EMPLOYMENT TRIBUNALS

Claimant:	**Ms H Ansell**
Respondent:	**Berridge Primary School**
Heard at:	Tribunals Hearing Centre, 50 Carrington Street, Nottingham, NG1 7FG
	Decided on the papers
On:	15 October 2026
Before:	Employment Judge Adkinson
	Ms J Bonser
	Ms K McLeod
Appearances	
For the claimant:	Written submissions
For the respondent:	Written submissions

JUDGMENT

UPON considering the written representations of each party

AND for the reasons set out below

IT IS ORDERED THAT the claimant must pay to the respondent costs in the sum of £20,000

REASONS

Introduction

1. This decision must be read alongside our judgment and the reasons sent to the parties on 13 November 2025 (a version amended under the slip rule was sent to the parties on 17 December 2025).
2. This is the unanimous decision of the Tribunal on the respondent's application of 10 December 2025 that the claimant pay the respondent's costs. The respondent limits its application to £20,000.
3. As well as the judgment, reasons and original bundles, we had the following information before us:

3.1. The respondent's written application,

3.2. The claimant's response and supplementary clarification,

3.3. The respondent's reply to the claimant's response.

4. By consent, the hearing proceeded on the papers.

5. There was one procedural issue. The claimant filed her documents on time. However the Tribunal's administration did not save them to the Tribunal's file and they became lost. We therefore made orders for them to be filed again. The claimant has done this. We apologise to the parties for the inconvenience this has caused. We make clear the parties bear no responsibility for it. These difficulties have formed no part of our decision making on the application itself. We say no more about it.

The key facts

6. We refer to the original judgment and full reasons. This should be read alongside it.

7. We highlight the following points from that judgment that we think significant:

7.1. The claimant's claims continued to focus on the provision of special education to Child X, even though Child X left in July 2022 and the claimant was not going to work with Child X again: see paragraphs 48, 115, 123, 174-176.

7.2. We found the claimant was not disabled because of menopause: paragraph 2, 63-70,169. The claimant was also prepared to link symptoms to menopause when there was no link: paragraph 58.3.

7.3. The claimant's claim of discrimination related to menopause showed significant inconsistencies. Her claim of discrimination related to menopause is inconsistent with her own grievances that she did not require adjustments for menopause and that she only wanted the respondent to know she had the menopause: paragraph 58.6.

7.4. We noted that the claimant appeared to use menopause as something to latch onto to bolster her case: paragraph 59 supported by events detailed in for example paragraph 96, 102, 103, 108, 109, 110, 117, 120.

7.5. The claimant's age indirect discrimination claim was flawed because it relied factually on people with the same age as her: paragraph 47, 178, 180. The only person who also had difficulties with Child X was well outside her age-group: paragraph 50. They were her colleagues. She must have known their approximate age.

7.6. The claimant was not profoundly deaf as she claimed: paragraph 55. In particular while telling us that her deafness caused her to raise her voice, she told us at the same time that being deaf did not cause her to raise her voice.

7.7. Despite her claims she appeared at the time to say deafness was not an issue either: e.g. paragraph 120.

7.8. She was not open about problems with audio at the dismissal appeal hearing: paragraph 148.

7.9. A number of her claims were out of time and so were dismissed but would have failed on the merits: paragraphs 189-193.

7.10. The claimant's evidence was significantly unreliable in a significant number of ways.

7.10.1. She would make inaccurate allegations and lax in language and made allegations freely: paragraph 43.

7.10.2. She was prepared to misrepresent and exaggerate her hearing loss: paragraph 56.

7.10.3. She was prepared to blame others rather than accept reality (e.g. that her GP did not record her prolapsed disc: paragraph 58.1.2).

7.10.4. She refused to accept obvious points re back pain being caused by an accident rather than menopause: paragraph 58.4.1.

7.10.5. She added words onto the timetable for Child X 2021/22 that she was to collect Child X each morning, asserted the school wrote these words and relied on them in support of her case, but in fact it transpired she wrote them: paragraph 72.

