



EMPLOYMENT TRIBUNALS

Claimant: Mrs A Kadri

Respondent: Vision For Education

Heard at: Manchester

On: 17 June 2019

Before: Employment Judge Whittaker

REPRESENTATION:

Claimant: In person

Respondent: Miss F Hawker, Solicitor

JUDGMENT

The judgment of the Tribunal is that the claims of the claimant are struck out and dismissed.

REASONS

1. The hearing on 17 June 2019 had been notified to both parties with a start time of 11.30am. At 11.30am there was no sign of the claimant. The Tribunal was told that there had not been any contact from the claimant to indicate that she was late or that she was on her way. The Tribunal waited until 12.00pm. The Tribunal had still by then heard nothing from the claimant.
2. A number of different orders and instructions had been issued to the claimant by the Tribunal requiring, by a variety of dates, detailed particulars of her claims insofar as they related to allegations of discrimination. Those particulars had never been supplied by the claimant, either to the respondent or to the Tribunal, and each of the time limits which had been imposed by the Tribunal had effectively been ignored by the claimant.
3. The respondent had completed and submitted to the Tribunal the standard Agenda in advance of the Preliminary Hearing on 17 June 2019 which was to take place as a case management hearing. The same Agenda had been sent to the claimant but she had neither completed it nor returned it to the Tribunal.

4. The respondent had written to the Tribunal in advance of the hearing on 17 June 2019 to ask that the claims of the claimant be struck out pursuant to rule 37 of the Employment Tribunals Rules of Procedure 2013. The claimant had been copied in to that application by an email dated 5 June 2019, a copy of which was on the Tribunal file. The claimant had not responded to that email, either by way of response to the respondent or by way of response to the Employment Tribunal.

5. The respondent had requested that the claims of the claimant be struck out. Rule 37 provides that at any stage of the proceedings a Tribunal may strike out all or part of a claim if it has no reasonable prospects of success or if the manner in which the proceedings have been conducted by a party, in this case the claimant, has been unreasonable. Furthermore, power is given to the Tribunal to strike out claims where there has been non-compliance with rules or orders of the Tribunal, and finally the power is given to the Tribunal to strike out claims that have not been actively pursued.

6. It was clear to the Tribunal, as already set out above, that various requests and orders had been made requiring the claimant by certain time limits to provide detailed particulars of her claims of discrimination. None of those orders or requests had been complied with. On that basis the Tribunal found that the manner in which the proceedings had been conducted by the claimant was unreasonable, as she had failed to comply with the requests and orders made for further information, and that on that basis she had not actively pursued her claim. The Tribunal equally considered that on the basis of the information available to it on 17 June 2019 that the claims of the claimant had no reasonable prospect of success due to the complete lack of information relating to the claims of the claimant, which had been repeatedly requested of the claimant by the Tribunal. This was still missing. It was reasonable for the Tribunal to have expected the claimant to have provided the information which had been requested of her in order to clarify the claims and issues which could then be discussed at the preliminary hearing on 17 June 2019, which was to take place by way of case management. Those discussions could not take place as the claimant had not provided that information and furthermore had not completed any aspect of the Agenda which had been sent to her.

7. In all the circumstances, therefore, the judgment of the Tribunal was that the claims of the claimant should be struck out and they were dismissed.

Employment Judge Whittaker

Date 20th June 2019

JUDGMENT AND REASONS SENT TO THE PARTIES ON

21 June 2019

FOR THE TRIBUNAL OFFICE

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.