



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms F Williams

**Respondent:** NFU Mutual Service Company Limited

**Heard at:** Manchester

**On:** 14 October 2020

**Before:** Employment Judge Whittaker

## REPRESENTATION:

**Claimant:** Not in attendance

**Respondent:** Mr Shrives-Wright

# JUDGMENT

The claims of the claimant are struck out and dismissed. The name of the Respondent is amended to read as above.

# REASONS

1. The Tribunal had been provided with a bundle for the Preliminary Hearing which comprised some 52 pages in total. Included in that bundle at pages 38 and 39 was a copy of a Notice sent to both parties on 19 February 2020 notifying them of a Preliminary Hearing which was to be held on 2 June 2020. That notice of hearing made it clear that at the Preliminary Hearing the Tribunal would “make case management orders including orders relating to the conduct of the final hearing”.

2. That hearing was adjourned and at page 40 in the bundle there appeared a Notice which had been sent to both parties on 19 May 2020 which indicated that the Preliminary Hearing would now take place by telephone on Wednesday 14 October at 10.00am. Clear directions were given to both parties as to how to participate in that hearing. Both parties were told that no further notice of hearing would be issued.

3. Mr Shrives-Wright who appeared today for the Respondent told the Tribunal the Claimant had written by email both to him and to the Employment Tribunal on 22 May confirming that she was acknowledging receipt of that notice of hearing indicating that it was a letter from Miss Moss dated 19 May 2020. There was therefore no doubt that the claimant had received full details of the hearing which was due to take place today together with the necessary dial in details.

4. Mr Shrives-Wright had also included in the bundle a number of emails in which he had helpfully sent to the claimant a draft agenda for today's hearing. He had indicated to the claimant that it was important for her views to be reflected in that agenda and he also made it clear that the final agenda should be sent to the Tribunal in good time before today's hearing so that it could be carefully considered by the judge dealing with the case this morning. The Tribunal was told that the claimant had not responded to any of those emails and had not made any attempt to include her views in the draft Agenda which had been sent to her. Furthermore, the Tribunal had not received any agenda completed by the claimant and neither had Mr Shrives-Wright.

5. The Claimant had also been told in those e mails that the identified Respondent "NFU Mutual" was not a recognised legal body and that the name should reflect the name of her employer in her contract of employment. The Claimant had said nothing at all in response to that representation and in those circumstances the name of the respondent was changed to the recognised legal body who employed the Claimant.

6. By 10:05am this morning the claimant had not joined the telephone case management hearing. Mr Shrives-Wright at the request of the Employment Judge telephoned the claimant on the only telephone number which the claimant had included on page one of her claim form. The Tribunal was told that the number simply rang out to voicemail. Mr Shrives-Wright told the Tribunal that he had left a voicemail telling the claimant that she should be participating in the Preliminary Hearing by telephone and asking her to do so promptly. By 10:20am the claimant had in the opinion of the Tribunal been given ample opportunity to listen to that voicemail and to be prompted to join the Preliminary Hearing this morning but the claimant had not done so.

7. The Tribunal therefore considered Rule 37 of the Employment Tribunal (Constitution and Rules of Procedure) Regulations 2013. By failing to contact the Tribunal this morning to participate in this Preliminary Hearing and by failing to complete the agenda and/or failing to respond to the draft agenda which Mr Wright had sent it to the claimant, the Tribunal was of the opinion that the claimant had conducted these proceedings in an entirely unreasonable manner and that she had failed to actively pursue her claims which had been issued as long ago as September 2019, over a year ago. The Tribunal had not been given any explanation as to why the claimant failed to participate by telephone this morning and neither had it been given any explanation as to why the claimant had failed to complete an agenda for the Preliminary Hearing or why she had failed to respond to the helpful and constructive emails which had been sent to her by the respondent's representative in advance of today's hearing, including the suggested name of the Respondent to a recognised legal body.

8. The Tribunal was of the opinion that the notice of hearing which had been sent to the claimant about today's hearing gave her clear notice that Case Management Orders would be made at this hearing and in the circumstances the Tribunal was satisfied that the claimant had been given an opportunity at today's hearing to make representations about those Case Management Orders including the Judgement which has been made striking out and dismissing the claims of the claimant for the reasons which have been explained above.

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Employment Judge Whittaker

Dated 14<sup>th</sup> October 2020

JUDGMENT AND REASONS SENT TO THE PARTIES ON

4 November 2020

FOR THE TRIBUNAL OFFICE

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