7.10.6. Her evidence on the reprimand in November 2021 changed within documents and in cross-examination. She presented words in her evidence as quotes, but then asserted they were not quotes when challenged.

7.10.7. She told us the school did not support her working with Child X, while telling the school itself that she was satisfied with the school's support in January 2022: paragraph 74.

7.10.8. She was selective in quoting from an important email about working with Child X on 9 March 2022. Her quote suggested she could not work with Child X that afternoon: She omitted the second part of the sentence that made it clear this was only if Child X remained dysregulated: paragraph 77.6.

7.10.9. She was lax about her approach to evidence: telling us she did not speak to Mr Tee on 9 March 2022 which could not be correct on her own case: paragraph 77.7.

7.10.10. She accepted she told Mr Tee that her hearing aid was not working on 9 March 2022, but told the Tribunal on 22 April 2024 she was not wearing a

hearing aid that day, which is a further lax approach to evidence at best: paragraph 87.

7.11. The claimant gave evidence that she was annoyed by Mr Tee. However she denied this in cross-examination which is again a lax approach to evidence and being prepared to say anything: paragraph 92.2.

7.12. She made an accusation Mr Tee raised her voice based not on her recollection but on what someone said, making her "think" he did: paragraph 92.4, disclosing this only in cross-examination.

7.13. She pursued an unreasonable approach when she asserted the school delayed resolving her grievance without acknowledging she filed it on the last day of term and it ran to 160 pages: paragraph 114.

7.14. She made the allegation that Mr Tee said that men also suffer the menopause. While her evidence was unreliable, we consider it particularly notable that in cross-examination she told us even her trade union representative said she had misheard, but she did not reflect that she therefore might be wrong or, more importantly for us, did not disclose this important aspect upfront: paragraph 106-107.

7.15. When she appealed her dismissal and said she would not return to work anyway and would be suing for unfair dismissal: paragraph 151.

7.16. She requested the attendance of Richard Grochowski and Helen Phillips for cross-examination but asked only if they knew Child X. We note that when their statements were adduced late, she specifically requested they be called at the end of the week. In particular she never put to Mr Grochowski questions about 9 March 2022 or that Mr Tee had manipulated his evidence, even though she was prepared to make the allegation.

7.17. The claimant tried to widen the provision, criterion or practice (PCP) to include future children with special needs despite there being a long-standing agreed list of issues whose accuracy she had never questioned. She also agreed to the narrower PCP at the start of the list of issues. The unreasonableness is seeking to widen mid-hearing this PCP.

7.18. The claimant cannot complain about the volume of material. It arose from the bundle the parties agreed and from the complaints she chose to present.

8. We have not been told otherwise so presume that the respondent did not warn the claimant it might seek costs (cost warning) and it made no applications for deposit orders and no applications that the complaints be struck out because they have no reasonable prospect of success. The claimant is wrong to say in her submissions that the Tribunal has ruled the complaints had a prospect of success. Rather it dismissed an application to amend but made no ruling on the merits of the other complaints.

9. We note the claimant represented herself throughout.

The claimant's means

10. In the case management order of 17 December 2025 giving directions for the determination of the application, the Tribunal ordered the claimant to set out her response and told her that, if she wanted the Tribunal to consider her means, she must file a statement of her financial circumstances. It set out what that meant. Therefore the Tribunal has not only given the opportunity to the claimant to present evidence about her means but prompted her to do so.

11. The claimant in her submissions provided no information about her means.

12. We conclude therefore that her means are such that she can meet a costs order of £20,000 for the following reasons.

    12.1. The respondent has adduced the following evidence about the claimant's means.

        12.1.1. The respondent has produced entries from the HM Land Registry that show that the claimant owns her own home free of mortgage.

        12.1.2. The respondent has adduced a grant of probate issued on 30 June 2025 that shows that

            12.1.2.1. Mr Bevan Seymour William Ansell (deceased) left an estate of net value £706,482.

            12.1.2.2. The claimant is a joint executor of Mr Ansell (deceased)'s estate

        12.1.3. The proven will of Mr Ansell (deceased) left one-third of his estate to the claimant.

    12.2. The will therefore leads us to infer she is entitled to one-third of the estate of Mr Ansell (deceased) and that the estate was worth £706,482. One-third of that sum is £235,494.

