on in her application for an extension of time in a separate application for an extension of time to reply to the respondent's costs application. I note that

that application was granted. She did not make a similar application in relation to the application for reconsideration, and I consider that she could reasonably have done so (she could in fact have done so within the same email). Her response to the application for costs was dated 23 February 2026 (i.e. within the 14 day period), and amounted to 38 pages, with 41 exhibits. She had clearly been able to spend considerable time on it.

13. Whilst it is true that she had other deadlines to adhere to (such as the reply to the costs application), her correspondence is so extensive that I consider she could have reasonably sent focussed, shorter, correspondence dealing with that and this would have left her plenty of time to submit her application to amend the reconsideration application. In addition, she had already submitted an extremely detailed application based on the oral reasons she had already been provided with, and therefore she still has a detailed application to be determined even without allowing the amendment. That said, to the extent that matters were raised in oral submissions and not objected to by the respondent as being out of time, I have nonetheless considered them (e.g. the written reasons being allegedly different to the oral reasons).

14. As a general theme, and as someone who has not been involved with these proceedings prior to this hearing, it has been extremely challenging to get to the bottom of what has been submitted to the Tribunal and when by the parties. This is for two key reasons:

    a. the claimant's piecemeal correspondence whereby she adds things to previous documents by supplemental emails, creating a very large case file from which it is unclear which emails relate to what matters and what documents should be reviewed;

    b. the claimant's tendency to litigate through correspondence, and/or to reply to correspondence which does not require a response. By way of example, following her application to amend her reconsideration application, she then on 24 March 2026 sent further correspondence criticising the respondent for not responding to the application (despite them not having been ordered to do so), and then later the same day a further email (following the respondent having replied briefly to her earlier email), making further allegations. The following day, On 25 March 2026, the claimant sent a further email to the Tribunal, saying that the respondent should be barred from responding to the reconsideration application as they had refused to comment on it thus far –a surprising position to take considering that the respondent had not been ordered to respond (and in fact a response at that stage would have simply created more unnecessary work for the Tribunal which was already faced with a significant amount of correspondence coming in on this case). I consider that this is symptomatic of the claimant's approach to litigation, where she seeks to litigate through correspondence, and expecting that each time she makes an allegation, the respondent will reply to it in detail over email so that the Tribunal can adjudicate on the emails accordingly. This tendency was referred to by Employment Judge Maxwell in his Case Management Orders dated 9 April 2025 and was stated by him to amount to

unreasonable conduct.

Issues

15. The issue for me to consider in relation to the reconsideration was whether it is necessary in the interests of justice to reconsider the Judgment dated 12 December 2025, so as to confirm, vary or revoke it.

16. In relation to the costs application, the issues are:

    a. Did the claimant act vexatiously, abusively, disruptively or otherwise unreasonably in the way that the proceedings have been conducted;
    b. If so, should an order be made that the claimant be required to pay some or all of the respondent's costs?
    c. If so, how much?

Procedure, Documents and Evidence Heard

17. As I have indicated above, there is a large amount of correspondence on the Tribunal file in relation to this case. For the purposes of this hearing, I was provided with a file of 132 pages, an additional claimant bundle of 422 pages and a 33 page skeleton argument from the claimant. The claimant also presented a few pages of additional documentation during the hearing (relating to an injunction in other proceedings), which was admitted into evidence without objection from the respondent**.** I made clear to the parties that I would not be reading all the documents and they needed to take me specifically to things that they wanted me to read. I also explained to the parties that, as I had not dealt with the case previously, I did not know the background and so the parties should tell me what I need to know about that. Conversely, by happenchance, this gave the claimant what she had been seeking i.e. for Employment Judge Perry not to deal with these matters (but for completeness, I reiterate that this was due to him being appointed to the Circuit Bench and for no other reason).

18. While evidence was not required for the reconsideration application, I did hear evidence from the claimant about her financial means. She had not prepared a witness statement, but as she had not been ordered to do so I decided that she could give additional evidence on this topic. In doing so, she identified certain documents about her financial status which were not in the hearing files and I agreed that she could send these to me separately, which she did.

19. Page references in these Reasons are to the relevant page of the hearing bundle, or where indicated the claimant's separate bundle.

Law

Reconsideration

20. Rules 68 to 70 of the ET Rules state that:

    68 Principles

(1) The Tribunal may, either on its own initiative (which may reflect a request from the Employment Appeal Tribunal) or on the application of a party, reconsider any judgment where it is necessary in the interests of justice to do so.
(2) A judgment under reconsideration may be confirmed, varied or revoked.
(3) If the judgment under reconsideration is revoked the Tribunal may take the decision again. In doing so, the Tribunal is not required to come to the same conclusion.

69 Application for reconsideration

Except where it is made in the course of a hearing, an application for reconsideration must be made in writing setting out why reconsideration is necessary and must be sent to the Tribunal within 14 days of the later of –

(a) The date on which the written record of the judgment sought to be reconsidered was sent to the parties, or
(b) The date that the written reasons were sent, if these were sent separately.

