



EMPLOYMENT TRIBUNALS

Claimant: Mrs A Roche **V** **Respondent:** The Works Stores Limited

OPEN PRELIMINARY HEARING ORDER

Heard at: By CVP (Croydon) **On:** 21 July 2022

Before: Employment Judge Wright

Appearances:

For the Claimant: Did not attend and did not send representations

For the Respondent: Mr Daniel Brown – Counsel

Observing: Rufus Lury

JUDGMENT

The claimant has not materially complied with the Unless Order of 19/11/2021 and as such, the claim is struck out. In the alternative, the claim is dismissed under Rule 47 and under Rule 37(1)(d).

REASONS

1. The claimant did not attend this hearing. She did not attend the previous hearing on 19/11/2021. The claimant made various postponement applications and gave various reasons for her requests. The application was refused and the claimant was informed that the hearing would proceed and that she could attend either in person or join by video. She was also informed that the hearing would proceed, and decisions would be made in her absence if she did not attend.
2. Mr Brown set out the respondent's submission on the strike out application. The application was granted, and the claim is struck out. As the claimant did not attend, reasons for the Tribunal's decision are provided.
3. The claimant failed to attend today's hearing. She said in an email that she did not intend to attend; there was no alternative representation, and she did not provide written representations. The claimant did not attend the previous preliminary

hearing for much the same reasons. The lack of information from the claimant resulted in the Tribunal not being able to make any substantive progress on the claim at the hearing. That is a waste of the Tribunal's valuable and limited resources and is a drain on restricted public funds. Accordingly, the Tribunal was invited to and agreed to dismiss the claim under Rule 47.

4. The Tribunal also agreed the claimant had failed to materially comply with the Unless Order of 19/11/2021. The claimant has not provided the information which she was Ordered to provide, such as dates, and as an example in the Protected Disclosure claim, she has not identified the matters set out a para 15.3 and 15.4 of the Order of 7/6/2021. As such, the Unless Order of 19/11/2021 takes effect and the claim stands as struck out without further order. It is also noted that the claimant has had an opportunity to provide the outstanding information (if for example it was overlooked) since the 6/12/2021. In the alternative, the claimant is in breach of the Tribunal's Orders of 7/6/2021 and 19/11/2021. The Tribunal's Orders and Directions are not aspirational, and they must be complied with.
5. In the further alternative, the claim is struck out under R37(1)(d) as it has not been actively pursued.

Useful information

1. All judgments and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.
2. There is information about Employment Tribunal procedures, including case management and preparation, compensation for injury to feelings, and pension loss, here:
<https://www.judiciary.uk/publications/employment-rules-and-legislation-practice-directions/>
3. The Employment Tribunals Rules of Procedure are here:
<https://www.gov.uk/government/publications/employment-tribunal-procedure-rules>
4. You can appeal to the Employment Appeal Tribunal if you think a legal mistake was made in an Employment Tribunal decision. There is more information here:
<https://www.gov.uk/appeal-employment-appeal-tribunal>

Dated: 21/7/2022
Employment Judge Wright

Online publication of judgments and reasons

The Employment Tribunal (ET) is required to maintain a register of all judgments and written reasons. The register must be accessible to the public. It has recently been moved online. All judgments and written reasons since February 2017 are now available online and therefore accessible to the public at: <https://www.gov.uk/employment-tribunal-decisions>

The ET has no power to refuse to place a judgment or reasons on the online register, or to remove a judgment or reasons from the register once they have been placed there. If you consider that these documents should be anonymised in anyway prior to publication, you will need to apply to the ET for an order to that effect under Rule 50 of the ET's Rules of Procedure. Such an application would need to be copied to all other parties for comment and it would be carefully scrutinised by a judge (where appropriate, with panel members) before deciding whether (and to what extent) anonymity should be granted to a party or a witness.