    12.3. The claimant has not adduced any evidence that causes us to doubt she has or is entitled immediately to this one-third share of Mr Ansell (deceased)'s estate, or that it has not or cannot be distributed. She has not given us any reason to conclude that sum is no longer available to her. There is nothing else before us that we have seen or to which the parties have referred which leads us to doubt she has available to her £235,494.

    12.4. Because she owns her own home free of mortgage (and there is nothing from her or the respondent before us to enable us to conclude that the inheritance led to the claimant being mortgage-free and so has reduced what might be available to her from the inheritance), the evidence we have suggests that any payment that might eat into the inheritance would not jeopardise her home.

Do we have the power to make a costs order or a witness expenses order?

13. The **Employment Tribunal Rules of Procedure 2024 Part 13** provide that we must consider making a costs or witnesses expenses order if certain criteria are satisfied. The respondent relies on the following:

    13.1. the claimant 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,

    13.2. the claim had no reasonable prospect of success.

14. The former rules did not require one or more of these criteria to be satisfied before making a witness expenses order. The new rules appear to make such order conditional on satisfaction of the criteria. For reasons set out below we do not believe we need to resolve this issue.

15. We will deal with each criterion in turn.

Vexatious…

16. We interpret this to mean that the claim has the character of being an abuse of process, based on the following cases.

    16.1. **ET Marler Ltd v Robertson [1974] ICR 72 NIRC**, where the Court defined "vexatious" as arising where "an employee brings a hopeless claim not with any expectation of recovering compensation out of spite to harass his employers and for some other improper motive."

    16.2. Lord Bingham in **Attorney General v Barker [2000] 1 FLR 759 QBD**, applied in this jurisdiction in **Scott v Russell [2013] EWCA Civ 1432 CA**, who said

    > "...the hallmark of vexatious proceedings is in my judgment that has little or no basis in law (or at least no discernible basis); that whatever the intention of the proceeding 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."

17. We are not persuaded that this ground is made out. There are many criticisms that we make of the claimant in the judgment. We cite the main ones we think relevant to costs above. Most of it turns on the evidence and the way the case was conducted. However none of it has in our view the character of being vexatious. The proceedings were not motivated purely by spite or malice, and we are not persuaded the effect of the proceedings is out of all proportion to any gain that might have accrued to the claimant. It cannot be said they have little or no merit in law. In simple terms, they fail on the merits.

Abusive, disruptive…

18. We understand that "abusive, disruptive" have ordinary meanings. Using the **Oxford English Dictionary September 2026**, "abusive" connotes misuse, bad language, ill-use, and "disruptive" means "causing disruption". We reflect on the conduct of the hearing. We cannot conclude that the claimant has acted abusively or disruptively bringing this claim or pursuing it. From what we have seen and our observations at the hearing we cannot say that the claimant was abusive. We accept the claim was disruptive to the respondent, but that is inherent in the nature of having to respond to a claim. We do not accept however that the respondent has persuaded us that the claimant has been improperly disruptive (i.e. disruptive in a way different to what one might expect from having to respond to a claim and warranting of sanction). While we note we made strong findings about the claimant's lack of credibility and we note all of the above points, it is not enough to persuade us this ground is made out.

Or unreasonable?

19. "Unreasonable" means what it says – i.e. it has an ordinary, everyday, objective, meaning: **Dyer v Secretary of State for Employment EAT 183/73**. It can include pursuing an unmeritorious claim and one can have regard to what the paying party knew or ought to have known: **Keskar v Governors of All Saints CofE School [1991] ICR 493**. We should take into account the whole of the conduct: **Yerrakalva v Barnsley MBC [2012] ICR 420 CA**.