70 Process for reconsideration

(1) The Tribunal must consider any application made under rule 69 (application for reconsideration).
(2) If the Tribunal considers that there is no reasonable prospect of the judgment being varied or revoked (including, unless there are special reasons, where substantially the same application has already been made and refused), the application must be refused and the Tribunal must inform the parties of the refusal.
(3) If the application has not been refused under paragraph (2), the Tribunal must send a notice to the parties specifying the period by which any written representations in respect of the application must be received by the Tribunal, and seeking the views of the parties on whether the application can be determined without a hearing. The notice may also set out the Tribunal's provisional views on the application.
(4) If the application has not been refused under paragraph (2), the judgment must be reconsidered at a hearing unless the Tribunal considers, having regard to any written representations provided under paragraph (3), that a hearing is not necessary in the interests of justice.
(5) If the Tribunal determines the application without a hearing the parties must be given a reasonable opportunity to make further written representations in respect of the application.

21. In considering whether to grant the reconsideration, Tribunals have a broad discretion but the Tribunal should have regard to the interests of both parties, along with the public interest in the finality of litigation (**Outasight VB Limited v Brown 2015 ICR D11 EAT**).

22. In relation to bias, the question is whether the "*fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the tribunal was biased"* (**Porter v Magill [2002] UKHL 67**).

Costs

23. Rule 74 of the ET Rules provides as follows (so far as relevant to the issues I will determine):

> *(1) The Tribunal may make a costs order or a preparation time order (as appropriate) on its own initiative or on the application of a party or, in respect of a costs order under rule 73(1)(b), a witness who has attended or has been ordered to attend to give oral evidence at a hearing.*
>
> *(2) The Tribunal must consider making a costs order or a preparation time order where it considers that –*
>
> *a. a party (or that party's 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;*
>
> *b. any claim, response or reply had no reasonable prospect of success, or*
>
> *c. a hearing has been postponed or adjourned on the application of a party made less than 7 days before the date on which that hearing begins.*
>
> *(3) …*

24. Rule 76 of the ET rules explains how the amount of a costs order may be determined.

25. Rule 82 of the ET Rules states that:

> *In deciding whether to make a costs order, preparation time order, or wasted costs order, and if so the amount of any such order, the Tribunal may have regard to the paying party's (or, where a wasted costs order is made, the representative's) ability to pay.*

26. Where the threshold test under Rule 74 of the ET Rules has been met for an award of costs, it is still necessary for the Tribunal to decide whether to exercise its discretion in favour of the receiving party, having regard to all the circumstances (**Yerrakalva v Barnsley Metropolitan Borough Council and anor 2012 ICR 420, CA**). In essence it is a three stage test:

    a. Has the costs threshold been met?
    b. Does the Tribunal consider it appropriate to exercise its discretion to award costs, having regard to all the circumstances?
    c. If so, what award is made (or what percentage of the party's total costs is to be awarded if the matter is to be referred on for detailed assessment)?

27. Although the threshold tests are the same whether or not a party is legally represented, a litigant in person should not be judged by the standards of a professional representative (**AQ Ltd v Holden [2012]**

UKEAT/0021/12/CEA).

28. "Vexatious" amounts to more than being misguided (**AQ Ltd v Holden 2012 IRLR 648, EAT).** Vexatious conduct may occur where a hopeless claim is pursued out of spite to harass an employer or for an improper motive (**ET Marler Ltd v Robertson [1974] ICR 72**). The effect of the conduct is also relevant: as per Lord Bingham CJ in **A-G v Barker [2000] 1 FLR 759**:

    "*"Vexatious" is a familiar term in legal parlance. The hallmark of a vexatious proceeding is in my judgment that it has little or no basis in law (or at least no discernible basis); that whatever the intention of the proceedings may be, its effect is to subject the defendant to inconvenience, harassment and expense out of all proportion to any gain likely to accrue to the claimant; and that it involves an abuse of the process of the court, meaning by that a use of the court process for a purpose or in a way which is significantly different from the ordinary and proper use of the court process"*.

29. When considering the question of unreasonable conduct, "unreasonably" should be given its ordinary English meaning and the Tribunal should take into account the nature, gravity and effect of the party's conduct (although not necessarily separated into individual sections) (**Dyer v Secretary of State for Employment [1983] UKEAT 183/83** and **Yerrakalva, above**). A party's conduct as a whole may amount to unreasonable conduct and making unsubstantiated allegations is capable of amounting to unreasonable conduct (**Sahota v Dudley Metropolitan Borough Council EAT 0821/03**). Every aspect of the proceedings is relevant, however the Tribunal should bear in mind that there may be more than one reasonable course of conduct to take (and must not substitute its view) **(Mrs S Solomon v University of Hertfordshire and Hammond UKEAT/0258/18/DA)**.

30. Where the threshold test under Rule 74(2) of the ET Rules has been met for an award of costs, it is still necessary for the Tribunal to decide whether it considers an award of costs to be appropriate (**Yerrakalva, above**). Whether or not a costs warning letter was sent is relevant but not determinative: the weight it should be given will depend on the circumstances of the case (**Vaughan, above** and **Rogers v Dorothy Barley Schol EAT 0013/12**).

