



EMPLOYMENT TRIBUNALS

Claimant

Respondent

v

Miss A Parveen

Local Care Direct Limited

Heard at: Leeds

On: 20 April 2018

Before: Employment Judge JM Wade

Appearance:

For the Claimant: No attendance

For the Respondent: Miss M Wilkinson (solicitor)

Mrs T Hirst (Human Resources)

JUDGMENT

The claimant's complaints are dismissed upon her failure to attend or be represented at today's preliminary hearing, pursuant to Rule 47.

REASONS

The claimant has not attended for a private case management hearing today. Having reviewed the file, the chronology is this. The claimant resigned her employment on 29 September 2017. She commenced ACAS early conciliation on 10 December 2017 and a certificate was issued on 4 January 2018. Her claim form was presented on 11 January 2018. The details provided were very short and the time for a response to be filed was extended until after the claimant had provided further information. The time for that to be provided was 24 January 2018. In a letter dated 12 February 2018, and received by the Tribunal by post on 15 February 2018, the claimant provided some further information.

The claimant's explanation for the further information being late was that she had sent it by email within the time limit. There was no record of that on the Tribunal's file. The details were served on the respondent and a response was then entered. On 16 March 2018 the claimant was sent notice of this hearing by email (she had indicated email as her preferred communication method in her claim form).

On her non attendance today I directed enquiries be made to her mobile telephone number, to which there was no response: the Tribunal's call was directed straight to

a voicemail service.

Today I heard further information from Mrs Hirst as follows. There was contact from the claimant about a grievance after her resignation. Following an outcome being communicated dismissing the grievance, in November, she wrote indicating an appeal but out of time. The respondent's new HR Manager sought further information from the claimant but there was none provided. By December the claimant had been sent a letter by post confirming, in effect, no further action would be taken. Two weeks ago, or so, the claimant wrote to the respondent by email, from the email address to which the notice of hearing had been sent, seeking a response to her grievance appeal. The claimant is understood to now be working for the Yorkshire Ambulance Service as a triage nurse.

The respondent is a social enterprise company providing out of hours dental and GP cover to the whole of West Yorkshire. The local clinical commissioning group allocated the contract for those services to the Yorkshire Ambulance Service and that service subcontracted its supply to the respondent. The respondent is correctly identified as "Limited", on the register of companies as, in effect, a "not for profit" company or social enterprise.

The non attendance of a party puts both other parties and the Tribunal to wasted costs and expense, and deprives other Tribunal users of those resources both judicial and administrative. Currently there is strain on those resources as a result of increased workload with no prospect of that reducing.

The prejudice to the claimant if I convert this hearing to a public hearing and dismiss are that she is deprived of pursuing a complaint about whistleblowing in NHS employment from which she resigned, and has since taken up other NHS employment, I am told. That prejudice is mitigated by the opportunity for her to apply for a reconsideration of my Judgment if there are extraordinary and compelling reasons for her non attendance.

The prejudice to the respondent and other Tribunal users if I adjourn or propose to make case management orders is the wasted cost and strain on the Tribunal's resources. In exercising my discretion I weigh in the mix that since the presentation of her further information there has been no other correspondence indicating she pursues her claim or any explanation for today. In the circumstances I consider it is in the interests of justice to dismiss the claim today.

Employment Judge JM Wade

Dated: 20 April 2018