20. The respondent has persuaded us that the claimant behaved unreasonably in bringing or conducting these proceedings. We are persuaded that everything we noted about our findings, above, taken together justifies this conclusion. The following matters struck us as examples of unreasonableness.

    20.1. The claimant continued to focus on the provision of special education to Child X, even though Child X left in July 2022 and the claimant was not going to work with Child X again. It rendered a lot of the claim otiose and not focused on the real issues.

    20.2. As set out in the written reasons, she averred she was profoundly deaf when the claimant in fact is not profoundly deaf. We consider this is a significant, and unreasonable, exaggeration because her claim depended on her deafness. We note also the lack of reference to deafness causing issues in the case.

    20.3. As set out in the written reasons, she averred she was disabled because of menopause when in fact she was not. She exaggerated the effect. The following are particularly significant to us:

        20.3.1. Her refusal to accept her back injury was because of the accident – constantly linking it to menopause despite the complete lack of evidence – particularly medical evidence.

20.3.2. Telling us she was disabled because of menopause but telling her trade union representative she was not disabled because of menopause.

20.3.3. She produced no reliable evidence of its impact on her to show it was a disability.

20.4. She used the menopause as a “peg to hang her claims on” as we described in our written reasons. She was insistent in the claim that she had been discriminated because of menopause, and it permeated throughout the case before us. We found against her. We cite the whole of our written reasons. We highlight the following.

20.4.1. At the time she said she did not need adjustments for menopause, and saying her trade union representative tried to persuade her to say she was disabled because of menopause but telling him this was not the case.

20.4.2. In the SAP, she said the menopause caused no problems.

20.4.3. She did not raise it as part of her OH appointments.

20.4.4. In her questions and comments, she did not cite menopause as a problem.

20.4.5. She did not cite it as a problem in the statement for her grievance hearing.

20.5. She factually compared herself to colleagues who were of the same age as her but did not concede the obvious problem that this tended to undermine her age discrimination claims.

20.6. She sought to go beyond the case by seeking to introduce whistleblowing. This ignored that Employment Judge Heap had already refused her permission to amend her claim to add whistleblowing.

20.7. She sought to expand the provision, criterion or practice. We appreciate she is a litigant in person, but we note that there had been an agreed list of issues prepared by Employment Judge Heap and the list was agreed before the start of the hearing. She had had plenty of chance either to point out the error or to apply to amend her claim on this point. We observe that this is a minor point.

20.8. She sought to blame her general practitioner for not making notes about her back injury, without giving the doctor a chance to clarify the accuracy and, more importantly, for the first time in cross-examination.

20.9. She altered the timetable for Child X in 2021/2022 by adding extra words that the claimant was to collect Child X. She relied on this in support of the problems she had at work. When challenged she said the school had altered the document. This

meant the respondent had to undertake further investigation and it transpired she had altered it. Her assertion that the document as presented as accurate was untrue. Her assertion made in cross-examination was untrue. It was a demonstration of her "lax" approach to the case, at best.

20.10. In her evidence-in-chief she quoted the words she said were used in November 2021. It was clear it was a quote from the quote marks. In cross-examination she said they were not quoted. Her version of events changed repeatedly and rapidly.

20.11. She did not accept that her own words from January 2022 that she was satisfied with the job and the respondent's support contradicted her unqualified assertion the respondent did not support her throughout.

20.12. She told us that on 9 March 2022 she told Mr Tee she was so unwell she had to go home. In cross-examination she accepted this was not correct.

20.13. She quoted in evidence-in-chief an email of 9 March 2022 ("I am extremely worried about having [Child X] this afternoon as I do not feel there is enough staff available to make it safe for me.") but omitted the words that appear in that email immediately afterwards within the same sentence ("if it [i.e. his dysfunction] continues into the afternoon.") thereby selectively picking a choosing the evidence to support her case, rather than presenting a fair picture.

20.14. She accused Mr Tee of accusing the claimant of speaking too loudly. Her evidence-in-chief was that he said this to her. In cross-examination she denied this and said it was in an email. There is no such email.