31. Costs are intended to be compensatory rather than punitive, and are limited to those reasonably and necessarily incurred by the other party. They are the exception and not the rule (**Yerrakalva, above**). A precise link between the unreasonable conduct and the costs incurred is not required (**D'Silva v NATFHE [2009] UKEAT 0126/09** and **Salinas v Bear Stearns International Holdings Inc and anor 2005 ICR 1117, EAT**). In **Sud v Ealing London Borough Council 2013 ICR D39, CA**, it was held that the process did not entail a detailed or minute assessment, but rather a broad-brush approach taking into account the relevant circumstances.

32. When taking into account ability to pay, this should include assets as well as income. A costs award can be made even where a party cannot afford to pay it immediately (**Vaughan, above**) and the possibility that the party's financial circumstances may improve in future can be taken into account (**Chadburn v Doncaster & Bassetlaw Hospital NHS Foundation Trust**

UKEAT/0259/14/LA). It can be appropriate to consider the possibility of the individual selling their property and moving into less valuable accommodation and/or taking a broad-brush assessment of ability to pay depending on the circumstances of a particular case (**Willis v GWB Harthills LLP & ors [2025] EAT 79**). If the Tribunal does not take ability to pay into account, it should give its reasons for not doing so (**Jilley v Birmingham and Solihull Mental Health NHS Trust UKEAT/0584/06 and UKEAT/0155/07**).

Facts and Conclusions

33. I have decided to include the relevant facts and conclusions within the same sections of this Reserved Judgment, as it is not necessary to set out the entire chronology of these proceedings. To the extent relevant, I have therefore included those relevant facts alongside these conclusions.

The reconsideration application

34. Given the volume of points set out by the claimant in her reconsideration application and associated correspondence, it is simply not practicable for me to respond to each and every point that she has made individually. Therefore, I group my conclusions into themes below, using the separate Grounds set out in the claimant's skeleton argument for the hearing. To the extent that any individual allegation is not specifically addressed, that should not be taken to mean that it has not been considered more generally, when addressing the reconsideration application as a whole.

Ground 1 – Failure to Provide a Reasonable Opportunity to Present Evidence and Make Representations
Ground 2 – Evidential and Procedural Unfairness Concerning Serious Allegations and Disclosure

35. I have addressed these together because, on reading the claimant's skeleton argument, they contain similar themes. There are a number of elements to these Grounds, as addressed below.

Disclosure

36. These proceedings have a long and convoluted history in relation to disclosure. In essence, the claimant has repeatedly asserted that the respondent has failed to comply with its disclosure obligations, and has accused the respondent of concealing documents. This relates to a substantial number of alleged documents, and the responded has replied to the claimant's disclosure request in detail on 16 October 2025 (page 13 of the claimant's bundle). In response, the claimant accused the respondent of deliberating misleading the Tribunal and set out a detailed response to the respondent's response on 20 November 2025, amounting to 13 pages. The claimant's position was that, in circumstances where she considered that there were relevant documents to be provided, it was reasonable for her to persistently ask for them. She also says that she could not reasonably be expected to present all of the evidence necessary to defend the strike out application where relevant evidence and documents sought from the respondent had not been disclosed.

37. Even if the claimant were right and that documents are missing, this somewhat misses the point. The issue is that, because of the nature of the way that the claimant is conducting these proceedings, it had impeded the ability of the Tribunal in Employment Judge Perry's view to progress the claim to a final hearing. In any event, given the amendment issues, a key difficulty was that disclosure could not be completed whilst the issues in the case remained unclear and/or whilst repeated applications to add matters were being made. I consider that this was a conclusion that Employment Judge Perry could reasonably reach in all the circumstances.

38. I also do not accept that the claimant was in any way prevented from preparing for the strike out hearing. To the extent the claimant is referring to an assertion that the respondent has accused her of stalking but not provided any evidence of the same, this is not why her claim was struck out in any event (despite what the claimant appears to believe). Employment Judge Perry does indeed refers to the respondent obtaining an interim injunction against the claimant: this is factually correct. He does also refer to Ms Lockley not giving evidence at the injunction hearing because she was in fear due to the claimant's conduct towards her: that is not the same as accusing her of stalking. In any case, the primary reasons for strike out focussed on the claimant's conduct in terms of the manner in which she was conducting these proceedings, and not conduct towards the respondent's witnesses more generally (as made clear in paragraphs 60 and 61 of his Written Reasons dated 9 February 2026). Employment Judge Perry had in his possession access to all the various correspondence between the claimant and the Tribunal and I cannot see that there was further disclosure from the respondent which was required for this.

