



EMPLOYMENT TRIBUNALS

Case Number: 1806700/2021

Claimant: Ms M Arif

Respondent: Lloyds Bank Plc

JUDGMENT

The judgment of the Tribunal is that:

- (i) Lloyds Banking Group Plc is removed as a respondent in the proceedings pursuant to Rule 34 of the Employment Tribunal Rules 2013 and Lloyds Bank Plc is substituted therefor; and
- (ii) claimant's complaints in her claim of 15 December 2021 (now directed against Lloyds Bank Plc) are dismissed pursuant to Rule 47 of the Employment Tribunal Rules 2013 due to the claimant's failure to attend the preliminary hearing on 22 February 2022.

REASONS

1. A preliminary hearing by telephone on case management was fixed for 22 February 2022. A Notice of Hearing was sent to the claimant on 21 December 2021. The Tribunal sent the claimant an amended Notice of Hearing with a different access code on 15 February 2022. The Claimant failed to attend or be represented at the hearing. The Tribunal Clerk was asked to call the claimant to ascertain whether she would be joining the hearing today and, if not, why not. The Clerk telephoned the claimant at 10.10 am. She spoke to the claimant who informed her that she would not be joining the hearing. She was vague about the reasons why not. She referred to discussions with ACAS and a lack of

understanding of the process. The Tribunal Clerk asked the claimant to provide her reasons urgently in an email. In the meantime, at 10.11 am, the respondent's representative, Mr England, sent the claimant an email re-confirming the phone number and access code for the hearing. The claimant did not join the hearing.

2. The respondent's application, set out in the respondent's case management agenda, to substitute Lloyds Bank Plc for Lloyds Banking Group Plc as the sole respondent is granted.
3. At around 10.15 am, in the absence of further contact from the claimant, I updated respondent's representative, Mr England, regarding the information confirmed to me by the Clerk following her call with the claimant. I invited Mr England's comments. He made an application for dismissal of the claimant's claim, which failing, the issue of a Deposit Order or an Unless Order. Mr England explained that he believed the claimant was well aware the hearing was to proceed, irrespective of any confidential discussions via ACAS. He explained that he had sent her the bundle for the preliminary hearing and had also sent a draft list of issues on 17 February 2022. He advised that he had not given the claimant any cause to believe that she did not require to attend the preliminary hearing. On the contrary, he advised that it was quite clear that the hearing would proceed.
4. I checked the position with the respondent's representative regarding the changing of the access code for the preliminary hearing. He confirmed that the claimant had been issued with this by the Tribunal a week before the preliminary hearing and that he had re-sent it on the morning of the hearing itself. At 10.25 am there was no attempt by the claimant to join the hearing. I had, at this stage, received no email from the claimant explaining her lack of attendance.
5. Having considered all information available in relation to the notice provided of the hearing and the absence of any meaningful communication received from the claimant explaining her lack of attendance, I dismissed the claim orally at the hearing pursuant to Rule 47 of the Employment Tribunals Rules of Procedure 2013. After doing so, I was forwarded an email which the claimant sent at 10.24 am to the Leeds Employment Tribunal but was not forwarded to me until 10.27 am. In it, she indicated she had an agreement in principle and was under the impression the hearing would not be going ahead. On the information available to me after practicable enquiries, it did not appear that either the Tribunal or the respondent's representative had by their communications created such an impression. In any event, the claimant's email did not explain why, when she was told by the Clerk that the hearing would proceed and she was given a chance to do so, she elected not to join the hearing.
6. The claimant's claims are dismissed pursuant to Rule 47 of the Employment Tribunal Rules 2013 which provides the Tribunal with the discretion to dismiss a claim in the event of a claimant's non-attendance, having considered the information available to me after practicable enquiries about the reasons for the claimant's absence. There appeared to be no good reason for the claimant's lack of attendance at all and, in particular, after she was made aware by the

Tribunal clerk that the hearing would be proceeding when it was made clear she had the opportunity to join the telephone hearing late.

**Employment Judge Murphy
(Scotland), acting as an
Employment Judge
(England and Wales)**

22 February 2022