



EMPLOYMENT TRIBUNALS

Claimant: Mrs A Doran

Respondent: Knowsley Metropolitan Borough Council

Heard at: Liverpool **On:** 22 December 2023

Before: Employment Judge Horne

Representatives

For the claimant: did not appear and was not represented

For the respondent: Mr P Harthan, counsel

JUDGMENT

The claim is dismissed.

REASONS

1. Rule 47 of the Employment Tribunal Rules of Procedure 2013 provides that where a party does not attend or be represented at the hearing, the tribunal may dismiss the claim. Before doing so, the tribunal must consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party's absence.
2. When deciding whether or not to dismiss a claim under rule 47, the tribunal must try to achieve the overriding objective. This means deciding the case fairly. It also means dealing with cases proportionately and avoiding delay where practicable.
3. This claim was presented in 2013.
4. By a notice dated 17 October 2023, the parties were informed that there would be a final hearing on 22 December 2023 at 10am.
5. The notice was sent to an e-mail address provided by the claimant and used previously by her when corresponding with the tribunal.
6. The respondent's solicitor e-mailed the tribunal on 30 October 2023. The e-mail was copied to the claimant at the same e-mail address. The e-mail began by noting the date of the final hearing. It set out a draft list of issues and asked for the claimant's comments.

7. The claimant did not reply.
8. The claimant did not attend today's hearing.
9. The tribunal clerk telephoned the claimant this morning. She answered. When the tribunal clerk asked the claimant whether she would be attending, she replied that she was unaware of the hearing. She said that she would be unable to come to the tribunal today. In response to a question about whether she wanted to pursue her claim, the claimant replied that she did.
10. The claimant has had a fair opportunity to come to the hearing. Two e-mails have been sent to her with the hearing date. Avoiding delay is particularly important in this case, because the claim is 10 years old. Dismissing the claim is proportionate, because the claim cannot fairly be determined on its merits without the claimant's attendance. The tribunal would need to know from the claimant, as a minimum, what the difference was between her terms and her comparator's terms. In all likelihood, the claimant would answer this by referring to awards or settlements for people who she knows who were employed in similar roles to hers.
11. The overriding objective is therefore best achieved by dismissing the claim.

Employment Judge Horne

22 December 2023

SENT TO THE PARTIES ON
3 January 2024

FOR THE TRIBUNAL OFFICE

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Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>