Hearing going ahead in the claimant's absence

39. The claimant did not initially attend the hearing on 11 December 2025, but joined at around 12pm. The relevant background to this is as follows:

    a. The claimant had made a prior application to postpone the hearing, which had been refused, and on 8 December 2025 she had confirmed that she would attend the hearing.
    b. On the morning of the hearing, at 7.53am, the claimant sent written submissions to the Tribunal saying "*Could you please kindly accept these written submissions…I will attend too but the submissions might support further…"*. Those submissions were 24 A4 pages long (i.e. substantial)
    c. Then, at 8.20am, she wrote to the Tribunal again, saying *"Please accept my sincere apologies, I don't think I can attend the hearing today"*. She said that her daughter had become unwell and she needed to get her checked at hospital. She went onto say "*I have no issues with the hearing to go ahead in my absence"*. She then ended by saying "*Please read my submissions. Generally I wouldn't have anything to add other than those submissions for today's hearing. I will email as soon as I have finished from the hospital but the child is likely to be with me as the school won't allow children with high temperature at school"*. It is therefore clear that (a) the claimant did not apply for a postponement of the hearing and (b) she expressly stated that the hearing could proceed without her.

40. In these circumstances it is hard to understand on what basis she now criticises Employment Judge Perry for doing exactly what she suggested he do i.e. proceed in her absence.

41. He also summarised what had been said before when she joined the hearing at approximately 12pm. Whilst again the claimant may say that what he said was not accurate, the claimant can have no basis for saying that (as she was not there before that time) other than her general assertions of bias against Employment Judge Perry.

42. In the circumstances, I find that it was clearly appropriate and in the interests of justice for the hearing to proceed in the claimant's absence, and for the claimant to be invited to join once she was able to do so.

Hearing being listed for the whole day but being adjourned for deliberation at 1.25pm

43. In her skeleton argument, the claimant said that "*The hearing was listed for the whole day. Claimant was therefore entitled to expect a proper opportunity to make submissions and answer the case being advanced against her. Instead, after approximately one hour of claimant's participation, the Judge indicated that he was going to determine the matter and adjourned to consider the decision at 1.25pm. The Judge subsequently returned at 2.50pm ……"*

44. From this, it appears to me that the claimant has misunderstood the timetable for the hearing (I make no criticism for her for this, as she is a litigant in person and so perhaps not familiar with the usual timetable for such matters). Where a matter is listed for one day, that ordinarily allows for a hearing which starts at 10am and finishes at 4pm, with a one hour break for lunch and other short comfort breaks during the day. By 4pm, therefore, the intention is for the Judge to have delivered an oral decision about the issues being determined (and then allowed time to deal with any issues arising from that, such as future case management). In order to deliver the decision orally on the day, the Judge will need time after submissions to reflect on what they have heard, and to go back over the points raised, reach their decision and prepare it in a form where it can be delivered orally in form that can be understood by the parties.

45. Based on the claimant's own submissions, it appears to me that Employment Judge Perry managed the timetable of the hearing entirely appropriately, in adjourning at around 1.25 to leave sufficient time for him to reach his decision before delivering it at 2.50pm. The claimant appears to have failed to allow for time for him to reach his decision or to deliver it in her own interpretation of what the timetable for the day should have been. Furthermore, if she had, as she says herself, one full hour of participation herself, this suggests to me that she had ample time to make her own oral submissions.

Employment Judge Perry interrupting the claimant during the hearing / not allowing the claimant to make oral submissions

46. I can see that not allowing the claimant to make representations formed part of the allegations in the Recusal application as well, and therefore have already been addressed by Employment Judge Perry. I note that he found that what the claimant was saying was that she should be able to respond to a point immediately upon it being made, and he said that he had told her to instead make a note and address the points collectively at a convenient point. He also referred to the claimant repeatedly interrupting him, a theme that is also set out in his Written Reasons dated 9 February 2026, and which the respondent said occurred in their oral submissions to me.

47. Having spent a day in a hearing with the parties, I noted a tendency on the part of the claimant to interrupt when she wished to say something. I record here that she always did so politely during the hearing I conducted, and accepted my instruction when I told her to wait her turn, or not to speak at that stage, but it does correlate with Employment Judge Perry's observation that she would try to speak as soon as she thought of something to say. In addition, when the claimant did speak her submissions were extremely lengthy and, despite speaking extremely fast, her oral submissions for the reconsideration application alone (i.e. not including the costs application) went on for well over an hour. If Employment Judge Perry did approach matters by asking her questions in her submissions for her to respond to, I consider that this would have been an appropriate strategy for him to use to ensure that her submissions remained relevant to the matters at hand. In any event, he also had her detailed written submissions.

48. Another observation I would make is that because the claimant spoke very fast in her submissions, when I felt that I needed to interject to explain something or to bring her back to the relevant topics, the only way I could do that was to interrupt her as there was no other pause in which I could have done so.

49. I consider that, to the extent that Employment Judge Perry may well have interrupted the claimant during the hearing, this was likely to have been to clarify a point that she had made or to bring her back to the specific matters that he was considering. This is not uncommon in Tribunal hearings, particularly where a party is representing themselves and therefore perhaps less familiar with what is and is not relevant to their application.

