



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case Number: 4104577/2020 (V)

Final Hearing held remotely on 7 April 2021

Employment Judge J Shepherd

Mr Steven Reid

Claimant
Did not attend

Royal Mail Group Ltd

Respondent
Represented by:
Ms L McKenna
Solicitor

JUDGMENT

The judgment of the Tribunal is:

1. The Claimant's claim for unfair dismissal is dismissed.

REASONS

1. This claim was listed for a 3 day final hearing commencing on 7 April 2021 at 10am. The parties were sent a notice of final hearing setting out that the hearing would take place by video call using Cloud Video Platform (CVP) on

7 – 9 April 2021 at 10am. The notice explained that a test would be arranged prior to the listed hearing to ensure that everyone had the necessary equipment and internet connection to take part in the hearing and that the Claimant, the Respondent, their representatives and any witnesses should take part in the test. The notice required the parties to contact the Tribunal with the preferred email address for joining the hearing.

2. By email on 5 February 2021 the Claimant notified the Tribunal that he would attend the hearing on 7 – 9 April and provided his preferred email address. This is the last correspondence the Tribunal received from the Claimant prior to the hearing.
3. On 23 March 2021 the Tribunal's CVP clerk emailed the Claimant at his preferred email address reminding the Claimant of the listing dates and asking the Claimant to advise of an appropriate time for him to participate in a CVP test. No response was received to that email.
4. The CVP clerk emailed the Claimant again on 1 April 2021 asking if the Claimant was free for a test that week in preparation for the hearing. No response was received to that email.
5. In addition to these attempts to contact the Claimant by email, the CVP clerk also attempted on numerous occasions between 22 March 2021 and 7 April 2021 to contact the Claimant on the telephone number provided in his ET1. The clerk had no success in reaching the Claimant on this number and there was no voicemail facility in order to leave a message.
6. On the morning of the hearing, the CVP clerk emailed the Claimant explaining that she had been unable to get in touch with him regarding a CVP test and provided the hearing link and PIN along with some guidance to connect to the hearing. No response was received to that email.

7. Upon commencing the hearing at 10am, the Claimant was not in attendance and had made no attempts to contact the Tribunal. Ms McKenna was in attendance for the Respondent. Ms McKenna explained that she had had little correspondence with the Claimant over the last month, but that the Claimant had contacted her by email over the weekend preceding the hearing to agree a joint list of agreed facts/ timeline. The Claimant had also contacted Ms McKenna by email at around 7am on the morning of the hearing to ask her to provide him with the joining details for the CVP hearing.
8. I therefore adjourned the hearing for one hour until 11am in order that further enquiries could be made as to the Claimant's whereabouts. At 10.35am the CVP clerk sent a further email to the Claimant asking him to urgently get in touch. She also made several more attempts to contact the Claimant by telephone but received no ringing tone when calling the Claimant's number, nor any voicemail facility in order to leave a message.
9. I reconvened the hearing at 11am to check whether any further contact had been made by the Claimant with the Respondent's representative or the Tribunal. The Claimant had made no contact. I adjourned the hearing again until 12 noon and directed the Tribunal clerk to email the Claimant to inform him that the CVP hearing would start at 12 noon with or without the Claimant in attendance and asking the Claimant to contact the Tribunal as soon as possible. That email was sent to the Claimant at 11.17am.
10. I reconvened the hearing at 12 noon. No contact had been received from the Claimant and he did not attend the CVP hearing.
11. I was satisfied, from reviewing the correspondence with the Claimant, that he was fully aware that the hearing was due to commence at 10am on 7

April 2021 and that he had been provided with the log in details for the hearing. I noted that numerous attempts had been made to contact the Claimant to organise a CVP test but that, save for the last email from the Claimant on 5 February 2021, the Claimant had made no response to those attempts.

12. I took account of the fact that the Claimant had been able to contact the Claimant's representative early on the morning of the hearing to request the log in details for the hearing, and that the Tribunal had also provided those details to him by email shortly before 10am. Despite this, the Claimant had not contacted the Tribunal to explain why he could not attend, or to say he was having any difficulties in logging into the hearing. Numerous attempts were made to contact the Claimant by email and telephone without success.

13. As the Claimant failed to attend to progress his claim, in accordance with Rule 47 of the Employment Tribunals (Constitution & Rules of Procedure) Regs 2013, Schedule 1, having considered the information available to me and made all enquiries that were practicable, I was satisfied that it was appropriate for me to dismiss the claim.

Employment Judge J Shepherd
7 April 2021

Sent to the parties
