



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms R Wright

**Respondent:** Chartwell Care Services Limited

## JUDGMENT

The claimant's claims are struck out.

## REASONS

1. The claimant began her claim against the respondent by a claim form presented to the employment tribunal on 27 September 2021 following a period of early conciliation from 16 July 2021 to 27 August 2021.
2. The case was listed for a closed telephone preliminary hearing before Judge Ahmed on 28 February 2022. The judge noted that the claim form gave no details of the broad allegation of the claimant had been harassed. On the morning of 28 February 2022, the claimant sent email to the tribunal to say that she had tested positive for COVID-19 and she asked for the hearing to be postponed. The judge agreed to postpone the hearing and to relist it as soon as possible but in the meantime, he made an order for the claimant to provide further information about her claim of sexual harassment, particularly to say what the acts of sexual harassment were, when they were committed and who committed them. He also ordered the respondent to serve any additional request for further information on the claimant within seven days in respect of her complaint of victimisation.
3. The claimant was given 28 days to comply with the order in respect of sexual harassment and 21 days following receipt of the respondent's request for further information to comply with that.
4. The preliminary hearing was listed to take place on 7 April 2022 by telephone. On the call was Mr Cumming representing the respondent. The claimant did not attend nor was there any correspondence from her either explaining that she was not going to attend although for some reason she could not attend and there was no application for a further postponement.

5. Mr Cumming confirmed that his instructing solicitors had presented their request for further particulars on 2 March 2022 which meant that the claimant had until 23 March 2022 to comply. The respondent's solicitors had sent chasing emails but

they have been met with complete silence on the part of the claimant. The claimant has not complied with the order to provide further particulars of her claims of sexual harassment.

6. In the circumstances judgement that the claims should be struck out on the following bases:

a. the claimant had not complied with the Order of the Tribunal dated 28 February 2022, and/or

b. it has not been actively pursued For the reasons set out above.

7. The hearing fixed for 25, 26 and 27 September 2023 will not take place.

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Employment Judge Brewer

7 April 2022

JUDGMENT SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE

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