The respondent's case allegedly changing between their application for strike out and their submissions at the hearing

50. This is denied by the respondent, which submits that their application was simply updated and fleshed out in the usual way, in particular given the time that had by then passed between the date of the application and the hearing date (and the further alleged unreasonable conduct that had taken place in the intervening period). In any event, the claimant was permitted to make oral submissions (even if Employment Judge Perry did not allow her to speak indefinitely on a topic of her own choosing), and had the opportunity to respond to the application in full.

Ground 3 – Improper or unfair reliance upon separate civil proceedings, the injunction and referrals to authorities

51. The claimant also says that Employment Judge Perry relied on an injunction obtained in other proceedings to restrain her from pursuing any conduct which amounts to harassment against certain witnesses in these proceedings, suggesting that the injunction had been granted because the claimant had accepted liability. Employment Judge Perry did not have sight of the injunction, but in his written reasons he referred to the respondent's assertion that it obtained the injunction.

52. He did not however strike out the claimant's claim because of the injunction. In any event, I have now seen the injunction (both interim and final) . The claimant is correct that no finding was made as to whether the claimant had stalked anyone. However, what it does clearly set out is that the claimant did not oppose the making of the final injunction or the imposition of a costs order against her (although she later appears to have changed her mind on that and appealed against that). Therefore, it is a matter of fact that the claimant did not oppose the injunction nor a costs order (save for the amount). In relation to the claimant's assertion during the hearing that the Judge dealing with the Injunction had made comments to the effect that it would come "crashing down" (i.e. that the injunction was in some way unsafe), the claimant has misunderstood what was being said. Having read the relevant section of the transcript from that hearing (page 254 of the claimant's bundle), it is clear to me that the comment being made was not that the Injunction might come crashing down because it was unlawful, but rather that it was important to set out the correct timeframe for the injunction in order to ensure that it did not come crashing down.

53. Fundamentally however, the key point is that Employment Judge Perry did not strike out the claimant's claim because of the injunction, nor because the claimant had access to the respondent's witness' address (however that arose).

Ground 4 – Material error, procedural unfairness and the consequences for the strike-out decision
Ground 5 – Reliance upon the County Court injunction without distinguishing the order from proof of the allegations

54. To some extent, ground 4 repeats points addressed under Grounds 1 and 2 above, and I refer to my conclusions on those points above.

55. The claimant says that the question of whether a fair trial was still possible had not been "*fairly developed from both sides"* and that if she had had the proper opportunity to explain the context of her conduct and obtain relevant evidence, the assessment of whether a fair trial was possible and whether any lesser sanction was appropriate might have been different. However, I consider that Employment Judge Perry did give the claimant the opportunity to put forward her case, both orally and in extensive written submissions, and have addressed the point about disclosure above.

56. The claimant also says that the respondent had put forward submissions about the costs of the injunction proceedings which created a "*negative and guilty atmosphere for the claimant"*. She says in her skeleton that she had not agreed to pay costs. However, having now seen the injunction dated 10 November 2025 it states "*AND UPON The Defendant confirming that she*

does not intend to oppose the making of a final injunction or a costs order (save for the amount) in favour of the Claimant". Whilst it now appears that, subsequently, she has applied for permission to appeal against that, that appeal was not as I understand it underway when Employment Judge Perry made his decision. It is hard to say how, on any fair reading of the Injunction, it could be said to say anything other than that the claimant agreed to be responsible for at least some of the applicant's costs.

Ground 5 – withdrawal of claims and mischaracterisation of the claimant's case

57. The claimant says that, rather than continually introducing new claims, she in fact withdrew claims during the proceedings. The claimant is correct that she did withdraw race discrimination and disability discrimination complaints. I do not however consider that this shows that the history and development of her case had been misunderstood.

58. The fact that the claimant withdrew certain allegations as the claim proceeded does not change the points about the nature of her correspondence with the Tribunal and the fact that other, separate issues, were being raised by the claimant which impeded the progress of her claim.

59. Considering specifically the claimant's emails of 4, 5 and 21 March 2025 (which Employment Judge Perry relied upon in finding unreasonable conduct), the claimant says that Employment Judge Perry misunderstood her emails and viewed them as her introducing new issues, when this was not what she was trying to do.

60. Having read those emails, I consider that whether or not the claimant realised that what she was doing was applying to amend her claims, Employment Judge Perry reasonably interpreted them as applications to amend. In his Case Management Orders dated 2 April 2025, Employment Judge Maxwell noted as follows:

    a. "*The Claimant's application to amend as set out in her 4 March 2025 email @ 07.00 is refused. The claim and list of issues is not to be treated as a "work in progress" that can be tinkered with an[d] added to from time to time, as the Claimant sees fit…"*
    b. "*The Claimant's further application to amend made by email on 4 March 2025 @ 16.15 is also refused…."*
    c. *"The Claimant's email of 5 March 2025 @ 06.58 is not appropriate.* ***The Claimant cannot and must not seek to litigate this matter by way of correspondence.*** *…."*
    d. *"The Claimant's email of 21 March 2025 is not appropriate….****The sending of unnecessary correspondence to the Tribunal is likely to amount to unreasonable conduct and must cease****u".*

61. Therefore it is clear that, not only did Employment Judge Maxwell also interpret the two emails on 4 March 2025 as applications to amend, he also considered the first email of 5 March 2025 and the email of 21 March 2025 to be inappropriate. Reading them myself, I share his views.

