



EMPLOYMENT TRIBUNALS

Claimant: Ms P White
Respondent: Compass Group UK & Ireland Ltd

JUDGMENT ON RECONSIDERATION

1. The judgment striking out the claim sent to the parties on 15 June 2018 is revoked.
2. The case is listed for a further preliminary hearing in private at **11.30am** on **Friday 14 September 2018**. The hearing will be at **Alexandra House, 14-22 The Parsonage, Manchester, M3 2JA**. The time estimate is two hours. The Tribunal will be composed of any Employment Judge sitting alone. The matters to be discussed at the hearing include the following:
 - (a) Identification of the legal complaints and issues;
 - (b) A timetable for case preparation;
 - (c) Dates for the final hearing; and
 - (d) Another other matters of case management which arise.

REASONS

1. The claimant applied on 1 June 2018 for reconsideration of the judgment striking out her claim for failure to attend preliminary hearings on 12 April and 31 May 2018. She explained that she had made a diary error as to the time of the latter hearing. The respondent objected to the application on the basis that two hearings had been missed and it had been put to unnecessary time and expense.
2. The test to be applied is whether it is necessary in the interests of justice to reconsider the judgment (rule 70).
3. Finality in litigation is important, but I am satisfied that the claimant had intended to participate in the hearing on 31 May 2018. The respondent's understandable concerns about costs can be addressed by means of an

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application for an order requiring the claimant to pay the costs wasted as a consequence of any unreasonable conduct on her part. I express no view on the merits of such an application. Striking out the claim would not be just or proportionate, and therefore the interests of justice require that judgment to be set aside.

4. The case will proceed to a further case management preliminary hearing. It is crucial that the claimant attends.

Employment Judge Franey

2 July 2018

JUDGMENT SENT TO THE PARTIES ON

11 July 2018

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FOR THE TRIBUNAL OFFICE