20.15. She advanced a factual allegation that Mr Tee raised his voice to her based not on what she recalled but Mr Grochowski's account.

20.16. She refused to accept her trade union helped her to complete the SAP even though there were significant number of emails between her and the trade union about SAP and their representation.

20.17. She accused Mr Tee of saying men have the menopause too but did not cite the meeting where he said this, did not raise it until 13 months later and did not disclose until cross-examination that her trade union representative had told her she had misheard.

20.18. She was unreasonable to present to us a complaint that the respondent delayed dealing with her grievance by refusing to acknowledge she presented it on the last day of term and it was 160 pages.

20.19. She refused to accept her own culpability for her non-attendance at the dismissal appeal hearing even though she never said she

would attend, and did not seem to be able to give credit for the fact they re-ran it afresh.

20.20. She was the source of the difficulty with the audio at the dismissal appeal hearing because of her covert recording but told the Tribunal it was the respondent throughout.

21. We also take into account her significant lack of credibility that derived in no small part from her oral evidence. We refer to our written reasons in full.

22. We note the issue of calling Mr Grochowski and Ms Phillips: We consider the claimant's approach was unreasonable, albeit not so serious this alone is not enough to justify an award of costs. She required the respondent to call them but asked them only one irrelevant question (whether they knew Child X). It was irrelevant. She told us that it was Mr Grochowski's account of events on 9 March that caused her to think Mr Tee had raised his voice. However she did not explore this with Mr Grochowski, whose evidence might well be relevant to assessing if the claimant's belief were correct.

23. We do not consider that pursuing claims that were "manifestly out of time" (to quote the respondent's application) was unreasonable. Parties have a right to present claims and ask the Tribunal to extend time. It is possible the Tribunal could extend time but still dismiss the complaints on the merits. We put this to one side.

24. Therefore this ground is made out when weighing up everything above.

No reasonable prospects of success

25. The issue **is not** whether the party thought they were in the right but **is** whether they had reasonable grounds for thinking they were in the right: **Scott v Inland Revenue Commissioners [2004] ICR 1410 CA; Hamilton-Jones v Black UKEAT/0047/04 EAT**.

26. Guidance on how to approach claims under this head is available in **Radia v Jefferies International Ltd UKEAT/0007/18 EAT**:

26.1. The test is whether the claim or defence had no reasonable prospect of success, judged based on the information that was known or reasonably available at the start. It is objective.

26.2. We must determine how, at that earlier point, the prospects of success in a trial that was yet to take place would have looked to the paying party.

26.3. We can consider any information gained or evidence that may cast light on that question, but

26.4. Ignore information or evidence which would not have been available at that earlier time.

27. We note that the mere existence of factual disputes in the case, which could only be resolved by hearing evidence and finding facts, does not necessarily mean that the tribunal cannot properly conclude that the claim had no reasonable prospects from the outset. For example, discrimination claims often require a Tribunal to hear evidence. However, if the claimant

should have known their case was no more than bare assertion, then objectively the claim may have had no reasonable prospect of success.

28. The Tribunal has considered this carefully. The difficulty for us is that we cannot discern from what we have seen and heard how things would have looked to the claimant at an earlier point, and what a reasonable person would have made of them. We have also reflected that the claimant's case was mostly weakened by her approach in the final hearing and how she presented her evidence. We note we had to rely on oral evidence to decide what happened: it was not entirely down to documents and is based on how the evidence was presented at the hearing. In short, we conclude that the costs follow from the conduct of the claimant and approach at the hearing – not from the claim lacking legal merit as such. While we doubt the claim might ever have succeeded with the benefit of having heard the case, we cannot say it had no reasonable prospects of success, which is a high threshold to satisfy.

Should we exercise discretion?

29. We note the following legal principles.

29.1. Costs are the exception rather than the rule.

29.2. Costs are compensatory not punitive: **Lodwick v Southwark LBC [2004] ICR 884 CA**.

29.3. The limit of what we may award is costs that are "reasonably and necessarily" incurred: **Barnsley Metropolitan Borough Council v Yerrakalva [2012] IRLR 78 CA**.