62. Whether or not the claimant intended them to be applications to amend, the result of the wording she used in those emails resulted in them being

viewed as such by the Tribunal and by the respondent.

63. Employment Judge Perry had also specifically considered the position in the event that they were not applications to amend in paragraph 76 of his written reasons where he noted that, regardless, unless the issues are properly identified disclosure cannot be completed and the bundle agreed.

64. The claimant has raised concerns about other emails, such as her email dated 22 November 2025 in which new matters were raised, being viewed as unreasonable conduct. In relation to that email, she says that she did this because the respondent in fact told her to withdraw her county court claim and add this into her Employment Tribunal claim. The email dated 22 November 2025 is not however the basis upon which the claim was struck out.

Ground 6 – Recusal application, timing of written reasons and procedural unfairness

65. The claimant relies on procedural unfairness arising from the manner in which the recusal application and reconsideration process were dealt with. The first point for me to note is that it is not for me to reconsider the recusal application, which has been dealt with separately.

66. The claimant says that on 30 January 2026 Employment Judge Perry set out a timetable requiring the claimant's reconsideration application and recusal application by 6 February 2026. I can see from the Tribunal's file that he did indeed do so, however I consider that the claimant has misunderstood the purpose of this. It is clear to me that his correspondence relates to the reconsideration application **that the claimant had already made**. What he was saying was that the claimant had set out her application (already made) in a piecemeal fashion, and he was asking her to consolidate it. Whilst I can see that it might have been prudent for this to have been done after the written reasons were provided, given that the claimant might wish to apply for reconsideration following receipt of the written reasons, I cannot see that he did anything wrong in not waiting for that, given that it had been the claimant who herself had decided to make her reconsideration application before receipt of the written reasons and therefore it was she herself who did not wait for those reasons before putting in her application in the first place.

67. Under Rule 69 of the ET Rules, the claimant could still have made an application for reconsideration within 14 days following receipt of the written reasons, which she did not do.

Employment Judge Perry / The Tribunal being biased

68. More generally, the claimant made various assertions to me that largely overlap with the grounds for the claimant's recusal application, which Employment Judge Perry has already addressed. I do not repeat his conclusions on that here. Whilst it was clear from her submissions that she considers Employment Judge Perry to have actual bias, she did at one point submit that she was not in fact saying that there was actual bias, but rather evidence of apparent bias. In either case, Employment Judge Perry

has already addressed this in his Judgment on the recusal application dated 5 March 2026 ("the Recusal Judgment"), and concluded that there was not a real possibility that he was biased. I see no basis to interfere with that decision, which has already been subject to separate reconsideration application. In any event, as will be apparent from the conclusions below, I do not consider Employment Judge Perry's conduct at the hearing on 11 December 2025 to have been inappropriate in any way, let alone in a manner that would suggest bias.

69. For completeness, I also note that one of the claimant's grounds for asserting bias appears to be that Employment Judge Perry had previously found against the claimant in an entirely separate matter in another case: that would not be a basis for him to recuse himself from this hearing in itself.

70. At this stage I also note that on occasion the claimant has used the word "falsified" and "dishonesty" in her submissions about Employment Judge Perry's conduct. That is a serious allegation to make as it suggests deliberate conduct on his part. There is no basis whatsoever for such an assertion and I do not find that he falsified anything, nor that he was dishonest, nor that there were reasonable grounds for her to suspect him of such conduct.

71. Separate to Employment Judge Perry, as separate assertion was raised by the claimant in her oral submissions to the effect that the respondent was supported by the Judges because the Chair of the respondent is themselves an Employment Tribunal Judge. For the avoidance of doubt, I make clear at this stage that I do not know the Chair of the respondent and have had no dealings with them as far as I am aware, whether in respect of this case or otherwise. This is a serious allegation to make and one which has no foundation based on the information provided to me: it seems to be simply that the claimant does not like the way that the Tribunal have handled her claims and as such is asserting that there must be favouritism. This is baseless and amounts to unreasonable conduct in itself.

Employment Judge Perry's written reasons being different to his oral reasons

72. Whilst I heard submissions on this at the hearing, I have since read the Recusal Judgment, and note that this issue has already been addressed by him in his Reasons accompanying that Judgment. As he explained to the claimant, the written and oral reasons do not need to be exactly the same in all respects. However, the claimant's position is not that that the two sets of reasons are slightly different, but that the fundamental reason for striking out her claim changed from being about the merits of the underlying claim (oral reasons) as opposed to the conduct of proceedings (written reasons). He addressed that assertion and indicated that he considered the substance of the decision to be the same, and the respondent's representative agreed that that was the case.

