



EMPLOYMENT TRIBUNALS

Claimant: Mr F Williams

Respondent: Serco Ltd

Heard at: London South, by video

On: 6th November 2023

Before: Employment Judge Reed

Representation

Claimant: Did not attend.

Respondent: Mr Ian Moss (Employee Relations Representative)

JUDGMENT

The complaints of unfair dismissal and disability discrimination are struck out.

Reasons

1. The claimant submitted the above claims to the Tribunal on 16th August 2022. On the 3rd April 2023 the Tribunal held a Case Management Hearing to identify the issues in the case and to make appropriate case management orders. The claimant did not attend this hearing or send any representative on his behalf. Efforts were made by the Tribunal on that occasion to contact him, but these were unsuccessful.
2. At that hearing Employment Judge Mitchell made case management orders. These included an order for the claimant to provide further details of his claim and a disability impact statement, with supporting medical evidence by 24th May 2023 and to provide a schedule of loss by the same date. There were also orders to both parties in relation to the provision of relevant documents, an agreed bundle and the exchange of witness statements. These orders were sent to the parties on 14th April 2023. At this stage a final hearing had already been listed to take place on the 6th-10th November 2023.
3. The claimant has not complied with these orders. The Tribunal has no record of any contact from the claimant or his representative following the case management order.

4. On the 7th September 2023 the respondent applied for the claims to be struck out, on the basis that the claimant had not complied with the Tribunal's orders and the claim was not being actively pursued by the claimant.
5. On the 6th October 2023 the Tribunal wrote to both parties indicating that the five day hearing starting on the 6th November 2023 was converted into a three hour Preliminary hearing to consider whether the claim should be struck out. The claimant has not responded to that correspondence. Neither he or a representative has attended this hearing. The Tribunal has attempted to contact him this morning, by both phone and email, but has been unsuccessful.
6. I am told by the respondent that they have had no contact with the claimant following the case management order. I have been provided with copies of Mr Moss's emails to the claimant's representative on 5th June 2023 and 12th June 2023 seeking compliance with the order.
7. I have concluded that:
 - the claimant has not complied with the Order of the Tribunal sent to the parties on 14th April 2023
 - the claim has not been actively pursued.
8. Further, I am satisfied that, in all the circumstances, it is appropriate and just to strike out the claims. The failure on the part of the claimant to comply with the orders or pursue his claim is substantial, amounting to a complete failure to engage with the process over a significant period of time despite a number of opportunities to do so. No explanation for this has been provided. The complaints of unfair dismissal and disability are therefore struck out.

Employment Judge Reed
Date: 06 November 2023

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