29.4. The means of the claimant are relevant: **Rule 82**

29.5. The failure to issue a costs warning can also be a factor militating against a costs order if for example the claim is clearly flawed but the receiving party does not drive home the point with a warning: **Rogers v Dorothy Barley School UKEAT/0013/12**.

29.6. Likewise, the failure to apply for a strike out on the grounds the paying party's case has no reasonable prospect of success may be a factor: **AQ Ltd v Holden [2012] IRLR 648 EAT**. However, in **Vaughan v Lewisham LBC [2013] IRLR 713 EAT**, the EAT said

29.6.1. "We do not believe that the Respondents' failure to seek a deposit order, or otherwise to issue any costs warning asserting that the claims were hopeless, is cogent evidence that those claims had in fact any reasonable prospect of success."

29.6.2. A costs warning or strike out application is not a precondition to an application for an order, and indeed the argument there was no warning may be vitiated by the fact it would have had no effect because of the paying party's irrational belief they are correct.

29.7. Litigants in person should not be judged by the same standards of represented parties. However, it is not a defence to say one

represents oneself where an unrepresented party has behaved unreasonably or vexatiously: **AQ**, **Vaughan**.

29.8. The paying party cannot hide behind their assertion that their belief they had been discriminated against is sincere in order to suggest it was reasonable to pursue them, or to show that a costs order would be inappropriate in relation to them (particularly where a tribunal has found that there was "virtually nothing to support them"): **Keskar v Governors of All Saints School [1991] ICR 493**.

29.9. It is not necessary to have a finding the claimant has lied. A "damaged perception of reality" is enough: **Boras Topic v Hollyland Pitta Bakery and ors UKEAT/0523/11**.

29.10. We should look at the nature of the unreasonable conduct, the gravity of it and the effect it had: **Yerrakalva**.

30. We conclude that we should exercise our discretion to order that the claimant should pay the respondent's costs.

30.1. The claimant has the means to pay costs.

30.2. We acknowledge there were no costs warnings, applications for strike out or for deposit order. We conclude that the claimant would have pursued her claim nonetheless.

30.2.1. We reflect on how she was prepared at the hearing to make allegations that were not supported on her own evidence because she changed things in cross-examination.

30.2.2. We take into account how she also refused to accept certain propositions and that she misquoted an email and altered a document, denying at first she had done so. Her approach demonstrated a certainty and determination in pursuing her claim regardless of the evidence.

30.2.3. This is supported by our factual finding that at the dismissal appeal she did not want her job back and that she was seeking to provide something for the Tribunal's consumption. This persuades us that no deposit or warning would have dissuaded her.

30.2.4. It is very difficult to persuade a Tribunal to strike out a claim because it has no reasonable prospect of success where it is a factual dispute. The law emphasises the important of oral evidence and that in summary such cases should be struck out only where there is an absence of reality. It would have required a mini-trial which is not allowed. An application would most likely have failed and taken one day. It would only have increased costs and use of resources.

30.3. We have reflected on the fact she was a litigant in person. This however is only a minor factor.

30.3.1. We accept she may not be able to apply the degree of analysis one might expect from a represented party, and that she would be emotionally involved in her case.

30.3.2. However we do not consider that militates or excuses the unreasonable conduct we found proven above because it derives not from a lack of ability to weigh up legal niceties or lack of familiarity with procedure, but from her approach which a reasonable litigant in person would not have taken. For example a reasonable litigant in person would accept they altered the document, not misquote an email and give clear evidence making reasonable concessions. She did not.

30.4. We note we have not explicitly found the claimant has lied or been dishonest. It is not appropriate for us to consider such a proposition without (a) the respondent expressly asking us to make such a finding and (b) the matter being put squarely to the claimant to comment on. However we cannot ignore the alteration of the timetable or the many other unsatisfactory aspects of and her approach to evidence we detail above.

30.5. The claimant's unreasonable conduct overall is in our view serious. These are not one-off or minor issues but things that go to the very heart of the merits of the claim and facts we had to determine at the final hearing.