73. As this has already been addressed by Employment Judge Perry, I do not consider it appropriate to deal with it again. However, for completeness, I note that his Judgment dated 12 December 2025 (only one day after the hearing) records that the reason for strike out was the "manner in which the claimant has conducted these proceedings". It does not say that the claim

has been struck out for having no reasonable prospect of success (i.e. based on the merits of the claim). Therefore, it appears clear to me that central to Employment Judge Perry's decision was the claimant's conduct of proceedings, and not the merits of the underlying claim.

Ground 7 – assumptions concerning the claimant's attendance and lack of dignity in the conduct of the hearing

74. The claimant also suggests that Employment Judge Perry did not believe her reason for absence, and insinuated that the claimant was trying to avoid the hearing. I can confirm that I have now been provided with evidence to show that the claimant did park at the hospital that morning, and so I proceed on the basis that the claimant had a genuine health situation to deal with in relation to her child.

75. I do not know what Employment Judge Perry thought, but I do know that the clerk for the hearing contacted the claimant, on Employment Judge Perry's instruction, to offer her the opportunity to join the hearing part way through, once she was able to do so. Whilst the claimant appears to have interpreted this as him in some way pressuring her whilst dealing with a health situation, I consider that this was him trying to accommodate her and was intended to be a supportive measure. It does not appear to me to be the actions of a Judge who considered that she was unreasonably failing to attend the hearing. Likewise, when she did rejoin the hearing, he allowed the child to stay in the room playing with toys (although he did ask that they not be noisy toys), again taking steps to enable her to participate in the hearing.

76. It is also clear to me that Employment Judge Perry's decision to strike out the claimant's claim was not in any way because she said she had to take her daughter to hospital that morning. As to his comments about the postponement applications more generally, what he was referring to in his Written Reasons was the fact that there were multiple different reasons for the postponement applications, the fact that supporting evidence was not provided and the continuing theme of repeatedly sending emails within a few minutes of each other at some points changing the basis of what was being sought. The points that he raised were, having read the relevant correspondence myself, factually correct.

Conclusion on the Reconsideration Application

77. The question is not whether I agree with Employment Judge Perry's decision, but rather whether it is necessary in the interests of justice to reconsider that decision. This hearing is not an opportunity for the claimant to have, so to speak, another bite at the cherry. In reaching my decision I have borne in mind that the claimant is a litigant in person but also that she has a law degree and has completed the Legal Practice Course, so has a greater level of understanding of legal concepts (albeit not employment law) than the average litigant in person.

78. I consider that Employment Judge Perry's decision should be confirmed, and the application for reconsideration is therefore refused. This is on the basis of the points I have set out above, and also on the basis that when

read as a whole it is clear from his Reasons dated 9 February 2026 that there were a combination of factors which led to his conclusion that there had been unreasonable conduct and/or that a fair hearing was no longer possible, rather than the decision being based on one particular thing alone (and so it follows that even if he had made an error in relation to one particular thing, that would not have changed the overall decision).

79. Employment Judge Perry reached the conclusion, after hearing from both parties, that the claimant's conduct had been unreasonable and that a fair trial was no longer possible. I have not concluded that there were any procedural failings by Employment Judge Perry, nor have I concluded that he took account of irrelevant matters nor failed to take account of relevant matters. In those circumstances, the appropriate forum to challenge the Judgment dated 12 December 2025 would be by way of appeal to the Employment Appeal Tribunal. I am aware that the claimant did so, and that His Honour Judge Sadiq determined that there were no reasonable grounds for appeal on 18 September 2026.

80. The application for reconsideration is refused and the Judgment dated 12 December 2025 is confirmed.

The costs application

81. Having confirmed the Judgment dated 12 December 2025, there has therefore already been a finding that the manner in which the claimant has conducted these proceedings has been scandalous, unreasonable or vexatious. Under Rule 74(2) of the ET Rules, I must therefore consider whether to award costs. The threshold for costs has been met and the questions is whether I now exercise my discretion to award costs against the claimant and, if so, how much. It does not automatically follow from the fact that conduct has been unreasonable that costs should be awarded.

82. In reaching my decision I have taken into account that the claimant is a litigant in person, but one who has a law degree and who has done the LPC, albeit a number of years ago. She is also a teacher and therefore I would expect her to be able to have transferrable skills from both her law degree and teaching career which she could put to use in other professions.

83. In reaching my conclusions, I have also had regard to the claimant's ability to pay. My findings in that regard are as follows:

    a. The claimant receives universal credit, currently of £826 per month.

    b. The claimant is a qualified maths teacher and therefore hypothetically has significant earnings potential, however has been unable to get a teaching job since leaving the respondent (in October 2024). Whilst the respondent asserts that it has not prevented her from obtaining one and has quite rightly identified that in the references disclosed in these proceedings do not make specific allegations against the claimant (pages 92-97 of the claimant's bundle), the fact remains that the references do refer to the claimant's dismissal and/or to ongoing litigation. I do accept that, in those circumstances, the claimant is likely to find it harder

than would otherwise be the case to find a comparable role elsewhere, even though the reference does not give conduct as the reason for dismissal. I say this with no criticism of the respondent, as their references are factually correct, but simply note the difficulties the claimant may then face in seeking alternative employment.

c. The claimant has a law degree but this was a number of years ago. She could in theory now try to use that law degree in some way in a new professional career, however I do consider that it would take her some time to be able to find a suitable alternative career path.

d. The claimant is a single mother with two dependent children, one of whom is autistic and appears to have significant additional needs. She is in receipt of disability living allowance ("DLA") and/or carer's allowance in relation to her daughter (in evidence she confirmed that she received DLA but in a witness statement about her financial means which was prepared for an different hearing on 22 February 2026 she referred to carer's allowance which is a different thing, but not to DLA).

e. In evidence she indicated initially that the children's father made no contribution to their upbringing as she did not want his input in their life due to him not being (in her view) a good influence on them. However, later in her evidence she disclosed that some building work she had done on her house had been carried out by the children's father. I find on balance of probabilities that, if the claimant needed the money, she would be able to apply for child support and that it is not credible to say that she would not do so due to him not being a good influence, whilst at the same time allowing him to do work on their home.

f. The claimant has borrowed money from family members to pay off certain debts, including a court order of £8,300 which she was required to pay the respondent. In total she estimates that she owes her father over £43,000 and her mother a £30,000 deposit on her home, although she accepted that there was no specific timeframe in which she had to repay these by.

g. The claimant lives in a three bedroom home, and the mortgage has been paid off. The respondent says that she owns the home, the claimant says it has been put on trust for her children (the respondent asserting that she has only done so since the respondent indicated that it would be making a costs application in these proceedings). Regardless, I find that the claimant does not pay have any rent or mortgage to pay, and I consider that were she required to release funds, she would be able to do so (either through the property, or through the assistance of her family).

h. She has a car worth approximately £2,000.

i. She has no significant savings and also referred to the need to carry out further building work on her home.

84. The claimant was sent a costs warning by letter dated 14 July 2025. She was therefore well aware of the respondent's intention to apply for its costs, and the potential consequences for her if she did not withdraw her claim.

85. I conclude that the claimant possesses insufficient funds to personally pay any costs awarded at this time. However, the question of ability to pay is not simply about the claimant's ability to pay any costs award right now, but can take into account her ability to pay it in future. Whilst I accept that she does not have savings, is currently unemployed and in considerable debt to family members, I conclude that she would, if ordered, be able to access funds in order to pay any costs award (for example, by borrowing more money from her family). I also conclude that, at some point in the future, she should be able to secure a professional role whether in teaching or in another profession which attracts a reasonable income. I also conclude however that, if she does borrow money from her family to pay any costs award that I make, that she would have to repay that to her family at some undefined point in the future.

86. Whilst the claimant's conduct was clearly unreasonable, I also find that the claimant genuinely believes the arguments that she puts forward, as unreasonable as they are. From hearing her submissions, I consider that she has a lack of self-awareness about the impact of, and interpretation given to, the correspondence that she sends and the allegations that she makes. I consider that she genuinely, but unreasonably believes, that in some way the Chair of the respondent has influence over the individual judicial decisions made in these proceedings and/or that Employment Judge Perry has been biased against her. In short, whilst her conduct is unreasonable, I would not conclude that it was malicious. This is however not the threshold as to whether or not costs should be awarded, costs being compensatory and not punitive.

87. Costs are the exception rather than the rule, however a precise link between the conduct and the costs incurred is not required in the case of unreasonable conduct. There has been no finding that the bringing of the claim itself was unreasonable conduct: the conclusions of Employment Judge Perry relate to the manner in which the proceedings were conducted. It therefore follows that, without the unreasonable conduct, there would still have been a claim which the respondent would have needed to defend, including potentially attending a final hearing at considerable legal cost.

88. The fact that legal costs would have otherwise been incurred anyway does not prevent the making of a costs order for unreasonable conduct in the conduct of proceedings, however I do consider this to be relevant. Whilst the respondent has incurred considerable cost in dealing with the unreasonable conduct, it has likewise saved the costs of the final preparations for hearing and final hearing. In addition, not all of the costs that they have incurred have been due to the unreasonable conduct: they would have incurred the ordinarily legal costs involved in preparing to defend a whistleblowing complaint of some complexity in any event.

89. The claimant is already in considerable debt for a variety of reasons, including due to already having had to pay around £8,000 to the respondent

in respect of other proceedings. Whilst she could potentially raise more funds should I order costs against her in these proceedings, she would eventually have to pay those costs back too. I consider that, even without a costs order in these proceedings, it will be a considerable period of time before the claimant can earn sufficient income to clear the debts she already has.

90. Having considered all the circumstances, I have decided not to exercise my discretion to award costs against the claimant.

91. I would conclude by saying that I consider that I could legitimately have awarded costs against the claimant, and whether to do so or not is something I have grappled with since the hearing took place. I say this so that the claimant is aware that her conduct was most certainly unreasonable so that, in the unfortunate event that she becomes embroiled in Tribunal proceedings again in future, she fully understands that she should not behave in the way she has done in these proceedings.

Date: **24 October 2026**

Approved by
Employment Judge Edmonds

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