30.6. We address our minds to the effect of the unreasonable conduct. The unreasonable conduct permeated the whole of the final hearing and the whole of the evidence before us. We repeat what we say above about what was the unreasonable conduct and of course reflect on what we said in our written reasons. What they show is that the acts of unreasonable conduct pervaded throughout the final hearing in the evidence she gave and how she conducted matters. It is not a one-off incident but continuous and pervasive. The respondent had to prepare to deal with all these points and then have to deal with them in the hearing. What was required went far beyond putting the respondent's case and exploring differences but establishing where the claimant was exaggerating, seeking to link matters to menopause when she had before insisted there was no link, checking quotes because she had asserted words as a quote that were not a quote, or misquoted things, checking documents because she had edited them and denied it at first, and managing her seeking to alter or expand her claim. As we set out in our written reasons, the claimant's lack of credibility was pervasive throughout the claim and the respondent had to deal

with all of these inconsistencies, problems as part of the final hearing.

30.7. We appreciate that the respondent might well have incurred some legal costs at the final hearing. However the claimant's unreasonable conduct so pervades the final hearing we cannot separate out in any meaningful way what proportion might have been incurred in any event. We conclude therefore that the whole arose from the unreasonable conduct. Had the claimant not adopted the approach we consider the hearing would have been much reduced, preparation would be quicker. What was required from the respondent derived in our view from the claimant's approach.

What should we order?

31. We deal with the schedule of what it sought.

31.1. We disallow the costs of the telephone preliminary hearing. We are not persuaded that anything connected to the findings of fact shows that the unreasonable conduct caused this earlier case management hearing. It would have had to happen in any event to ensure the case was ready for final hearing.

31.2. We disallow the costs of teaching cover. We do not consider this is a cost of litigation. We also do not consider it is a witness expense for the simple reason the witnesses have not incurred it as an expense of them giving evidence. We consider witness expenses are not properly payable of covering what are in essence expenses a business incurs in order to continue its business. The respondent is not a witness. Furthermore, this is such a minor part of the unreasonableness, that even if it were awardable, we would not exercise our discretion to award it because it would be disproportionate to do so.

31.3. We disallow the costs of "costs recovery work". This is not caused by the claimant's unreasonable conduct but by the respondent taking a litigation decision to make an application for costs. To award this would be to award costs following the event on the application. The rules do not allow for that. We cannot reasonably criticise how the claimant has dealt with the application itself.

31.4. The only amount therefore is the brief and refreshers to Counsel for the final hearing. These total £20,469 net of VAT. They are necessarily and reasonably incurred. We cannot criticise Counsel being instructed. We consider the amount claimed is proportionate for the complexity of the factual and legal issues, the length of hearing and the amount of documentation involved, and the importance to the school when the case concerns support for staff who work with children with special needs. It is also the case these costs are broadly caused by the claimant's unreasonable conduct.

31.5. Since this exceeds £20,000, we cap it £20,000. Issues about VAT do not arise.

31.6. The claimant has the means to pay £20,000. We can see no good reason to limit it to a lower amount since it is less than 10% of what she is entitled to from her inheritance from Mr Ansell and it will not impact on her home. Therefore we award it in full.

Approved by the Judge

Employment Judge Adkinson

Date: 19 October 2026

JUDGMENT SENT TO THE PARTIES ON

04/11/2026

J. Woolley

FOR THE TRIBUNAL OFFICE

Notes

Public access to employment tribunal decisions

All judgments (apart from withdrawal judgments) and written reasons for the judgments (if provided) are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the parties in a case.

Appeals

You can appeal to the Employment Appeal Tribunal if you think a legal mistake was made in an Employment Tribunal decision. There is more information here: https://www.gov.uk/appeal-employment-appeal-tribunal.

Recordings

If a Tribunal hearing has been recorded, you may request a transcript of the recording upon payment of any fee due. 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. You can access the Direction and the accompanying Guidance here: https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/.